

**Questions for Review and Comment Hearing<sup>1</sup>**  
**Proposed Initiated Ordinance**  
**Rezoning Permitting More Affordable and Sustainable Housing Forms**  
**Within Walking Distance of Existing Transit Lines and Large Parks**  
**January 22, 2026**

The following questions will be offered at the Review and Comment Hearing on the text of a **rezoning permitting more affordable and sustainable housing forms within walking distance of existing transit lines and large parks** (“Proposal”) proposed initiated ordinance submitted to the City Attorney and the City Council by **David Pardo** (“Proponent”).

By law, city officials are permitted only to “comment” and ask questions on the proposed initiative at the hearing, and are specifically prohibited from requiring “any amendment, modification, or other alteration of the text” of the proposed measure. Therefore, the review and comment hearing should not be construed as reflecting either approval or disapproval of the proposed initiative for any purpose.

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General

1. Please begin with a general introduction and explanation of what you are intending to accomplish with the proposed initiated ordinance.
2. For which election do you intend to have this question on the ballot? Are you aware that the Clerk and Recorder is obligated to put an initiative on the ballot in the “next scheduled citywide election” after a determination of sufficiency?<sup>2</sup>
3. Is the proponent aware that ballot-title approval is within the jurisdiction of the Clerk and Recorder?
4. Because the Denver Zoning Code is separate from Chapter 59, does the proponent intend to amend the Denver Zoning Code in addition to or in place of Chapter 59? Would proponent consider structuring the initiative to direct the city to draft and adopt zone districts, overlays or other tools that permit the desired outcomes rather than automatically creating specific zone districts?
5. Is proponent aware of the overlap between the proposed initiative and the Transit Oriented Communities bill adopted in 2024 (Colorado State House Bill HB24-1313), the Denver Unlocking Housing Choices project that seeks to permit missing-middle housing types more generally throughout the community? How does this proposal conform or diverge from those?
6. Under Colorado law, initiative and referendum rights are for matters that are legislative in character, not administrative. Colo. Const. art. V, § 1; *City of Aurora v. Zwerdinger*, 194 Colo. 192 (1977). Does proponent believe that the proposed initiative covers only matters that are legislative in nature?

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<sup>1</sup> Per Denver Charter sec. 8.3.7 and sec. 15-3, D.R.M.C.

<sup>2</sup> C.R.S. §31-2-210(3).

7. *Kavanaugh v. Telluride Locals Coalition*, No. 24SC522, is currently before the Colorado Supreme Court to determine whether Colorado's Planned Unit Development Act of 1972, which delegates regulation of planned unit developments to municipalities, can be overridden by the power of initiative. Is proponent aware of that case and do you believe it will impact the validity of this initiative?
8. What does proponent believe the process would be to implement the proposed initiatives? Does proponent believe that changes to the Denver Zoning Code would need to occur? Does proponent believe that rezonings pursuant to this initiative will require notice and a public hearing per the Charter 3.2.9? If proponent believes that public hearings would not be required, does proponent believe that the rezonings pursuant to this initiative are legal and why so?
9. Is proponent aware that zoning must be consistent with adopted plans, such as the City's Comprehensive Plan and the associated plan supplements? What are the consequences of this ordinance rezoning to neighborhood contexts and land uses that in some cases are not consistent with adopted plans?

#### Definitions

10. Proponent uses the term "affordable residential" in the definitions of G-MU-3x, G-RX-5x, and C-MX-8x, but that term is undefined. Does proponent intend to define the term themselves, use the definition of moderately priced dwelling unit in D.R.M.C. § 27-103(v), or delegate defining the term to the Zoning Administrator?
11. Proponent uses the term "BRT Centerline", but that term is undefined. What does this term mean and has proponent considered defining the term?
12. "Community parks" and "regional parks" are not defined in the DRMC. Does proponent intend to define those terms?
13. Denver Moves: Transit may be amended in the future. What will the effects on the ordinance be if the terms cross-referenced in the initiatives are removed or changed in Denver Moves: Transit? Has proponent considered defining the terms in ordinance or referencing the specific year of Denver Moves: Transit?
14. When would the first "pattern book" be published?
15. "RTD rail station" is not defined in the Denver Moves Transit Plan. Has proponent considered using the term "Rail Transit Station Platform" as defined in the Denver Zoning code?
16. RTD rail station boundaries are not mapped and vary widely (may include parking lots, pedestrian bridges, etc.), but rail station platforms are fixed and mapped. Would proponent be amenable to changing references to "RTD rail station boundaries" in Sections 59-503(a), (b), and (c) to "RTD rail station platforms"?
17. "Qualifying medium-frequency bus stop" is defined as "any bus stop that, as of January 1, 2026, was serviced by a public bus line with a peak frequency of at least two buses per hour." January 1 is a holiday, when RTD operated on a reduced schedule. Would

proponent be amenable to define the term as “any bus stop that is scheduled to be serviced by a public bus line with a frequency of at least two buses in any hour of the week.”

