



Inter-Neighborhood Cooperation / INC Special Edition Newsletter - October 27, 2014

THREE VOTING MATTERS

Please be advised that INC will present three (3) important matters to be considered for acceptance by the voting members of INC at the November 8, 2014 meeting of Inter-Neighborhood Cooperation (INC). The meeting will be held at Willis Case Golf Club, 4999 Vrain St, Denver, CO 80212 at 9:00am. Matters to be presented:

1. A change to current INC bylaws to clarify conflicting language concerning how committee chairs are appointed
2. An amendment (addition to) the bylaws relative to Board indemnification
3. Adoption of Zoning & Planning Committee's proposed Committee platform

1. MOTION TO CHANGE BYLAWS

Rationale:

To remedy conflicting language relative to the authority to appoint Committee Chairs, The Board of Directors recommends making changes to Article VI. Officer Duties to be consistent with language found in Article X. Committees and how chairs and members are appointed.

References:

§Article VI. Officers

C. Duties of Officers

1. The President shall:

e. Appoint the Chair of all committees with the approval of the Delegation; and

§Article X. Committees

B. A Committee Chair should be a Delegate. Any individual of an MO may serve on a committee; however, the INC President may appoint any resident of the City of Denver to fill these positions with majority approval of the Board of Directors.

Motion:

To change language found under Article VI. Officers. C. Duties of Officers 1.e. as follows to be consistent with language used in Article X. Committees. B. which references Committee appointments

1. The President shall

e. Appoint the Chair of all committees with the approval ~~of the Delegation~~ **of the Board of Directors**; and

2. MOTION TO AMEND BYLAWS

Rationale:

Currently, INC has no stated indemnity clause(s) in its current bylaws nor does INC have an insurance policy in place to indemnify volunteers, directors or officers of INC should someone be named in a legal action against INC and/or its representatives. To address this, at the October 13, 2014 Executive Committee meeting, the Board approved 1) acquiring an indemnification insurance policy for INC and 2) proposed the following amendment to the bylaws be submitted for delegate approval at the November 8th meeting.

Motion:

To amend (add to) INC's current bylaws to include an Article of indemnification.

ARTICLE XV. INDEMNIFICATION

- A. Scope of Indemnification. INC shall indemnify each person who is or was a director or officer of INC, and shall pay or reimburse in advance his or her expenses, to the fullest extent permissible under the Colorado Revised Nonprofit Corporation Act (the "Act"). Inter-Neighborhood Cooperation (INC) shall also indemnify each person who is or was an employee or volunteer of INC, and shall pay or reimburse in advance his or her expenses, to the same extent as trustees and officers of INC. INC in its discretion may also purchase insurance insuring its obligations hereunder or otherwise protecting the persons intended to be protected by this Section. Any obligation that the Corporation has to advance expenses under this Section shall not adversely affect any right or indemnification of any person who is or was a director, officer, employee or volunteer of INC existing at the time of such repeal or modification. INC shall have the right, but shall not be obligated, to indemnify any agent of INC not otherwise covered by this Section to the fullest extent permissible under the Act.
- B. Savings Clause: Limitation. If any provision of the Act or these Bylaws dealing with indemnification is invalidated by any court on any ground, then INC shall nevertheless indemnify each party otherwise entitled to indemnification hereunder to the fullest extent permitted by law or any applicable provision of the Act or these Bylaws that has not been invalidated. [For § 501(c)(3) organizations: Notwithstanding any other provision of these Bylaws, INC shall neither indemnify any person nor advance expenses or purchase any insurance in any manner or to any extent that would jeopardize or be inconsistent with the qualification of INC as an organization described in § 501(c)(3) of the Internal Revenue Code, or that would result in the imposition of any liability under either § 4941 or § 4958 of the Internal Revenue

Note: This amendment, if approved, will require the re-numbering on what is currently designated XV. AMENDMENT OF BYLAWS to become Article XVI; however content for this article does not change.

3. PROPOSED ZONING & PLANNING COMMITTEE OPERATING PLATFORM

PROPOSED PLATFORM FOR DENVER PLANNING AND ZONING COMMITTEE - 2014 - 2015

Inter-Neighborhood Cooperation (INC), a volunteer network of approximately 100 Denver registered neighborhood organizations (RNOs), was organized in 1975ⁱ to ensure that: (a) residents of Denver be fully informed of proposals, policies and actions of the city government that affect the quality of life in all neighborhoods, and (b) all city departments and agencies solicit and consider opinions and ideas from citizens and neighborhood organizations.

