



DENVER

**COMMUNITY PLANNING
& DEVELOPMENT**

Advancing Equity in Rezoning
City Council & Planning Board Joint Session

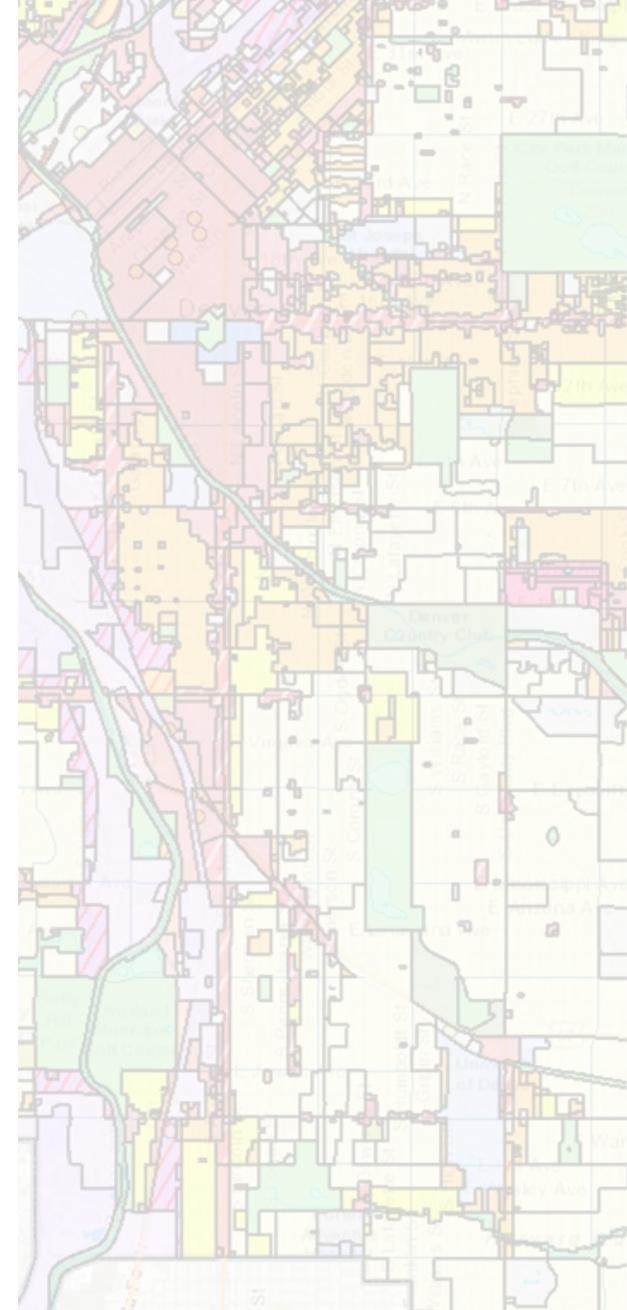
APPENDIX SLIDES
Rezoning Review Criteria & Equity Commitments Proposals

July 23rd, 2024

Appendix Overview

This slide deck is provided as an appendix to the upcoming AEIR Task Force meetings to provide background information and remind members of decisions that have been made up to this point.

Additionally, this appendix presents the most up-to-date proposal for updating Denver's Rezoning Review Criteria.