18. What will the impacts be of changes in transit schedules that impacts whether a bus stop is a “qualifying medium-frequency bus stop”? Would all relevant properties have to be rezoned?
19. The “Expanding Housing Affordability Ordinance” is supposed to refer to what specific ordinance or provision(s) of the D.R.M.C.? Do you mean “Mandatory Affordable Housing,” as in Article X of Chapter 27?
20. Because the Mandatory Affordable Housing Ordinance in Article X of Chapter 27 does not apply to purely commercial structures, how would it apply to the proposed G-RX-5x and C-MX-8x zone districts?
21. Currently, the Mandatory Affordable Housing Ordinance in Article X of Chapter 27 does not apply to residential developments of less than 10 units. Is the initiative intended to be consistent with the existing requirement or is it intended to apply to the requirements to residential developments of less than 10 units if they are in one of the proposed zone districts?

## Zoning

22. Why did proponent choose the specific existing zoning classifications (G-MU-3, G-RX-5, and C-MX-8) for modification?
23. How did proponent arrive at the distances (660ft, 1,320ft, 1,980ft) listed in the proposal that would make a parcel rezoned to one of the three new zoning districts?
24. Is proponent aware that the Denver Zoning Code already has incentive heights for affordable housing?
25. Proponent defines “more permissibly zoned” as parcels zoned for an equal or greater number of stories of residential development. Is it proponent’s intention to allow zoning districts that allow for the same number of stories but have more lenient housing options (such as a parcel allowing for a townhome, which the existing G-MU-3 would allow but the new G-MU-3x would not) to continue its current designation?
26. Proponent defines “more permissibly zoned” as parcels zoned for an equal or greater number of stories of residential development, but the Denver Zoning code does not always regulate height in stories. Why did proponent choose to define this term using stories?
27. What is meant by “cost-neutrality” in section 59-503(f) and what is the intended method of calculating cost neutrality?
28. Who determines if a rezoning is impossible, uneconomical, or otherwise impractical as stated in 59-503(f)? What criteria are used in that determination?
29. What does proponent mean by the phrase “Former Rule 59 rules” as used in 59-503(e)?

30. Has the proponent considered that rezoning some areas currently zoned to allow industrial or multi-story nonresidential uses (such as I-A, U-MX-2, E-MX-2x, etc.) to G-MU-3x or G-RX-5x will make such industrial and multi-story nonresidential uses nonconforming, thereby limiting expansion of such businesses, creating conditions under which such uses may be terminated, and prohibiting reconstruction in the event of demolition or destruction, under some conditions?
31. The proposed C-MX-8x zone district is intended to be mapped within 660' of a rail station and prohibits drive-thru service and restaurant uses. The existing C-MX-8 zone district also has a prohibition of utilizing the drive-thru service and drive-thru restaurant building forms within ¼ mile (1,320 ft) of a Rail Transit Station Platform. What other differences are there between the two zone districts?
32. Would the proposed setbacks for the G-MU-3x zone district, particularly the 5' front and rear setback, be out of character with surrounding development, especially in areas not served by alleyways? Has proponent considered using the existing G-MU-3 setbacks?
33. The proposed G-MU-3x and G-RX-5x zone districts utilize a "Floor Area Rule" (FAR) maximum in addition to height, setback, and lot coverage to regulate intensity. The proposed FAR requirements as proposed also further limits development above the proposed lot coverage/heights. FAR is an uncommon tool in the current DZC outside of industrial and downtown – Center zone districts, and is difficult to calculate because it adds a level of complexity to the applicant and city staff to administer the ordinance. Has proponent considered other restrictions, such as eliminating FAR from their proposal and re-adjusting lot coverage, that would reach the same result without the same administrative burden?
34. The area around the airport terminal would be rezoned to C-MX-8x based on its proximity to rail transit. Are you aware of how this would impact airport operations? Have you considered exempting city-owned properties from the zoning changes?
35. The initiative incorporates parcels that are wholly or partially located within the defined distances, but does not incorporate partial zone lots, which are sometimes not the same as parcels. Is proponent aware that because zoning applies to zone lots, not parcels, of the impacts would be on resulting split-zoned zone lots, which would be regulated according to existing zoning rules for split-zoned zone lots?

#### Legislative Intent

36. Proponent states that Denver is facing a significant shortage of housing; does proponent have a factual basis for this assertion?
37. Proponent states that Denver currently does not address environmental concerns related to car-dependency and expensive single-family zoning. The Denver Comprehensive Plan addresses both of these issues, including plans for long-term

reduction in single-use occupancy vehicles and policies for inclusion of multi-family and affordable housing? Has proponent reviewed the Comprehensive Plan?