
Proposed Amendments to Ordinance 0424 and 0426, Series of 2022

LUTI – April 18, 2023

Expanding Housing Affordability (EHA)

- Ordinance approved on 6/8/22 and went into effect 7/1/22
- EHA requires the following depending on project type
 - Projects with 10 or more residential units to provide affordable housing on-site or pay a fee-in-lieu to the Department of Housing Stability (HOST)
 - Non-residential projects and residential projects with up to 9 units subject to increased affordable housing linkage fees
- Included a grace period for projects subject to a site development plan and projects only subject to a building permit to continue to comply with the prior affordable housing linkage fees if submitted and approved by certain timeframes
- Projects subject to a building permit must have submitted, been accepted for review and paid plan review fees on or before June 30, 2022 and must be approved by December 31, 2022 to be subject to the former linkage fee rates – approval date modified to June 16, 2023

Proposed Amendments

- Requires amendments to two ordinances – Ordinance No. 0424, Series of 2022 (zoning ordinance) and Ordinance No. 0426, Series of 2022 (Denver Revised Municipal Code ordinance)
 - a. Bill 23-0421
Amends section 2 of Ordinance No. 0424, series 2022 to extend the deadlines by which an applicant must obtain approval of a site development plan in order to be exempt from the requirements in Ord. 22-0424.
 - b. Bill 23-0422
Amends section 4 of Ordinance No. 0426, Series 2022 to extend the deadlines by which an applicant must obtain approval of a site development plan in order to be exempt from the requirements in Ord. 22-0426, increase the required number of times that Community Planning and Development must provide the applicable report to City Council and extend the final deadline for the report.
- Given the number of projects received to comply with the grace period, our Project Coordinators have not been able to keep up, resulting in delays in providing comments to applicants. As a result we are requesting to add additional time to when projects must be approved if they are subject to a site development plan

Proposed Amendment to the SDP Approval Dates

- Projects subject to a Site Development Plan (SDP) or SDP amendment – change from approved by August 30, 2023 to **May 17, 2024**
 - Except that if an applicant has received consolidated review comments by May 17, 2024 that will require a **fourth round or more** of formal site development plan review, then the applicant will have until **August 31, 2024** to obtain SDP approval
- Projects subject to a SDP and subdivision or Large Development Review (LDR) – change from approved by December 31, 2023 to **September 13, 2024**
 - Except that if an applicant has received consolidated review comments by September 13, 2024 that will require a **fourth round or more** of formal site development plan review, then the applicant will have until **December 31, 2024** to obtain SDP approval

Rationale

- When effective date language was developed in October 2021, SDP projects were taking on average 14 months to receive approval
- Due to the increase in submittals received to comply with the grace period requirements contained in EHA, staff are not able to keep up with the number of projects and associated reviews
- Delays vary across Project Coordinators and when we pulled data in mid-February to begin analyzing, our latest project coordinator was a median of 29 days late
- That number does fluctuate which is why we recommend giving projects further along an additional 15 weeks to receive approval if they will require a 4th round (or more) of formal SDP review

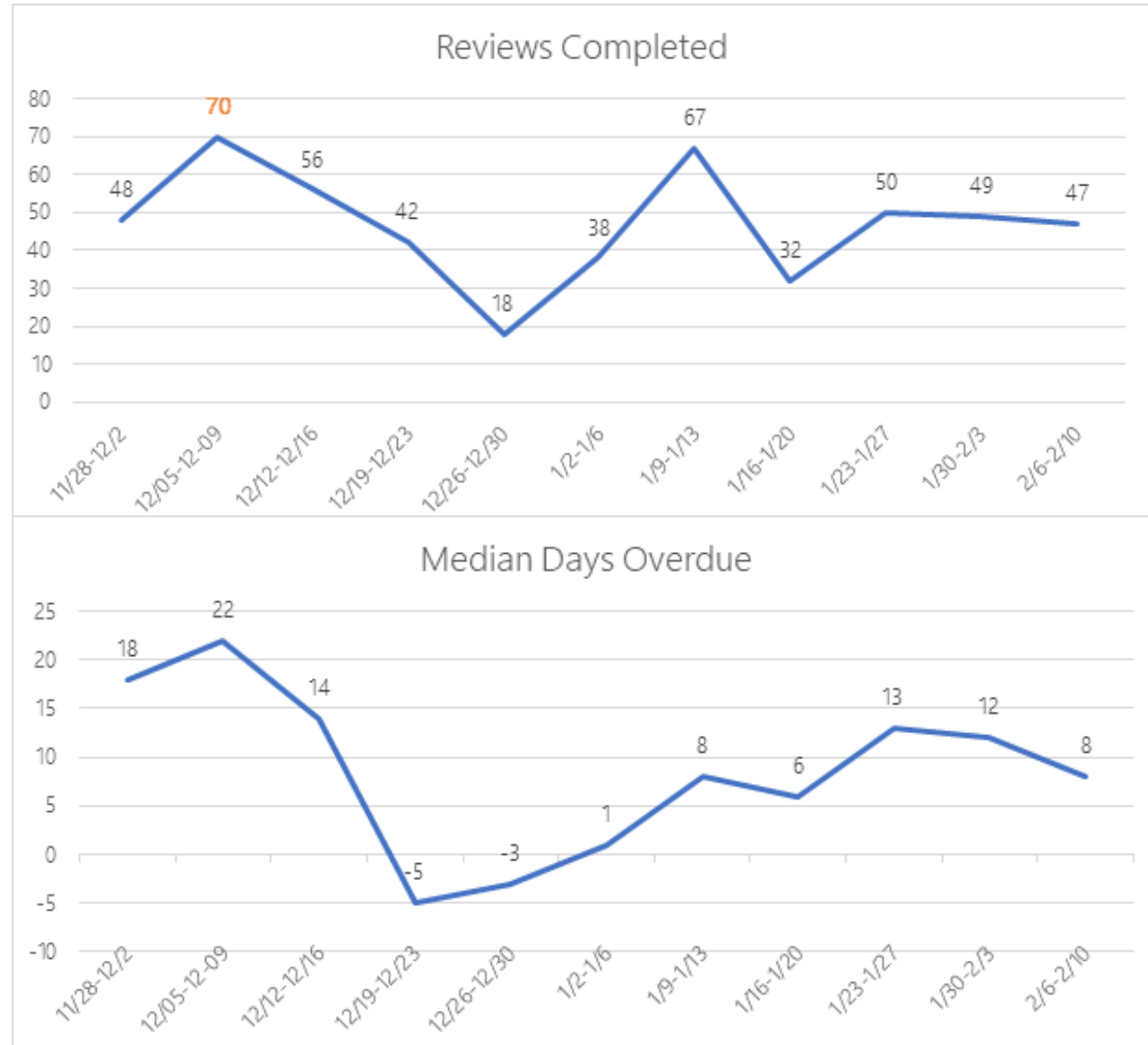
Proactive steps to reduce backlog and review cycles