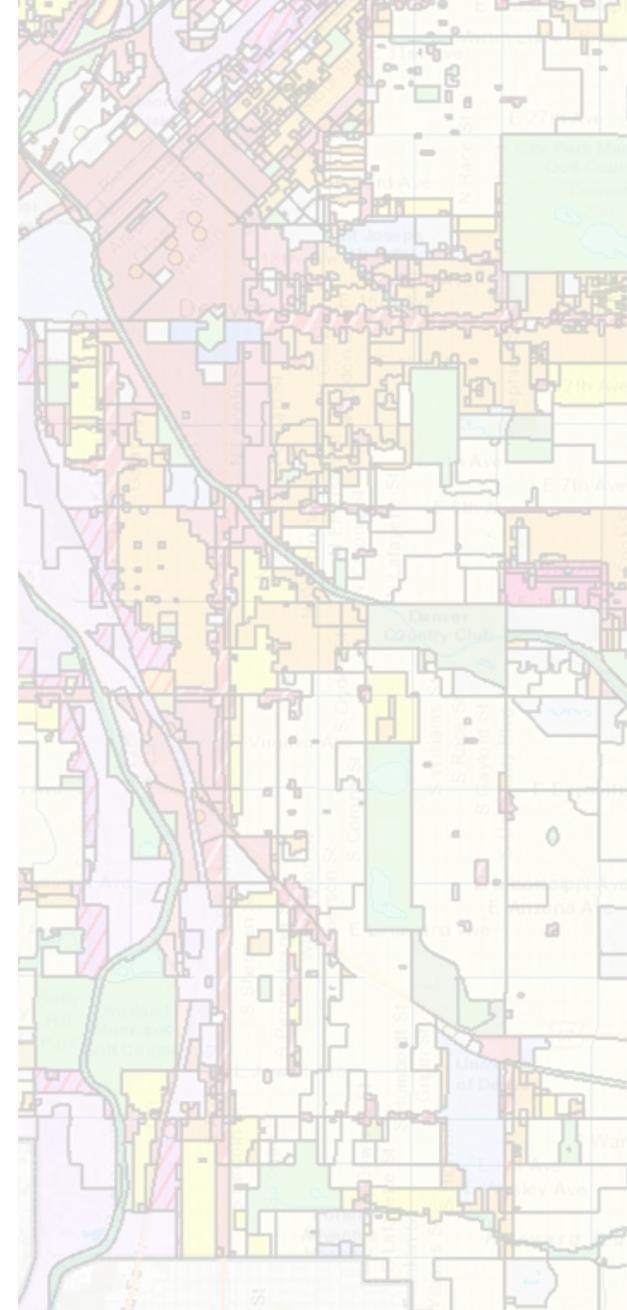
Current Rezoning Review Criteria

12.4.10.7 General review criteria Applicable to All Zone Map Amendments

- A. Consistency with Adopted Plans
- B. Uniformity of District Regulations and Restrictions
- C. Public Health, Safety and General Welfare

12.4.10.8 Additional Review Criteria for Non-Legislative Rezonings

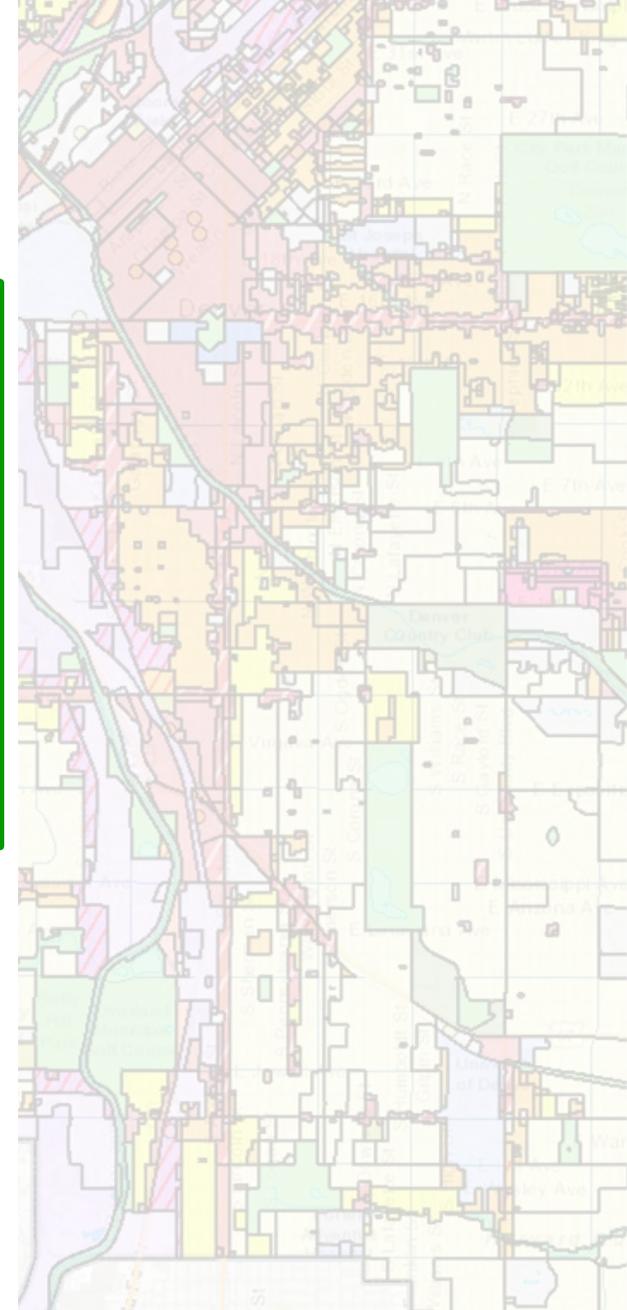
- A. Justifying Circumstances
- B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements



Rezoning Review Criteria Proposal

The following slides provide an overview of the decisions made regarding the rezoning criteria up to this point in the project:

- **Retain** Consistency with Adopted Plans criterion
- **Remove** Uniformity of District Regulations and Restrictions criterion
- **Remove** Justifying Circumstances criterion
- **Remove** Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements criterion



