

Amendment to Interim Zoning Ordinance – COVID Temporary Uses in FC59 Zones

Sponsored by Councilwoman Amanda Sandoval

Council Bill #2021-0592

City Council Public Hearing

July 12, 2021

What is this ordinance?

What does it do?

- Amends previously adopted interim zoning ordinance (Ord #2020-0961) that supported city's response to COVID pandemic:
 - COVID-related temporary uses were allowed across the entire city and not just on lands zoned under Denver Zoning Code (DZC applies to only 75% of city's total assessor parcels)
 - Expiration tied to end of state and city emergency public health orders
- Amendment **extends** the authorization to assist city's recovery from COVID's negative impacts on local businesses and housing stability
- Extension **until December 31, 2023**

What kinds of emergency uses were allowed?

- Temporary managed campsites for homeless persons
- Temporary expansion of outdoor patios/spaces for restaurants and bars

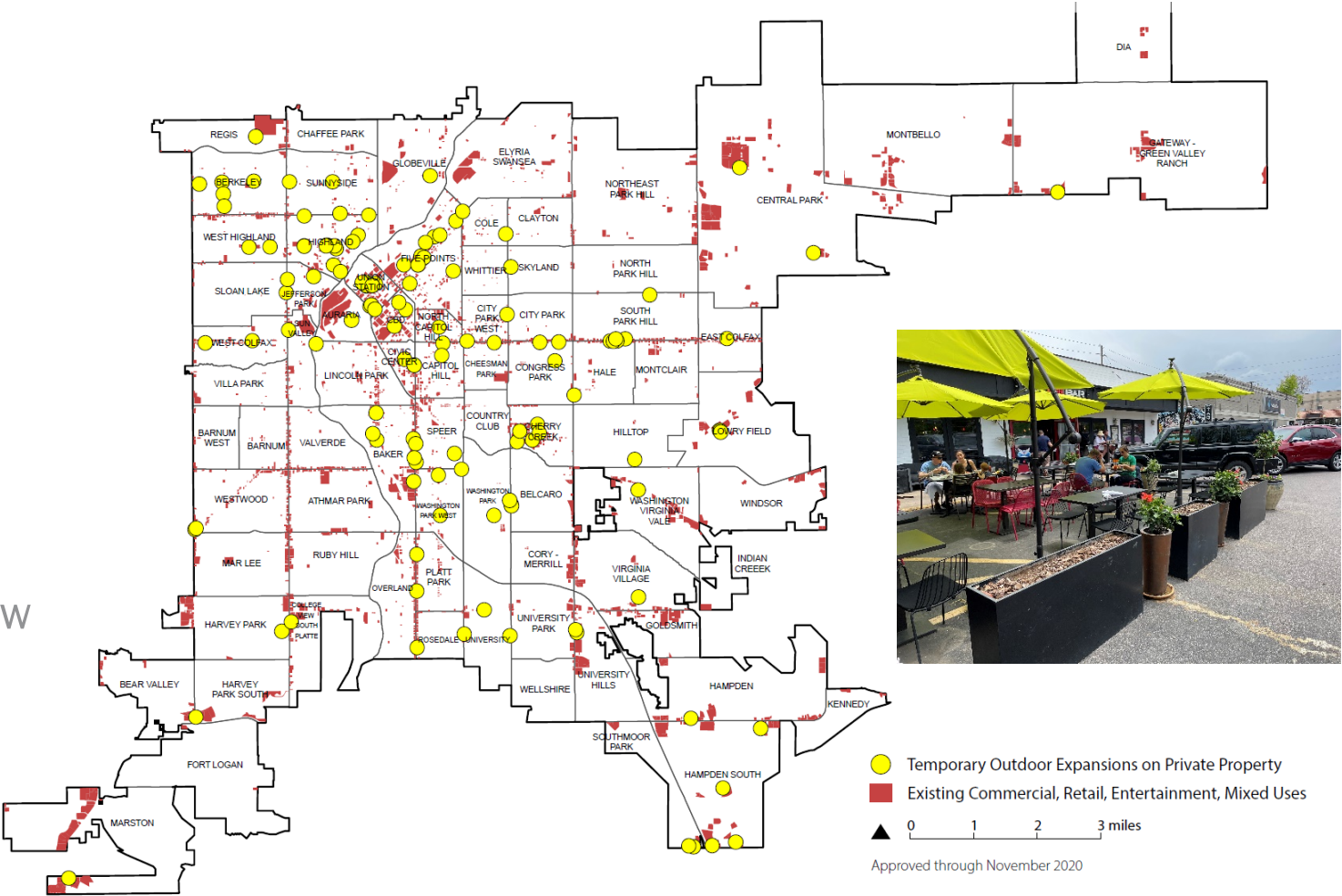


Were these temporary uses successful?

Yes!

- Temporary outdoor expansion program assisted **192*** Denver restaurants/bars to increase their capacity by expanding outdoor seating onto private property (yellow dots on map to right)
- **23* (12%)** out of 192 businesses were on **FC59-zoned property**