INC and the Denver city government must work together to ensure that the residents of Denver individually and through their RNOs and other similar groups, most of which are volunteer-based and do not have lawyers and lobbyists, have the opportunity to engage in meaningful participation with access, standing and influence in all decision-making by the city in planning and zoning matters. The quality of planning and zoning decision-making is improved when residential neighbors have early and meaningful involvement.

The purpose of this INC Planning and Zoning Platform is to provide a proactive position and collaborative framework in which residents of Denver and city officials discuss public policy pertaining to planning and zoning which deeply affects the future and the quality of life in all Denver neighborhoods. Accordingly, to ensure that residents and neighborhood organizations are included as stakeholders in public policy and decision-making processes, INC proposes the following principles be adopted by the City to ensure that residents and neighborhood organizations are included in all policy and decision-making processes.

I. ACCESS TO COMMUNICATIONS

1.1 RNO Notification -- Denver's neighborhood notification ordinance, adopted in 1979ⁱⁱ must be implemented by the City in a consistent, effective, accurate and timely manner. All of the required notifications related to planning and zoning must be given with adequate time for neighborhood organizations to meet with their residents and take positions before city hearings, recognizing that some RNOs do not have regularly scheduled meetings and it will take some time for them to schedule a special meeting.

1.2 Number of RNO Contacts for Notification -- In the annual RNO registration process the RNO officers or designated members to be notified should be expanded from its current number to up to four (4) members to ensure sufficient communication.

1.3 Communication Support -- Neighborhood representatives should be invited to work with city agencies, including Technology Services, to provide information about city websites, pages, links, etc., that are outdated, missing or otherwise inadequate or dysfunctional.

II. REPRESENTATION AT THE TABLE

2.1 Neighborhood Participation -- The Mayor and other city officials should appoint representatives of residential neighborhood organizations to all city boards, commissions, advisory committees, collaborative working groups and task forces which consider planning and zoning issues. Such participation at the table is as important as or more important than public meetings or open houses.

2.2 Public Comment -- City Council committee meetings must always allow an opportunity for any citizens to speak on planning and zoning proposals, including opponents, not just applicants and proponents. In addition, Council members should discuss issues raised by citizens in submissions to Council, even if those citizens are not present in person. When public comment has been received, as a matter of principle, the Planning Board or City Council should provide feedback on that response.

2.3 Teamwork -- All elected officials and department heads should work together, not separately or adversely, to make and consistently implement and enforce planning and zoning policies that affect neighborhoods.

III. TRANSPARENCY

3.1 Meeting Openness -- All City Council committees, city boards, commissions, working groups, or task forces that consider planning and zoning issues must have meetings that are open to the public; make their agendas, meeting times, locations and agenda item packets available to the public (not just members) in advance of the meetings; and provide time at the meetings for public comments. Minutes of such meetings must be available to the public within a reasonable time.

3.2 Televised and Recorded Meetings -- Planning Board and Landmark Preservation Commission meetings, and open meetings involving elected officials, should be recorded and televised when possible, and posted to the City web site in video archives so that citizens may be able to observe and study these important discussions and decisions.

3.3 Inclusiveness -- All stages of city planning and zoning decision-making, including any pre-application discussions or documents, should be transparent to the public and not done behind closed doors. Affected community members must be informed of and involved in shaping the appropriate planning and zoning proposals very early, not reacting to them at the eleventh hour.

3.4 Regulating Plans -- Drafts of zoning “regulating plans” should be made available to RNOs and citizens should have an opportunity to comment before they are approved by the Manager of the Community Planning and Development Department. Regulating plans, introduced in the 2010 zoning code are a poor substitute for waivers and conditions, as they separate the negotiated willingness of neighborhoods to support rezoning from the negotiated compromises of the developers into different processes at different points in time, adding uncertainty to an already difficult process. These post-zoning voluntary “regulating plans” should instead be included as part of the zoning, enacted at the same time and be binding.

3.5 Access to Records

a. Area Plans Availability -- Area plans are key documents that guide future zoning and city priorities and, as such, there must be an easy way for any citizen to find and access adopted plans that are applicable to a given neighborhood or property, no matter how recent or old the plans may be.

b. Zoning Information Availability -- There must be an easy way for any citizen to access the zoning of any parcel anywhere in the city including the zone district, and any PUD or PBG text, or any waivers, or conditions that apply no matter if the waivers or conditions are in the 2010 Zoning Code or the old Chapter 59 Zoning Code.

c. Permits -- All zoning and building permits should be public records and available online in an easily searchable form.

d. Traffic Study Availability -- Any traffic studies performed or received by the city should be made available to the public.