Rezoning Review Criteria Proposal

Remove *Uniformity of District Regulations and Restrictions* criterion

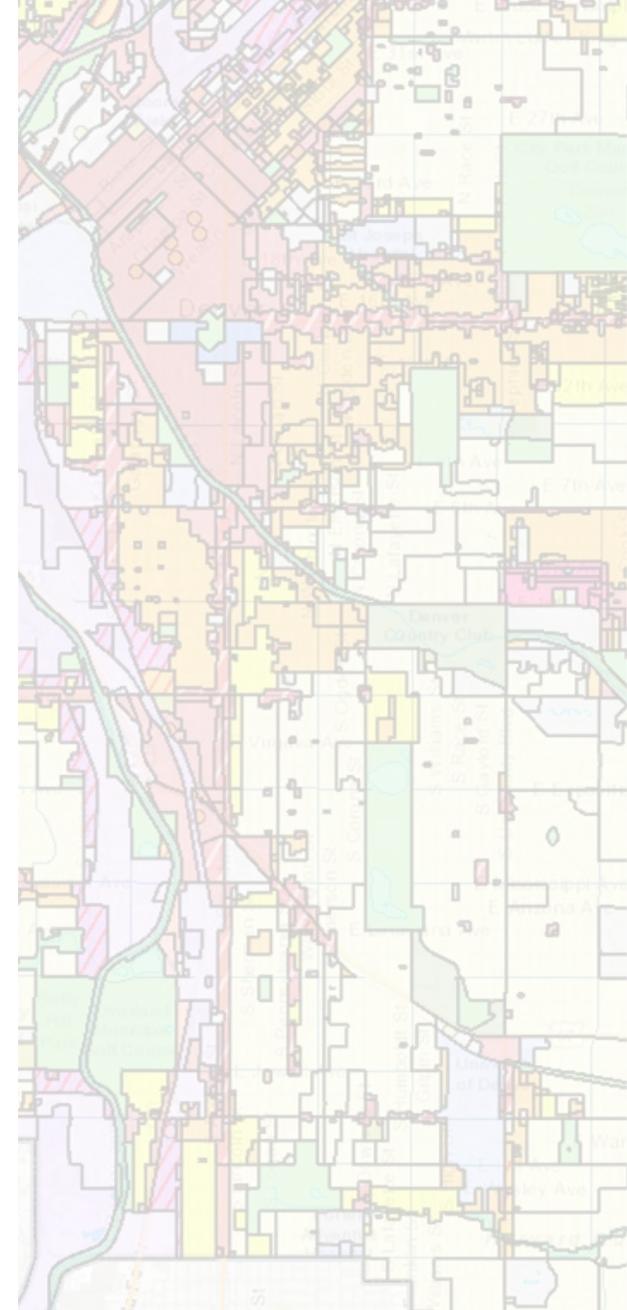
1. (U-MS-2 = U-MS-2)
2. Language comes from City Charter and Former Chapter 59 (Text and Map Amendments)
3. Most applicable for text amendment evaluations
4. Not useful in evaluating rezonings

12.4.10.7 General review criteria Applicable to All Zone Map Amendments

- A. Consistency with Adopted Plans
- ~~B. Uniformity of District Regulations and Restrictions~~
- C. Public Health, Safety and General Welfare

12.4.10.8 Additional Review Criteria for Non-Legislative Rezonings

- A. Justifying Circumstances
- B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements



Rezoning Review Criteria Proposal

Remove *Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements* criterion

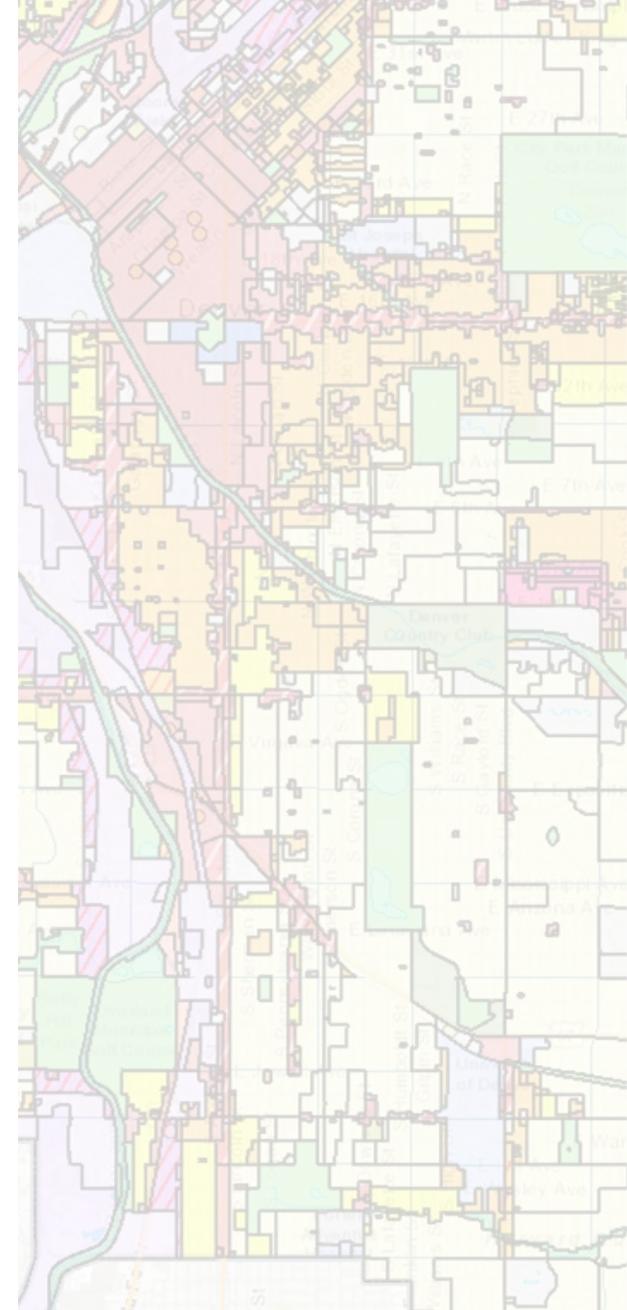
1. Linked proposal to Denver Zoning Code descriptions before *Blueprint Denver 2019*
2. Future Context and Places are now part of plan guidance
3. No longer useful in rezoning evaluation

