

Denver Outdoor Places Program

DZC Text Amendment
City Council Hearing
06.12.23



- May 2020 - City grants regulatory relief for patios in ROW and on private property through Temporary Outdoor Expansion Program
- Temporary program and activations have been well received by businesses and residents



October 2021

**-
Mayor
directs City
departments
to create
permanent
program**



**Below Curb
(full street)**

Private Property



Above Curb

**Below Curb
(on-street parking)**

**Below Curb
(full street)**

Private Property



Above Curb

**Below Curb
(on-street parking)**

**Text
Amendment for
Private
Property patios**



Objectives

- **Business Support**
 - Create gathering space options for more business types
 - Increase design flexibility
 - Streamline review process
- **Placemaking and Neighborhood Integration**
 - Activate the streets and public ways
 - Encourage more social gathering areas
 - Encourage design excellence
 - Mitigate impacts on sensitive uses



Elements - land use

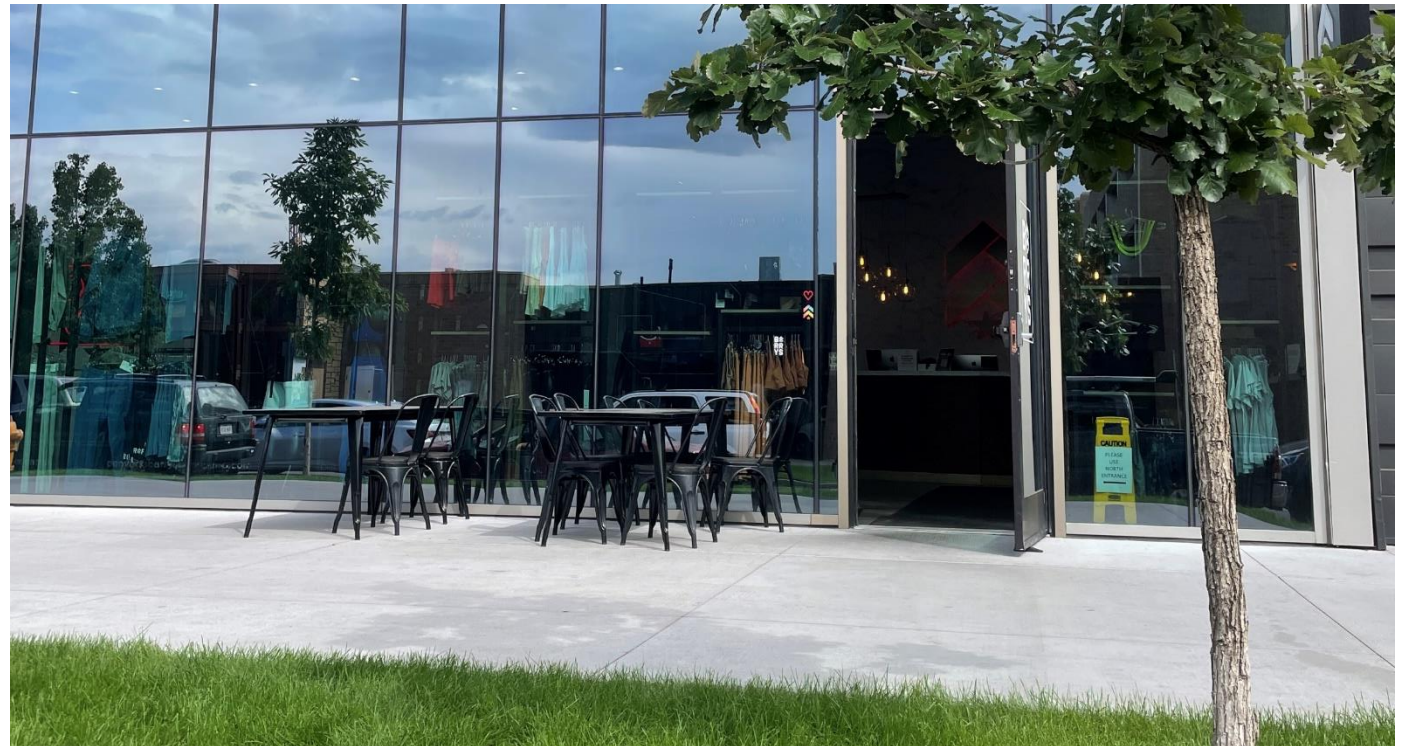
Current

- Patios only allowed accessory to eating/drinking



Text amendment

- Revise code to allow patios accessory to all nonresidential uses
- Retail, art galleries, community center, etc.
- Changing code opens opportunities in the ROW and on private property
- New accessory use:
Outdoor Gathering Area



