

**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”), a 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.

General

1. Please begin with a general introduction and explanation of what you are intending to accomplish with the proposed initiated ordinance.

*We are seeking to ensure that Denver's zoning allows for more housing near transit stations, transit routes, and major parks.*

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 place an initiative on the ballot in the “next scheduled citywide election” after a determination of sufficiency?<sup>2</sup>

*We would like to have it on the ballot in November of 2026 during the general election. We understand that if we meet all the requirements, our initiative will go on the ballot.*

3. Is the proponent aware that ballot-title approval is within the jurisdiction of the Clerk and Recorder?

*Yes, though we hope to be involved in the titling process.*

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 proponents 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?

*We are not looking to change anything within Ch 59. Instead, we intend to rezone many lots currently under Ch 59 into the DZC. We're open to rewriting aspects of the initiative, but this will need to be discussed collaboratively.*

5. Is the 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?

*Yes. 1313 has no effect in Denver because of the high zoning capacity near some of our existing stations, which raises the citywide average density above 40 DU/acre. This initiative intends to fix that. Per UHC, that is separate and will provide low (but above single-unit) density throughout the city. This is meant to provide moderate density near transit and parks.*

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. Zwerdlinger*, 194 Colo. 192 (1977). Does the proponent believe that the proposed initiative covers only matters that are legislative in nature?

*Yes. It is hopefully undisputed that the Denver City Council would have authority to pass rezonings of this nature, as is occurring with the Unlocking Housing Choices endeavor. Therefore, these rezonings are legislative in nature and thus can be changed by initiative under the Colorado constitution and established case law.*

<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 the proponent aware of that case, and do you believe it will impact the validity of this initiative?

*The current COA precedent under Kavanaugh v. Telluride is in our favor, and we believe that any ultimate ruling in this case will be compatible with our aims. The main precedent upon which the Court of Appeals relied, *Vagneur v. City of Aspen*, 295 P.3d 493 (Colo. 2013), seems readily distinguishable, in that our measure involves changes of much broader applicability and concerns only matters traditionally delegated to localities (though those have mixed statewide and local concern). Unlike in Vagneur, it does not involve the specific design of any infrastructure heavily regulated by complex state and federal processes, and indeed may not require any specific design at all, given its expansive permissiveness.*

8. What does the proponent believe the process would be to implement the proposed initiatives? Does the proponent believe that changes to the Denver Zoning Code are needed? Does the proponent believe that rezonings pursuant to this initiative will require notice and a public hearing per the Charter 3.2.9? If the proponent believes that public hearings would not be required, does the proponent believe that the rezonings pursuant to this initiative are legal and why so?

*The city council would have to initiate a large rezoning effort, completed by Jan 1, 2028, that would rezone thousands of lots throughout the city at once. RX-5x and MU-3x are, in our opinion, necessary new zones that should be added to the zoning code. This would be closely analogous to the endeavor undertaken in UHC or ADU legalization, which can be used as a template in terms of public-hearing requirements – if UHC rezonings are legal, and moving thousands of SU lots from SU-X1 to SU-X was legal, so too would these be.*

9. Is the 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?

*Our view is that a citywide plebiscite is a more accurate gauge of the city's desires than our comprehensive plan. Having been involved with producing plans within the city, those involved represent a tiny fraction of our citizenry; ~75% of the electorate showing up to vote for an even-year November election is a vastly better representation of the views of the city at large.*

*We believe that these rezonings would fall under a “community needs exception” because they address critical and imminent needs for affordability and ecological sustainability that adopted plans have demonstrably failed to anticipate. However, we are open to suggestions for rewriting the initiative to more clearly supersede potentially conflicting 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 the 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?

*Our intention is to allow the EHA-related density bonuses to remain in effect. Wording can be adjusted to better reflect the city's laws as written, though.*

11. The proponent uses the term “BRT Centerline”, but that term is undefined. What does this term mean, and has the proponent considered defining the term?

*Our intention is to measure from the center of each roadway with BRT, i.e., the centerline of Colfax Avenue now, and likely the centerlines of Federal and Colorado in the future. We're open to other verbiage here, though.*

12. “Community parks” and “regional parks” are not defined in the DRMC. Does the proponent intend to define those terms?