12.4.10.7 General review criteria Applicable to All Zone Map Amendments

- A. Consistency with Adopted Plans
- B. Public Health, Safety and General Welfare

12.4.10.8 Additional Review Criteria for Non-Legislative Rezonings

- A. Justifying Circumstances
- ~~B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements~~



Rezoning Review Criteria Proposal

Remove Justifying Circumstances criterion

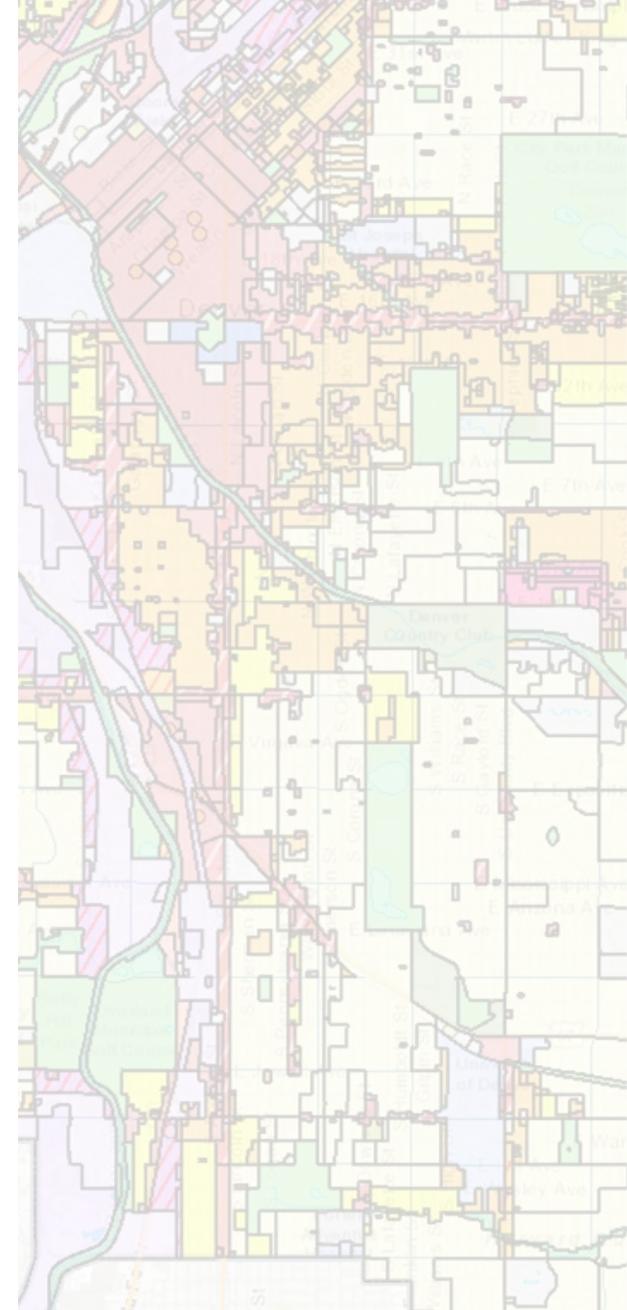
1. Can slow down the implementation of the community's vision
2. 2018 amendment added “recently adopted plan” as a justifying circumstance

12.4.10.7 General review criteria Applicable to All Zone Map Amendments

- A. Consistency with Adopted Plans
- C. Public Health, Safety and General Welfare