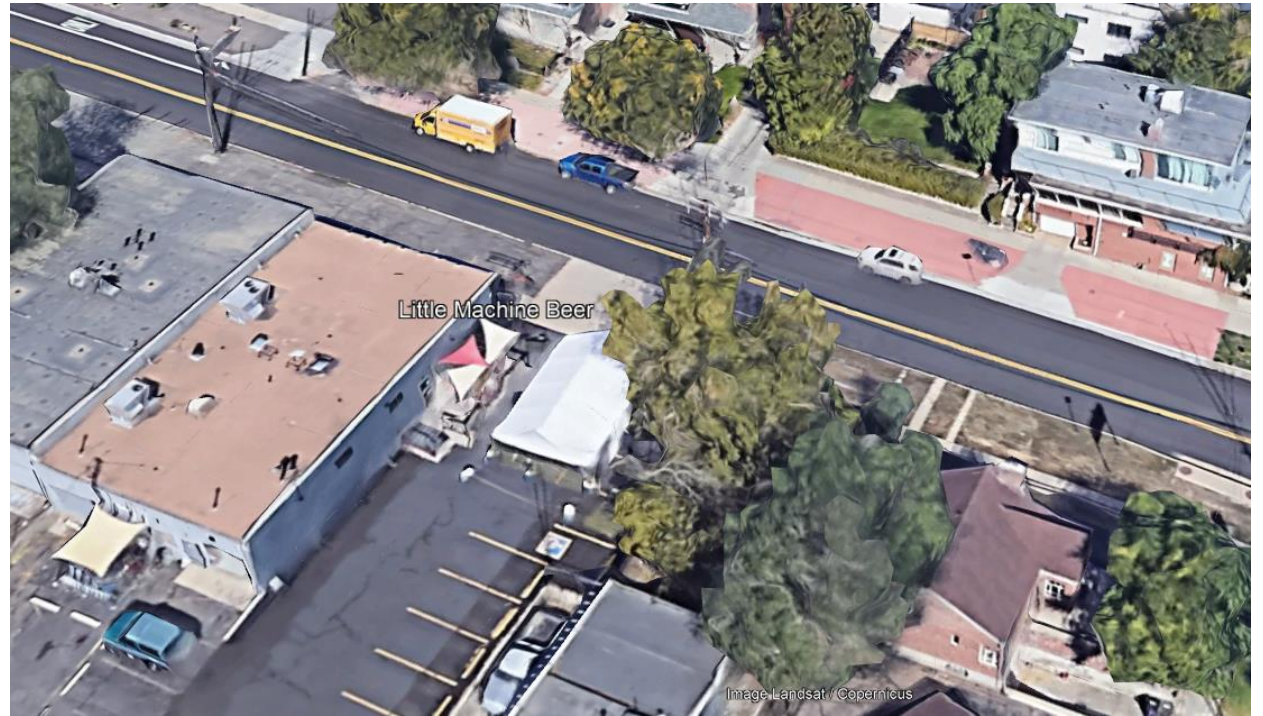
Elements - review process

Current

- Most patios within 50 feet of Protected District require:
 - Zoning Board of Adjustment (BoA) approval (public hearing)
 - CPD Staff review
 - Notification

Background

- Few patios appear before BoA (20 cases in five years)
- Only 1 patio was denied by BoA (denial also recommended by CPD)



Elements - review process

Text amendment

- Remove BoA requirement for patios within 50' of Protected District
- Require notification and CPD review/approval
- Applicants may appeal staff decision to BoA



Elements - Design - Make zoning more flexible

Current

- Must be contiguous to Primary Use
- Must be delineated by barriers
- Delineation shall not exceed 42" in height
- Cover must be 50% open to sky with openings evenly dispersed
- Must have all-weather surface
- Cannot displace required parking

Text amendment

- Allow non-contiguous patio placement
- **Eliminate delineation requirement**
 - Except to address auto and pedestrian conflicts
- Maintain other requirements in code



Elements - Design - Create design flexibility for less visible patios

Current

- Non-visible patios held to same standard as publicly visible ones

Text amendment

- Allow administrative adjustment for patios if not visible from street or shared publicly accessible, internal paths

Top: some elements would be prohibited because they are over 42”