*The Denver Parks Department classifies Denver's parks into categories. Currently, there are 10 regional parks and 41 community parks within the city. Regional Parks are: City, Sloans, Washington, Civic Center, Parkfield, Bear Creek, Ruby Hill, Berkeley Lake, Cheesman, and Central Parks. We also wrote it to include future parks of similar scope and function.*

*We won't list the 41 community parks, but they include Congress, La Alma, Paco Sanchez,*

*Crestmoor, and Harvard Gulch.*

*We'd love to figure out verbiage that properly classifies them, but we could also just go with Community being parks 10-75 acres within the city, and Regional Parks being parks over 75 acres, which accounts for all but 2 parks and adds a few others to the Community category.*

13. Denver Moves: Transit may be amended in the future. What effects will removing or changing the terms cross-referenced in the initiatives have on the ordinance in Denver Moves: Transit? Has the proponent considered defining the terms in the ordinance or referencing the specific year of Denver Moves: Transit?

*Our intention is that new fixed transit (Rail and BRT) would cause an upzoning of the surrounding area, but we're open to that not being the case. We do not intend to have downzonings occur if transit is removed. Happy to workshop the language to reference a specific version of Denver Moves: Transit.*

14. When would the first "pattern book" be published?

*The pattern book bit is optional, and we're not married to it. We could say Jan 1, 2031, but we could also remove any mention of it if it causes issues.*

15. "RTD rail station" is not defined in the Denver Moves Transit Plan. Has the proponent considered using the term "Rail Transit Station Platform" as defined in the Denver Zoning code?

*Rail Transit Station Platform likely works for us. We will examine.*

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 proponents be amenable to changing references to "RTD rail station boundaries" in Sections 59-503(a), (b), and (c) to "RTD rail station platforms"?

*Likely yes, after examination.*

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 operates on a reduced schedule. Would proponents be amenable to defining 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"

*We had meant the weekday schedules that RTD had in effect on that date, not the buses running on that date, so that communities opposed to this would not try to have their buses cancelled to avoid an upzoning. We're open to changing the language to something similar to your suggestion.*

18. What will the impacts be of changes in transit schedules that impact whether a bus stop is a "qualifying medium-frequency bus stop"? Would all relevant properties have to be rezoned?

*Our intention was to set a date to reference the weekly schedules in effect on that date, so that schedule changes between then and November 2026 would not affect the rules.*

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?

*I think that's what we meant. EHA is a commonly referenced rule within the Denver housing community, but if the actual law has a different title, we're fine with aligning initiative language with that title.*

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?

*The intention is that no purely commercial structures would be built in RX-5x zones other than hospitality uses, but in MX-8x zones, our expectation is that there would be no height bonuses for purely commercial structures. Happy to discuss this.*

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?

*We have no intention of applying the rules to smaller structures. While a three-story, six-unit structure would require no affordable units, could someone not build a four-story, eight-unit structure within an MU-3 zone if they provided an affordable unit?*

#### Zoning

22. Why did the proponent choose the specific existing zoning classifications (G-MU-3, G-RX-5, and C-MX-8) for modification?

*While MU-3, RX-5, and MX-8 were chosen for fairly specific reasons (to allow much more housing and to allow some commercial development near major recreation and transit amenities), the G/C contexts were just convenient, and we're open to changing them. That said, many contexts, even ones that allow significant development with 8+ story heights in some areas, do not offer MU or RX zones. Modifications to ensure some green space and to promote single-stair small-lot construction are critical, though.*

*To us, the context is relatively unimportant, since it makes little difference in the rules applied to construction when comparing Urban, Urban Edge, Suburban, General Urban, or Urban Center. Industrial land has different rules, and we can discuss them.*

23. How did the 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?

*660ft is 1/8th of a mile, 1320 is a 1/4 mile, and 1980 is 3/8ths of a mile. We're open to changing*

*it to metric (200m, 400m, 600m) or fractions of a mile if that's better, but feet seem both easy to understand and are commonly referenced within the DRMC.*

24. Is the proponent aware that the Denver Zoning Code already has incentive heights for affordable housing?

*Yes. We intend to have those incentives apply to this new zoning.*

25. Proponent defines “more permissibly zoned” as parcels zoned for an equal or greater number of stories of residential development. Is it the respondent’s intention to allow zoning districts that allow the same number of stories but offer more lenient housing options (such as a parcel that allows a townhome, which the existing G-MU-3 would allow but the new G-MU-3x would not) to retain their current designation?