12.4.10.8 Additional Review Criteria for Non-Legislative Rezonings

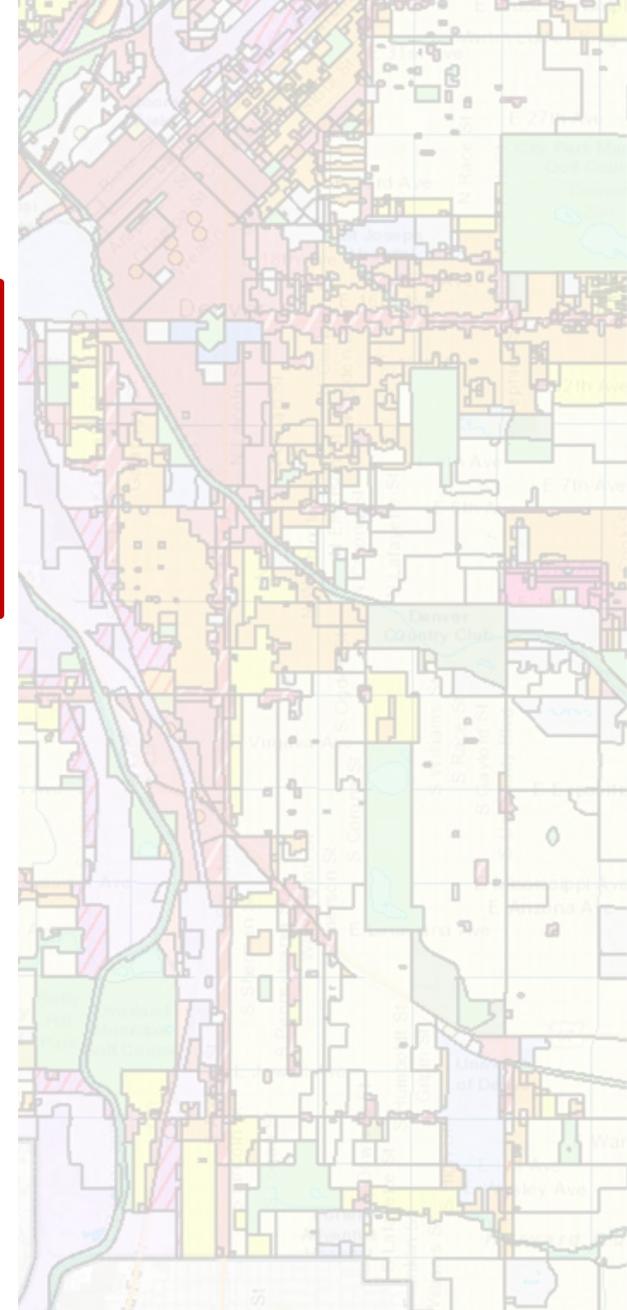
~~A. Justifying Circumstances~~



Rezoning Review Criteria Proposal

The following slides provide an overview of updates to the criteria proposal since the last AEIR task force workshop:

- **Replace** *Public Health, Safety and General Welfare* with *Public Interest*
- **Create** an exception to Adopted Plan Guidance



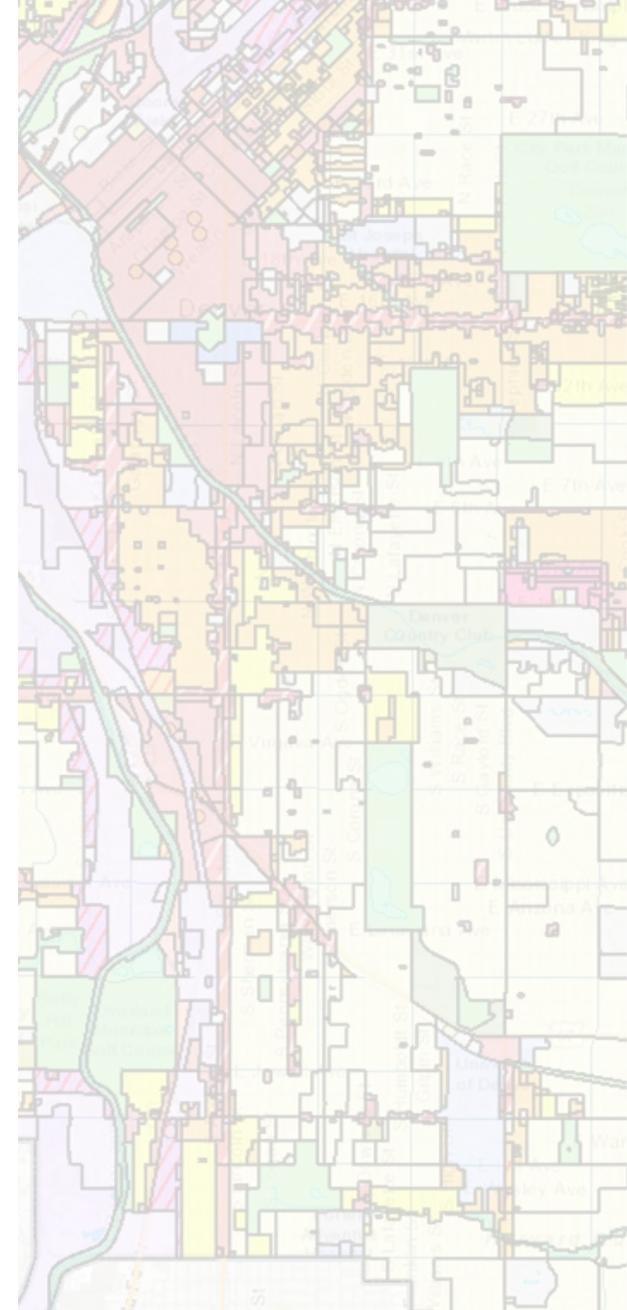
Rezoning Review Criteria Proposal

Replace *Public Health, Safety, and General Welfare* Criterion with *Public Interest* Criterion

1. “Public Health, Safety, and General Welfare” is tied to the exclusionary and racist origins of zoning
2. Replacing this language with “Public Interest” enables similar consideration while separating the rezoning evaluation from this exclusiu history

12.4.10.7 General review criteria Applicable to All Zone Map Amendments

- A. Consistency with Adopted Plans
- ~~C. Public Health, Safety and General Welfare~~
- D. Public Interest