Bottom: patio cannot be covered by an impermeable roof even though it is fully internal to the business and behind an allowed fence



Elements -

Create optional design review path

Design review

- Create brief private property patio design guidelines
- Enabled by text amendment
- Codified as rules and regulations by CPD Executive Director



Honey Hill Café - E. 23rd Avenue

Elements - Create optional design review path

Design guidelines topics include

- Visual interest
- Activation
- Visual permeability
- Site/building integration
- Landscaping
- Material durability
- Lighting integration
- Artistic/stylistic elements
- Access for people of all abilities
- Enclosure design



Dairy Block

Elements - Design review

Voluntary participation

- Applicants can use voluntarily or in consultation with Outdoor Places staff



Marczyk - E. 17th Avenue

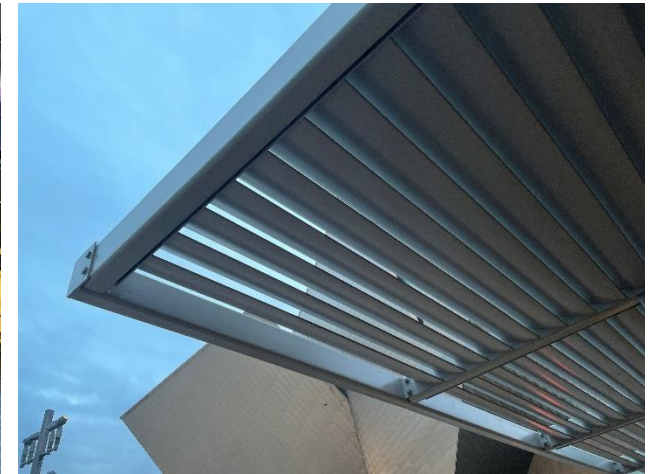
Elements - Design review

For patio applicants seeking design standards relief

- Allow administrative flexibility from zoning standards with design review
- Must meet intent of zoning and meet design guidelines



*Case study:
Denver Art Museum had to seek a variance for a patio cover element. Under this proposal, flexibility could be granted administratively if the patio undergoes design review and meets the intent of the zoning*



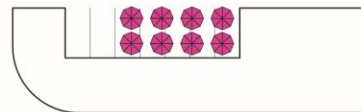
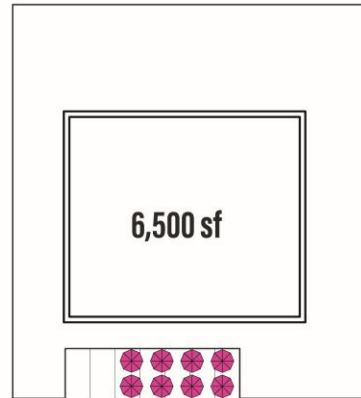
Elements - Design review

For patios that would displace required off-street parking

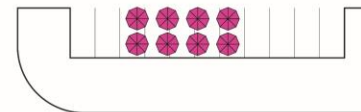
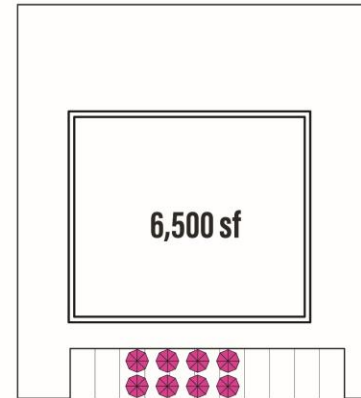
- Allow removal of up to 5 required spaces or a maximum percentage whichever is greater
- Not applicable to required ADA spaces
- Landlord approval required for multi-tenant properties
- Allowances limited to eating/drinking establishments

Zone District	Parking Requirement	Max Removal Allowance
Main Street (all contexts)	2/1,000 SF	5/80%
Urban Center, Campus	2.5/1,000 SF	5/65%
General Urban, Industrial Mixed Use	3.75/1,000 SF	5/45%
Urban, Urban Edge	4.5/1,000 SF	5/35%
Suburban, Industrial	5/1,000 SF	5/30%