3.6 Public Participation in Review Process -- The process of City Council action on site-specific zoning applications is quasi-judicial. As such, *ex parte* communication between City Council members and the public has been prohibited once the quasi-judicial process has begun. Citizens should have equal opportunities for communication with and access to City Council on applicant initiated rezoning. However, it has been the custom in the applicant-initiated zoning process to include review with applicants by Community Planning and Development (CPD) and members of City Council prior to Council Committee process. Arguments from applicants and CPD for such zoning changes are therefore heard by Council members without the benefit of public comment well in advance of public hearings. INC believes that process should be changed to bar *ex parte* communications by the applicant.

3.7 Courtesy Zoning -- In addition, there is an unwritten but long-standing tradition for most Council members to support the position of the District Council person in whose Council District a site-specific re-zoning is to take place. Therefore, first, provision should be made for fair and balanced public comment on zoning proposals during the Council Committee process. Second, although the positions of Council members whose Council District the zoning matters are to be decided should be taken into consideration, it should only be done so in light of the merits of the facts and testimony under consideration and the majority of his/her constituents' sentiments. Council members have a legal duty to provide due process under the United States and Colorado Constitutions and the Denver City Charter and to make such decisions based only on the merits set forth through fair and balanced public hearings.

3.8 General Development Plans - Public meetings for General Development Plans (GDPs) should be conducted by the city, not the developer. Drafts of GDPs and comments from the public should be available to the public.

IV. REQUIRED UPDATES

4.1 City Plan Updates -- Denver's Comprehensive Plan, adopted in 2000,ⁱⁱⁱ and Blueprint Denver, adopted in 2002,^{iv} should be reviewed and updated, with meaningful involvement of residential neighborhoods every 8-10 years. Neighborhood or small area plans should be created for all areas of the city and updated at least every 15 years. Areas of change should become areas of stability when the neighborhood's vision has been achieved.

4.2 Area Plan Changes -- Whenever a small area plan is adopted, the Blueprint Denver map, including areas of change and areas of stability,^v should be updated to reflect the new plan. Directly after adoption of a new area plan, the zone map should be updated legislatively, after meaningful public notice and involvement in order to implement as much of the community's vision in zoning as practicable, rather than waiting for individual rezoning requests that may not happen.

4.3 Sign Code -- Denver's outdated sign code^{vi}, which is part of the zoning code, should be updated with meaningful neighborhood involvement and should address aesthetics, new technological developments in signage and the effects of light pollution. Regulations for public and private signs in the public right-of-way should also be updated.^{vii}

4.4 Area Plan Amendments -- CPD should explore the possibility for minor area plan amendments when the community demonstrates consensus on relatively small changes to the area vision that should not wait decades for a full area plan update. Such minor plan amendments, although limited in scope, must have full and legitimate community participation as with full area plan updates.

4.5 Periodic Evaluation -- There needs to be a periodic community-involved evaluation of what is working and not working in Denver's Plans, Zoning Code, Zoning Map, and Permitting.

V. COMPATIBILITY AND CONTEXT SENSITIVITY

5.1 Implement 2010 Zoning Code -- The city should fully implement the 2010 Denver Zoning Code and retire the old Chapter 59 Zoning Code.^{viii}

5.2 Compatibility with Adjacent Neighborhoods -- New developments or construction in stable neighborhoods should be compatible with adjacent neighborhoods.

5.3 Areas of Change -- The city should require that new developments or construction in areas of change should be compatible with the existing neighborhood context, Blueprint Denver,^{ix} and adopted plans for those neighborhoods.

5.4 Return on Investment and Design -- Return on investment or architectural design should never be considered as factors in deciding whether to approve higher-density zoning.

5.5 Balance -- INC recognizes that new development is desirable and inevitable; however, all city departments and officials should balance the need for new development and revenue in Denver with the need to maintain or improve the quality and affordability of life for all residents in all parts of the city. CPD, the Planning Board and City Council members should recognize that predictability of zoning needs to be maintained for all property owners and residents, not just for developers. CPD and the City Council should support proposed area rezoning only in rare cases and only if goals set forth in adopted area plans are furthered by the rezoning.

VI. ADEQUATE FUNDING AND IMPLEMENTATION /ENFORCEMENT

6.1 Funding -- The Community Planning and Development Department must be adequately funded to be able to develop or update and also implement neighborhood plans or small area plans in all Denver neighborhoods.

6.2 Other Department Funding -- Neighborhood Inspection Services and the Department of Environmental Health must be funded and managed so that city ordinances and licensing requirements that affect neighborhoods are properly enforced. Staffing should be adequate to provide for inspections beyond normal business hours when needed.

6.3 NIS Compliance Authority -- Neighborhood Inspection Services (NIS) inspectors must have the ability to use their own initiative in giving notice to non-compliant properties, while travelling to and from specific complaint sites.