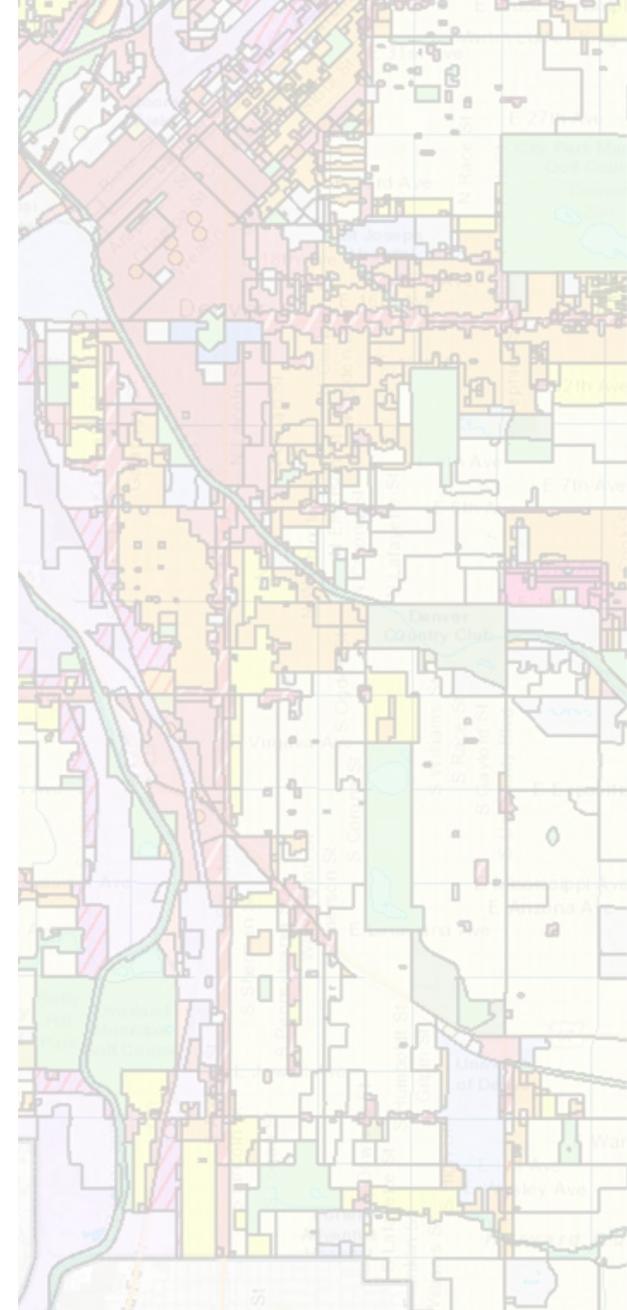
Rezoning Review Criteria Proposal

What we heard:

- Strong request by Councilmembers to retain a criterion separate from plan consistency.
- Council is hesitant to rely solely on adopted plan guidance

Why “Public Interest”?

- Public Interest is a term used in the Denver Zoning Code
- Public Interest is an understood term in law
 - Defined as the welfare or well-being of the general public
- Denver’s Adopted Plans effectively address equity and environmental concerns
(Please see the handout sent in advance of the upcoming task force workshop)
- Developing a criterion based on adopted plan vision statements or values would be redundant