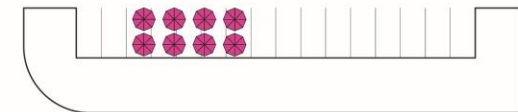
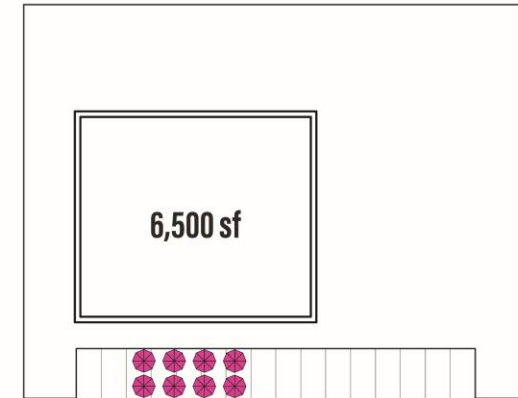
Main Street District



General Urban District



Suburban District



- *Graphic shows maximum percentage allowance applied in different zone districts*
- *Max of 5 mostly applicable to small establishments/lots*

Process

- Planning Board Hearing (4/19/23)
- LUTI (5/2/23)
- City Council Hearing (6/12/23)



Ratio - Larimer and 29th

Input

- Outreach
 - Stakeholder Working Group
 - Focus groups
 - Citywide community meeting
 - Targeted outreach
 - Public review and comment forms
- Public Comments
 - Support: 33
 - Mix of support, concerns and questions: 21
 - Not relevant to text amendment: 33
 - Unclear: 1
 - Strong support in public meetings, targeted outreach, stakeholder working group, etc.



Super Star Asian - Alameda and Zuni

Text amendment criteria

- Consistency with Adopted Plans
- Public Health, Safety and Welfare
- Uniformity of District Regulations



Call to Arms - Tennyson

Text amendment criteria - Consistency with adopted plans

Comprehensive Plan 2040

Strong and Authentic Neighborhoods

- Goal 2: Enhance Denver's neighborhoods through high-quality urban design (p. 34).
- Goal 4: Ensure every neighborhood is **economically strong and dynamic**.
- Goal 7: Leverage the arts and support **creative placemaking** to strengthen community.



Tacos Jalisco - W. 38th Avenue

Text amendment criteria - Consistency with adopted plans

Comprehensive Plan 2040

Economically Diverse and Vibrant

- Goal 3: Sustain and **grow Denver's local neighborhood businesses** (p. 46).
- Goal 10: **Promote a vibrant food economy** and leverage Denver's food businesses to accelerate economic opportunity (p. 48).



Little Man Ice Cream - 16th Street in North Denver

Text amendment criteria - Consistency with adopted plans

Blueprint Denver - Regulations

- Ensure the Denver Zoning Code continues to **respond to the needs** of the city, while remaining **modern and flexible** (p. 74).
- Implement plan recommendations through city-led legislative rezonings and **text amendments** (p. 79).
- **Develop standards and guidelines around privately owned outdoor spaces** to ensure public accessibility, great design and features to respond to culture of the local community. (p. 118).



Cherry Cricket - Clayton Street

Text amendment criteria - Consistency with adopted plans

Blueprint Denver - Placemaking

- Create **exceptional design outcomes** in key centers and corridors (p. 102).
- Ensure attractive streets and outdoor spaces in all centers and corridors, giving **priority to pedestrian spaces and amenities** (p. 121).
- Create design outcomes in suburban and urban edge contexts that promote active, pedestrian-friendly places (p. 103).



Hopdaddy - Union Station

Text amendment criteria - Consistency with adopted plans

Blueprint Denver - Business Support

- Ensure Denver and its neighborhoods have a vibrant and **authentic retail and hospitality marketplace** meeting the full range of experiences and goods demanded by residents and visitors (p. 93).
- Ensure neighborhoods have **equal access to design quality tools** (p. 97).



Frozen Matter - E. 19th Avenue

Text amendment criteria - Consistency with adopted plans

Blueprint Denver - Equity

- Improving access to opportunity
- Reducing vulnerability to displacement
- Expanding housing and jobs diversity

Text amendment likely to have a neutral impact to equity

Still working on equity components for overall Outdoor Places Program



Machete - E. Colfax

Text amendment criteria - Consistency with adopted plans

Former Chapter 59 bridge amendment

- Design flexibility
- Regulatory flexibility (parking, design standards relief, enclosure)
- Review process revisions



Ace Eat + Serve

Text amendment criteria - Public Health, Safety and Welfare

- Implementation of adopted plans
- Outdoor social gathering space
- Business support



Maine Shack - Central Street

Text
amendment criteria
- Uniformity of
District Regulations



Cochino Taco - South Broadway

Recommendation

CPD recommends City Council approve the Denver Outdoor Places text amendment, finding that the applicable criteria have been met.