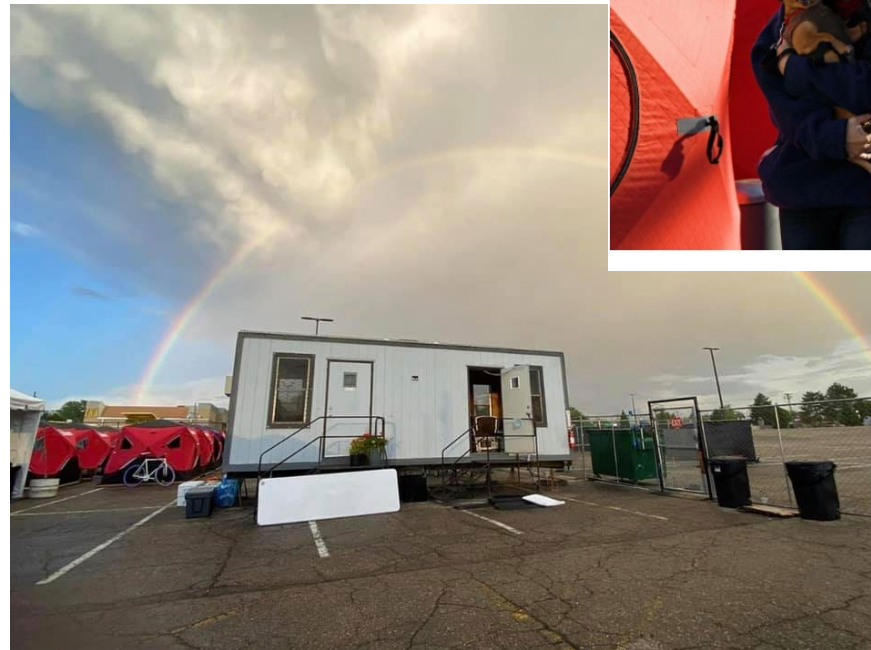
*as of 6/14/21



Were these temporary uses successful?

Yes!

- First 2 temporary managed campsites established in Capital Hill (sites were zoned under both DZC and **FC59**) – closed now
- New campsite opened at Regis University (zoned under **FC59**) – June 2021
- New campsite at Park Hill United Methodist Church – June 2021
- Critically needed housing units and supportive services provided during height of pandemic



Why do we need to extend the time frame for these temporary uses?

- Emergency public health orders are ending, but impacts from COVID-19 pandemic are still with us
- Economic impacts from extended business closures and revenue lost during height of the pandemic
 - The citywide temporary outdoor patio expansion program will continue through October 31, 2022
- **60% increase in number of persons sheltered by City between March 2020 and March 2021**
 - “The effect of COVID-19 on the City and County of Denver has been overwhelming, especially for people with the fewest resources. The economic impact of public health-related business closures has left thousands with reduced income, leading to an increase in the number of people experiencing homelessness and housing instability.”