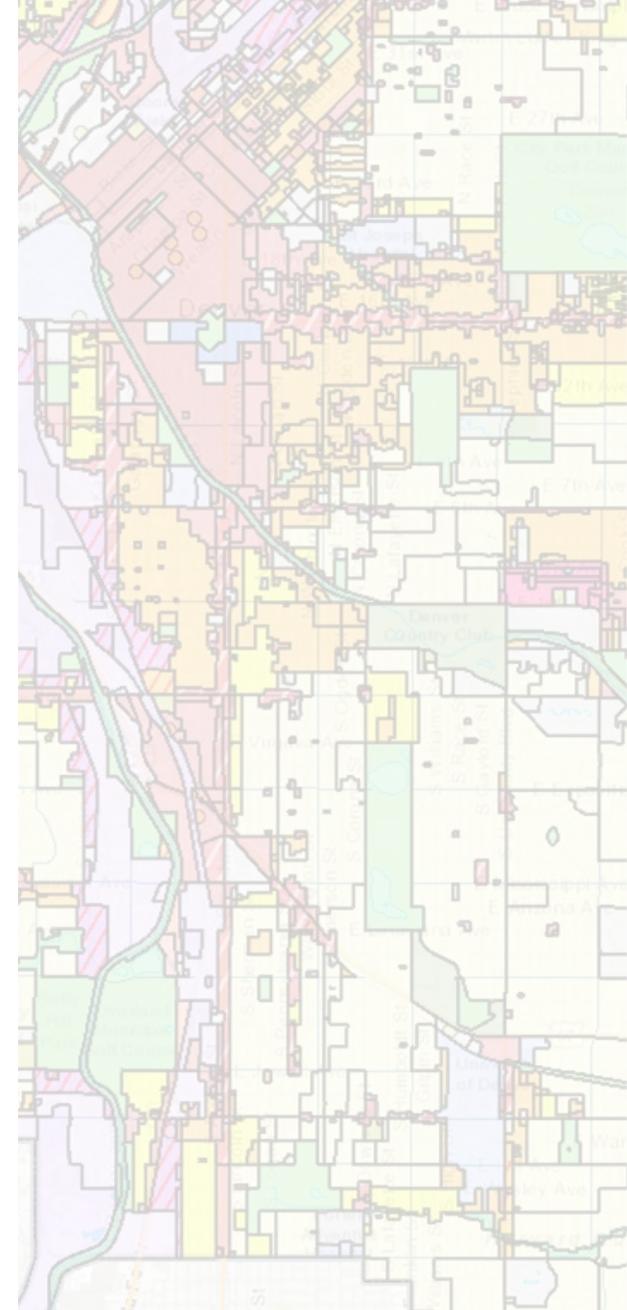
Rezoning Review Criteria Proposal

Create an exception to consistency with adopted plans

1. Creates an exception to plan guidance by relocating the existing provision for a community need not anticipated at the time of plan adoption
2. A rezoning still must always be in the public interest
3. This exception would only be used when **necessary to provide for an extraordinary community need.**

12.4.10.7 General review criteria Applicable to All Zone Map Amendments

- A. Consistency with Adopted Plans
 1. **Exception to Consistency with Adopted Plans**
- C. Public Interest



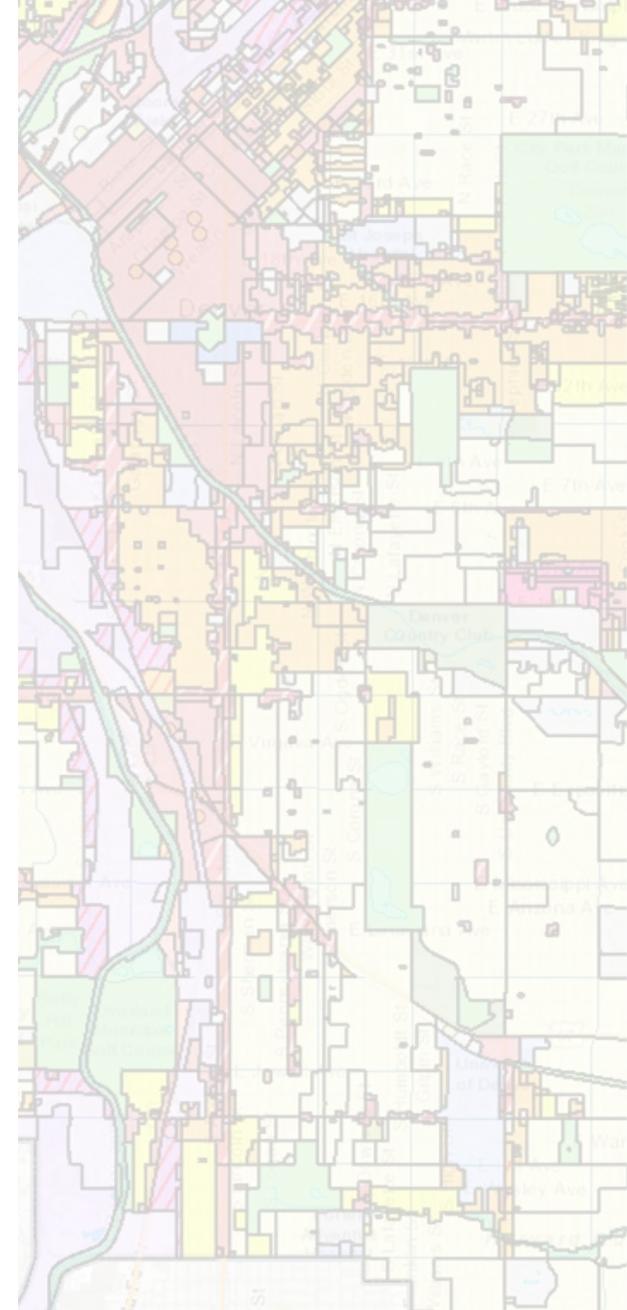
Rezoning Review Criteria Proposal

What we heard:

- It is necessary to keep the path to rezoning approval without plan consistency narrow to ensure it is rarely used

Why we are proposing an exception:

- The exception (rather than a selection between plan guidance and an extraordinary circumstance criterion) underscores that adopted plan consistency is the most important criterion.
- Adding language that the rezoning must be necessary to provide for an **extraordinary** community need communicates the rarity of this exception.



Proposed Review Criteria for All Rezonings

12.4.10.7 General review criteria Applicable to All Zone Map Amendments

The City Council may approve an official map amendment if the proposed rezoning complies with the following criteria:

A. Consistency with Adopted Plans

The proposed official map amendment is consistent with the city's adopted plans.