*If a lot already allows three stories and falls within a zone that would be rezoned to MU-3x, the intention is not to rezone it. Same with the RX-5x and MX-8x. If that means that a lot has more or less lenient rules with the same height, that's ok, since a property owner with, let's say MU-5 zoning, surrounded by RX-5x zoning could get their lot rezoned for \$1000 if they're so inclined. Trying to parse that RH-3 should become MU-3, but that MX-3 should not, seems overly complex. We're open to talking about it.*

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 the proponent choose to define this term using stories?

*Outside of Ch59, non-park open space, industrial sites, and downtown, our understanding is that almost all zoning is defined with stories. We're open to being presented with edge cases where this isn't the case, and modifying the language accordingly.*

27. What is meant by “cost-neutrality” in section 59-503(f), and what is the intended method of calculating cost neutrality?

*This is a good question and is worthy of discussion. Our thought is cost-neutral, including CapEx and OpEx for up to the first 20 years. If someone can prove that brick is cheaper than siding once you factor in repainting the siding three times over 20 years, requiring brick would be deemed cost-neutral. The goal here is to ensure the city can adopt rules that improve buildings WITHOUT imposing high construction costs on homebuilders.*

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?

*We're open to discussing this. We feel that I-A/B, DIA, and OS-A/C zoning can definitely be exempt. Outside of that, we want examples or language that makes sense.*

29. What does proponent mean by the phrase “Former Rule 59 rules” as used in 59-503(e)?

*We meant Former Chapter 59 zoning.*

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?

*We're open to changing it so that I-MX stays within the I context with added height, and so the new rules don't affect I-A/B. For MX sites in other contexts, we're also open to allowing them to remain MX (or change to RX) with an added height to avoid issues for existing or future businesses. A discussion may be worthwhile*

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 prohibits drive-thru service and drive-thru restaurant building forms within 1/4 mile (1,320 ft) of a Rail Transit Station Platform. What other differences are there between the two zone districts?

*This was an oversight on our part. C-MX-8x is therefore unnecessary; we can just go with MX-8.*

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 the proponent considered using the existing G-MU-3 setbacks?

*The existing side setbacks prevent the development of smaller lots, but we're open to greater front and rear 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 limit development above the proposed lot coverage/heights. FAR is an uncommon tool in the current DZC, outside industrial and downtown-Center zone districts, and is difficult to calculate because it adds complexity for both applicants and city staff in administering the ordinance. Has the 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?

*UHC is looking at using FAR, so we figured it would make sense here as well. Our goal is to limit building mass more than building height. This is definitely worth discussing.*

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?

*We're fine with lumping DIA in with OS-A/C and I-A/B as places unaffected by this initiative. If the city has land zoned at lower intensities that aren't specifically set aside for airport or park uses, we don't see a reason to exclude them from the upzoning, but we're open to hearing why it might be better to exclude them.*

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 the proponent aware that, because zoning applies to zone lots, not parcels, the impacts would affect resulting split-zoned zone lots, which would be regulated under existing zoning rules for split-zoned zone lots?

*We're aware. This seems like a city governance issue outside of our purview, as well as a relatively rare problem. We're happy to discuss it, though.*

36. Proponent states that Denver is facing a significant shortage of housing; does the proponent have a factual basis for this assertion?

*Yes. The short answer is that while estimates vary, most credible sources estimate a shortfall ranging from the mid-five-figures to low-six-figures for the Denver Metropolitan Area. We are happy to discuss in detail.*

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 a long-term reduction in single-occupancy vehicles and policies to include multi-family and affordable housing. Has the proponent reviewed the Comprehensive Plan?

*We have reviewed the Comprehensive Plan and believe that this proposal helpfully adds specifics that further the Plan's more general goals. Our reading of the relevant environmental policy literature, including the Intergovernmental Panel on Climate Change and the city's climate office (CASR), indicates that Denver's implementation of the Comprehensive Plan has thus far been inadequate to meet the city's environmental goals. For instance, the city set a goal to achieve a 40% reduction in GHG by 2025, and CASR says we've only achieved an 18% reduction as of 2024.*