~Denver Dept of Housing and Stability, *COVID-19 Response Report*, March 2021

Review Criteria (DZC Sec. 12.4.11)

1. Consistency with Adopted Plans
 - Comprehensive Plan 2040 (2019)
 - Blueprint Denver (2019)
 - Housing an Inclusive Denver (2018)
2. Public Health, Safety and Welfare
3. Uniformity of District Regulations and Restrictions

Comprehensive Plan



- **Equitable, Affordable and Inclusive: Goal 2, Strategy B** - Ensure city policies and regulations encourage every neighborhood to provide a complete range of housing options (p. 28).
- **Equitable, Affordable and Inclusive: Goal 5, Strategy B** - Stabilize residents and businesses at risk of displacement through programs and policies that help them to stay in their existing community (p. 29).
- **Equitable, Affordable and Inclusive: Goal 8, Strategy C** - Ensure that city regulations enable a range of flexible housing options to meet the needs of those experiencing or transitioning out of homelessness (p. 30).

Comprehensive Plan



- **Strong and Authentic Neighborhoods: Goal 2, Strategy B** - Ensure neighborhoods offer a mix of housing types and services for a diverse population (p. 34).
- **Strong and Authentic Neighborhoods: Goal 1, Strategy A** - Build a network of well-connected, vibrant, mixed-use centers and corridors (p. 34).
- **Strong and Authentic Neighborhoods: Goal 4, Strategy A** - Grow and support neighborhood-serving businesses (p. 35).

Comprehensive Plan



- **Connected, Safe and Accessible Places: Goal 3, Strategy A** - Create streets to foster economic activity, contribute to great urban design and accommodate green infrastructure, including street trees (p. 40).



- **Economically Diverse and Vibrant: Goal 3, Strategy A** - Promote small, locally-owned businesses and restaurants that reflect the unique character of Denver (p. 46).
- **Economically Diverse and Vibrant: Goal 10, Strategy B** - Support the creation, expansion and economic vitality of Denver food businesses (p. 48).

Blueprint Denver



- **Land Use and Built Form: Housing Policy 1, Strategy C** - Ensure city codes and land use regulations support modern and equitable approaches to housing options for people experiencing homelessness and people in need of supportive housing (p. 82).
- **Land Use and Built Form: Economics Policy 6, Strategy A** - Support locally-owned businesses—new and old—to expand and evolve to meet the changing needs of residents and visitors. Support could include assisting businesses, especially in the most underserved or distressed neighborhoods, with regulatory processes, education, training, helping with marketing or increasing access to capital (p. 93).
- **Mobility: Policy 3, Strategy D** - Develop policies for shared spaces in appropriate locations to safely accommodate all users, flexible spaces and opportunities for events (p. 109).
- **Mobility: Policy 11, Strategy A** - Develop policies that consider the highest and best use of the curb space based on context and what benefits the most number of people (p. 113).
- **Quality of Life Infrastructure: Policy 5, Strategy E** - Identify opportunities to creatively use right-of-way as special shared streets that prioritize pedestrians, provide amenities and encourage gathering and socializing (p. 121).

Blueprint Denver, cont...

Equity Concepts



Reducing Vulnerability to Displacement:

- Help residents and businesses stay in their neighborhood
- Maintain the diversity of the population and employment opportunities
- Sustain longstanding social networks

Expanding Housing and Jobs Diversity:

- Provide equitable access to employment and housing
- Encourage complete neighborhoods where families and households of all types and incomes can live
- Offer housing options in every neighborhood

Housing an Inclusive Denver



- **Fundamental Value 3: Support Housing as a Continuum** - Focus on residents and their unique housing and service needs, from those experiencing homelessness, to those seeking affordable and workforce rental housing, and attainable homeownership (p. 23).

Review Criteria (DZC Sec. 12.4.11)

1. Consistency with Adopted Plans

- Comprehensive Plan 2040 (2019)
- Blueprint Denver (2019)
- Housing an Inclusive Denver (2018)