1. Exception to Consistency with Adopted Plans

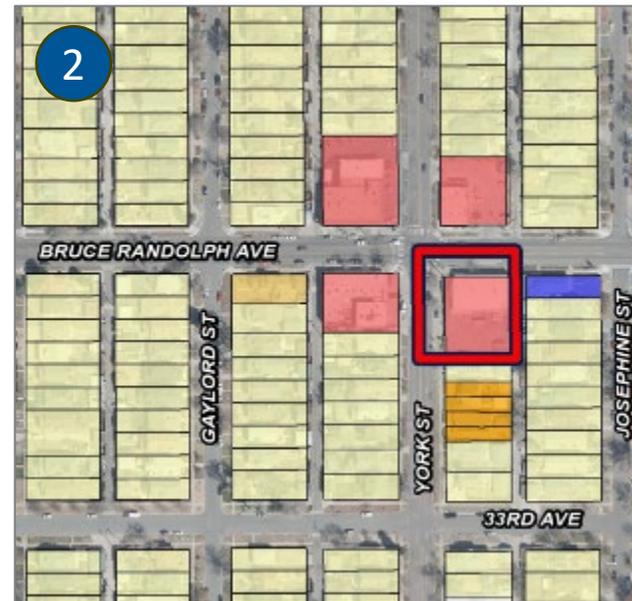
The City Council may approve an official map amendment that does not comply with subsection 12.4.10.7.A if the proposed official map amendment is necessary to provide for an extraordinary community need that was not anticipated at the time of the adoption of the city's adopted plans.

B. Public Interest

The proposed official map amendment is in the public interest.

Using the Proposed Criteria to Evaluate Rezoningings

- The following slides describe recent proposed rezoning requests with different outcomes.
- Let's explore how these would be evaluated using the proposed criteria.



Example 1: Commercial Uses within a Residential Area

- **What was their existing zoning?**
 - Custom zoning allowing only a dentist office
- **What did the applicants propose?**
 - 2-story zoning that allows a broad range of commercial and residential uses
- **What feedback did Planning Board and City Council hear from community members?**
 - Do not want to allow drive-thru uses in a residential neighborhood



Evaluating a Rezoning Using the Proposed Criteria

A. Consistency with Adopted Plans

The proposed official map amendment is consistent with the city's adopted plans.

- Does the proposed zone district align with land use guidance calling for “Neighborhood-serving retail” and residential uses?

1. Exception to Consistency with Adopted Plans

The City Council may approve an official map amendment that does not comply with subsection 12.4.10.7.A if the proposed official map amendment is necessary to provide for an extraordinary community need that was not anticipated at the time of the adoption of the city's adopted plans.

- There is no extraordinary community need. Exception is not applicable.

B. Public Interest

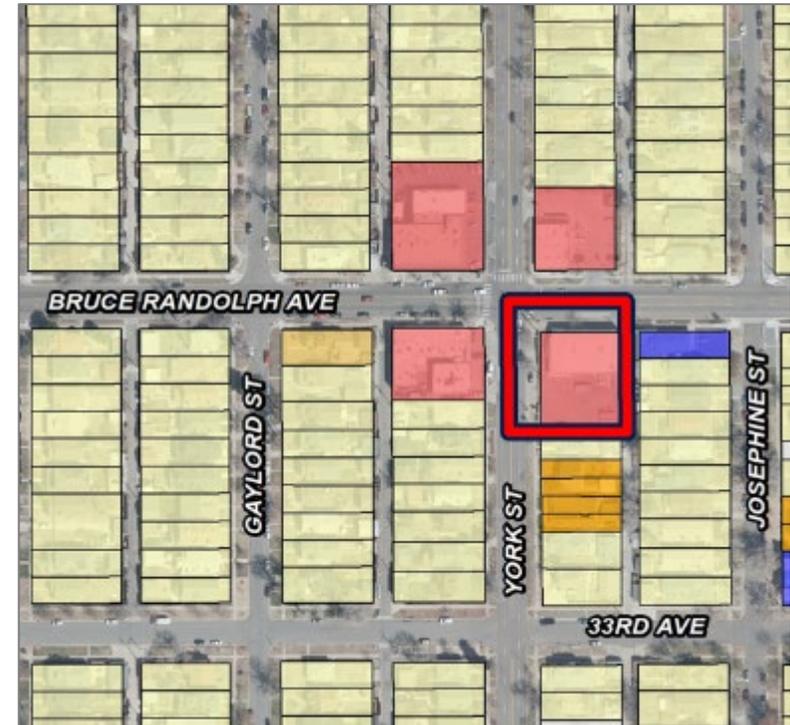
The proposed official map amendment is in the public interest.

- Is the rezoning in the public interest? Does it help provide an amenity or use that is needed or desired by the community and public?



Example 2: Single Use to Broad Mix of Uses

- **What was their existing zoning?**
 - Two-story main street zone district
- **What did the applicants propose?**
 - Three-story main street zone district
- **What feedback did Planning Board and City Council hear from community members?**
 - Concerns about parking traffic impacts from an increased intensity of the allowed uses



Evaluating a Rezoning Using the Proposed Criteria

A. Consistency with Adopted Plans

The proposed official map amendment is consistent with the city's adopted plans.

- Does the proposed zone district align with land use guidance calling for a variety of uses with heights up to 3 stories?

1. Exception to Consistency with Adopted Plans

The City Council may approve an official map amendment that does not comply with subsection 12.4.10.7.A if the proposed official map amendment is necessary to provide for an extraordinary community need that was not anticipated at the time of the adoption of the city's adopted plans.

- There is no extraordinary community need. Exception is not applicable.

B. Public Interest

The proposed official map amendment is in the public interest.

- Is the rezoning in the public interest? Does it help provide an amenity or use that is needed or desired by the community and public?

