



2705 Stout Street  
Denver, CO 80205

September 16, 2013

Denver City Council  
1431 Bannock St  
Denver, Colorado 80202

### **Curtis Park Neighbors Supports BR13-0589, Amending DRMC Chapter 59**

**Curtis Park Neighbors (CPN) supports the BR13-0589, which proposes to amend Chapter 59 to clarify that applicable “controlled” districts still mapped using the old zoning code (Former Chapter 59) must recognize both old-zoning-code and new-zoning-code (Denver Zoning Code) low-scale neighborhood zone districts on the list of “protected districts” for bulk plane purposes.**

This important compatibility measure, which exists in different implementations in both the old and new zoning codes, provides a very critical regulation requiring the mass of buildings to “step down” to adjacent neighborhoods. Although care was taken to ensure that the new zoning code would recognize any of the “protected districts” from the old zoning code, an oversight was made in ensuring the compatibility was symmetric. Without this correction, higher-density “controlled” districts in the old zoning code don’t have to recognize any need to step down (via bulk plane limitations) when mapped next to “protected” neighborhood districts from the new zoning code. This leads to unintended consequences in straightforward cases where a neighborhood’s zoning went from an old-code protected district to a new-code protected district with 2010’s zoning code update, and suddenly the unchanged adjacent higher-density area no longer is required to respect the protected nature of the adjacent neighborhood’s zoning.

After our friends in Jefferson Park ran into a case of a developer looking to take advantage of this error in the code, we reviewed the zoning at all of the Curtis Park edges where old-code zoning remains. We found that in some cases this error could be exploited in our neighborhood as well (although this has not yet happened). CPD staff has developed a compelling graphic illustrating all the places in the city where old-code “controlled” districts are adjacent to new-code “protected” districts – these are all at risk of using this unintended gap between the two zoning codes’ regulations, and should demonstrate why **this needs to be corrected as quickly as possible.**

Although this is not the only gap in how old and new zoning codes work when mapped next to one another, it is the most urgent. We trust that other, less pressing gaps will be considered by CPD for any further changes warranted in the coming months.

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*This position was taken at the regularly scheduled Curtis Park Neighbors Board meeting on August 19, 2013, as noticed to the neighborhood in the Curtis Park Times newsletter delivered to every residence and business in the neighborhood, with open participation solicited.*