2. Public Health, Safety and Welfare

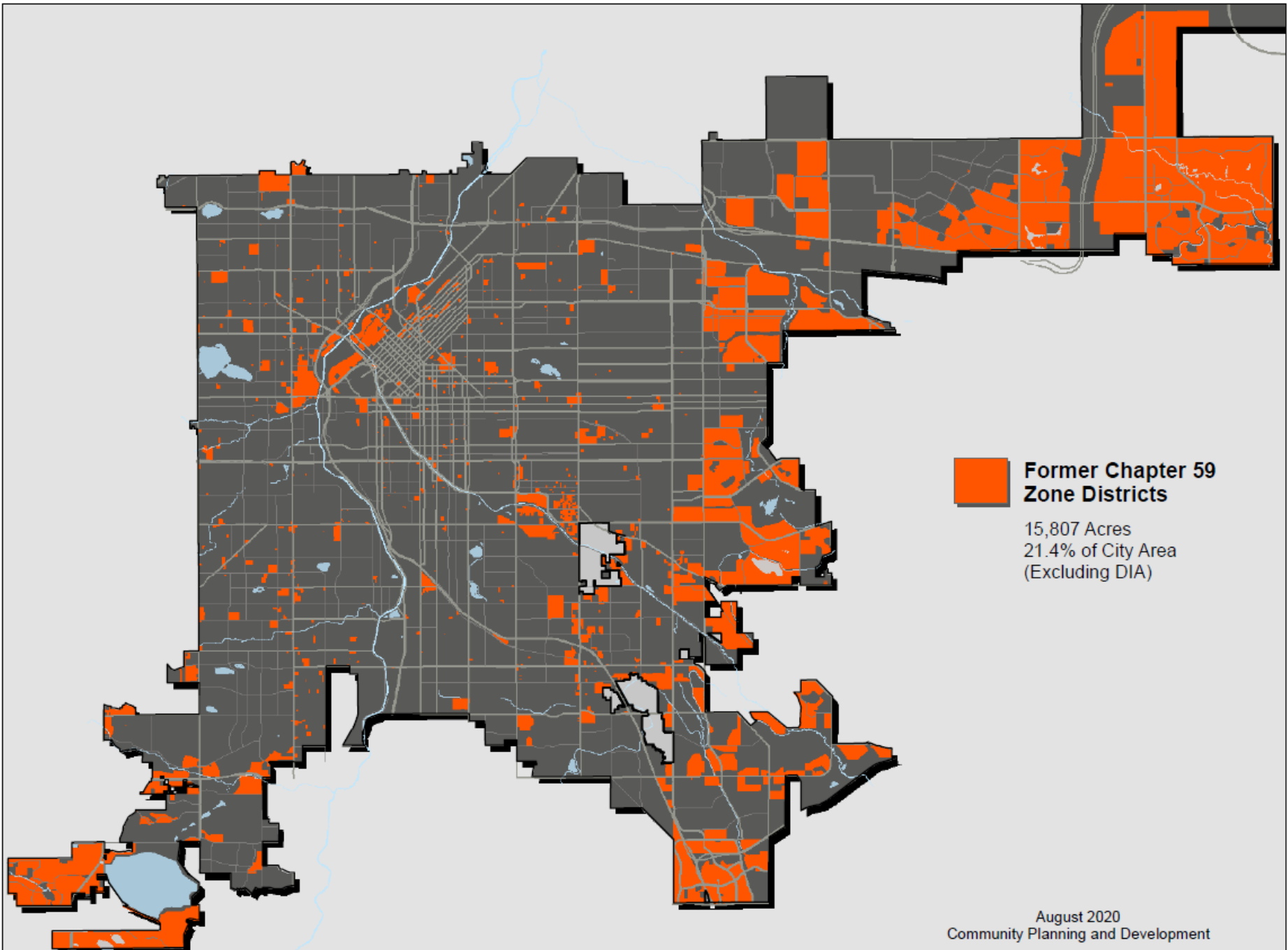
- Furthers public health, safety and welfare by allowing temporary housing/shelter and other uses directly related to the city's COVID-19 response in all parts of the city equally.

3. Uniformity of District Regulations and Restrictions

- Will result in processes and regulations for temporary uses that are generally uniform within each zone district in which this temporary use is permitted, while allowing for necessary flexibility in response to the COVID-19 pandemic.

CPD Recommendation

CPD recommends **APPROVAL** of Council Bill #2021-0592, which will amend the previously adopted interim zoning ordinance (Ord. #2020-0961) by extending its expiration date to December 31, 2023



**Former Chapter 59
Zone Districts**
15,807 Acres
21.4% of City Area
(Excluding DIA)