6.4 Signs and Graffiti -- NIS inspectors should require removal of illegal signs posted on utility poles and graffiti, which can cause harm to the aesthetics of neighborhoods. Graffiti removal should be adequately funded and graffiti perpetrators should be adequately prosecuted and penalized.

6.5 Other Neighborhood Quality Of Life Issues -- City agencies must properly enforce ordinances regarding construction noise, dust and hours, and tree removal, including requirements for notification of adjacent neighbors about demolition plans.

6.6 Historic Preservation -- The Landmark Preservation Commission and the citywide historic survey must be adequately staffed and funded to enable prompt action towards effective understanding and preservation of Denver's historic resources. New measures must be implemented to prevent loss of historic buildings or landmark structures.

6.7 Neglected/Derelict Buildings -- Neglected and derelict building ordinances and procedures must be strengthened to address the corrosive effects of long neglected and derelict buildings in neighborhoods.

6.8 Quality in Planning -- City departments should emphasize and provide incentives to their employees for accuracy and quality in planning and permitting decisions, not just speed. The quality of life in neighborhoods can suffer if speed is given greater importance than accuracy and quality.

VII. LINKAGE WITH TRANSPORTATION AND INFRASTRUCTURE

7.1 Land Use and Transportation -- As stated in Blueprint Denver, land use, zoning and transportation planning and operations issues should be closely linked. The Community Planning and Development and the Public Works Departments must be adequately funded and managed to make all areas of the city safe and attractive for pedestrians, bicyclists, those who ride buses, rail and other means of public transportation as well as residents who drive vehicles. All modes of transportation should be encouraged as should attractive living streetscapes. Car-share options should also be encouraged.

7.2 Sidewalks -- Complete, well-maintained and safe sidewalk networks are critical. The city should pursue a new funding mechanism to install and maintain sidewalks city-wide as called for in the Pedestrian Master Plan.^x The city also must not allow private patios or other private uses to diminish the usability or safety of public sidewalks.

7.3 Adverse Impact -- Higher density development zoning or projects should not be approved unless it can be shown that adverse traffic and parking impacts on the neighborhood will not result or will be mitigated. Traffic and parking impacts can cause serious harm to the quality of life and economic vitality in neighborhoods.

7.4 Transit -- Higher density zoning under consideration based on planned enhanced transit corridors should not be approved unless adequate bus and/or rail service is or will soon be in place.

7.5 Cumulative Traffic and Parking Impact Analysis -- The city and the developer should study traffic and parking impacts in general in a neighborhood before higher density zoning or projects can be approved, not just on a piecemeal, site-by-site basis. The city should study and mitigate the cumulative impacts of all projects in the same traffic corridor.

7.6 Infrastructure Impact -- The city should not approve higher-density projects without first analyzing whether the existing infrastructure, including streets, alleys, sidewalks, water, sewer and drainage systems, schools, police and fire stations, electrical service, cable television and internet

service, can accommodate such higher density and, if not, who will pay the costs of needed additional infrastructure and when.

CONCLUSION

The recognition of the importance of neighborhood organizations and residents in a collaborative framework, along with proper funding, will further the smart growth of Denver and its neighborhoods.

References/Footnotes:

ⁱ Denver's INC was established in 1975 by a small group of residents from Denver's core neighborhoods.

ⁱⁱ In 1979, Denver passed the Registered Neighborhood Organization ordinance. Denver Revised Municipal Code, Chapter 12, Article III. This made it possible for neighborhoods to become more proactive relative to protecting historic areas and give them a voice about how to best responsibly maintain and develop neighborhood areas.

ⁱⁱⁱ Denver Comprehensive Plan 200 adopted by Denver City Council in 2000 establishes a vision for Denver as a city that is livable for its people, now and in the future. The plan reflects the effort of hundreds of residents from different backgrounds and perspectives, who have agreed on the city's long-term purposes, and suggested strategies that will sustain its intangible assets for the future.

^{iv} Blueprint Denver establishes certain objectives that should be achieved to ensure an integrated, balanced and coordinated land use and transportation system.

^v Chapter 7, Blueprint Denver.

^{vi} Article 10: General Design Standards, Division 10.10 Signs

^{vii} Signs located on private property, including signs that may encroach into the public right-of-way may require a permit and/or approval from Zoning and other departments and agencies within the City and County of Denver.

^{viii} The 2010 Denver Zoning Code, was unanimously adopted by City Council on June 21, 2010 and became effective June 25, 2010.

^{ix} Blueprint Denver, supra.

^x Denver created a 2004 Pedestrian Master Plan. The master plan created a citywide pedestrian network, recommended pedestrian-friendly policies and identified improvement projects in order to fulfill its stated goals of safety, accessibility, education, connectivity, streetscape, land use and public health.