- Workload rebalancing – every week the team Director and Supervisor review the workload for each Project Coordinator and reassign projects to level the load when needed and practical
- Focused/blitz review weeks – Started in December 2022 and developing a plan to continue that moving forward with some regularity
- Comment analysis for projects taking 3 or more review cycles – intention is to help us better understand issues leading to more resubmittals so we can address them
- Piloting a project stoplight report with Affordable Housing Review Team (AHRT) projects

Impact of the Focused Review Week

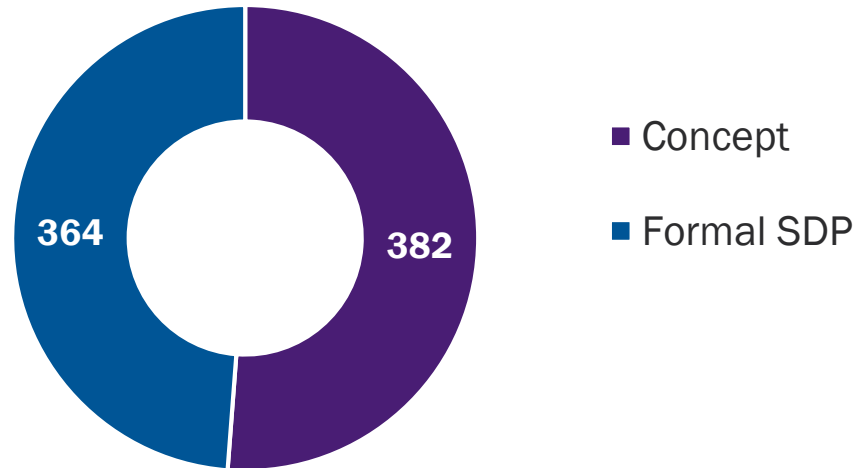
Project Coordinator Reviews

- Blitz Week(s): 12/05-12/09, 12/12-12/16
- Reviews Completed: 144
- Impact to Queue: -28
- Current Queue as of 2/21: 315



Number of Site Development Plans Under Review

Site Development Plans (SDP) Under Review



As of June 30, 2022, there were **746** site development plans under review.

Review Timeframes

- Median days late was at 29 for the project coordinator review in February 2023 – median days late for certain project coordinators is less – we used the median days late for our project coordinators with the most backlog
- Also saw intake delays in 2022

Site Development Plan Days Late, YTD

| Application Type | Average, 2022 | Average, 2023 YTD |
|------------------|---------------|-------------------|
| SDP Amendment | 23.11 | 12.94 |
| SDP Modification | 12.15 | 4.23 |
| Standard SDP | 24.09 | 18.08 |
| Concept SDP | 22.48 | 52.29 |

Number of Projects – Review Cycles and Approved

Review Cycles

**includes amendments and modifications*

| # of Reviews – Concept SDP | Count – Dec 22 | Count – Apr 8, 23 | Notes |
|----------------------------|----------------|-------------------|--|
| 0 | 2 | 0 | Waiting for 1 st concept review |
| 1 | 110 | 29 | Initial review |
| 2 | 72 | 36 | 2 nd concept review |
| 3+ | 19 | 19 | 3 rd or higher concept review |

| # of Reviews – Formal SDP | Count – Dec 22 | Count – Apr 8, 23 | Notes |
|---------------------------|----------------|-------------------|---|
| 0 | 13 | 22 | Waiting for 1 st formal review |
| 1 | 136 | 137 | Initial review |
| 2 | 94 | 89 | 2 nd formal review |
| 3 | 46 | 62 | 3 rd formal review |
| 4 | 55 | 55 | 4 th formal review |
| 5 | 36 | 36 | 5 th formal review |
| 6+ | 35 | 44 | 6 th or higher formal review |

Approved – as of April

- 200 concept SDPs have been released to submit for formal SDP
- 226 formal SDPs have been approved

Building Code Transition Timeline

- 2022 Denver Building Code (DBC) approved January 2023 and goes into effect for any new building permit submittals made on May 1, 2023
- The amendments to change the SDP approval dates DO NOT change the building code requirements
- Major projects (valuation of \$10M or more, not International Residential Code or tenant improvements) under design during the code adoption process can request to continue under the 2019 DBC and submit for building permits after the effective date. Written requests must be submitted to the Building Official

Questions?

Tentative schedule if moved out of committee:

- Mayor Council – April 25th
- 1st reading – May 1st
- Final consideration and public hearing for zoning ordinance amendment – May 22nd