

## Appendix of Comments Received Since July 9, 2024

Comments on the Bundle, excluding Carriage Lot Comments	pages 2-30
Comments Related to Proposed Carriage Lot Development Changes	pages 31-75
Comments and Responses on the Public Draft	pages 76-87
Comments Received After Release of Revised Public Review Draft	pages 88-95

**From:** [Brandon Mixon](#)  
**To:** [Miller, Alek - CPD Senior City Planner](#)  
**Subject:** [EXTERNAL] Proposed Zoning Change Comment  
**Date:** Wednesday, July 17, 2024 3:04:48 PM  
**Attachments:** [image001.png](#)

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Hi Alek

I found you contact while reviewing the proposed Zoning Changes. I have recently had two separate reviewers with different interpretations of linear measurements of windows. One measures the entire window unit IE exterior edge of frame to opposite exterior edge of frame ignoring mullions in the glazing. The other reviewer required us to subtract ever vertical mullion from the linear dimension including only the glazing in each window. The below image has created the two separate interpretations. The first reviewer believes the vertical element between the two windows noted with “Linear Feet of window” as a piece of wall. The second reviewer believes the vertical element is a mullion in a larger window assembly link storefront.



It might be helpful to provide a more detailed definition of what portion of the window is included frame and glazing or just glazing.

Thanks for your time and have a great week!

**Brandon Mixon** NCARB LEED AP  
Associate Principal

**4240 Architecture Inc**  
3507 Ringsby Court Suite 117  
Denver Colorado 80216

D 303 785 7276  
T 303 292 3388  
W [4240architecture.com](http://4240architecture.com)

[//visit 4240NOW for the latest...](#)

**From:** [Cory Rutz](#)  
**To:** [Miller, Alek - CPD Senior City Planner](#); [Axelrad, Tina R. - CPD Zoning Administrator](#)  
**Cc:** [Sean Maley](#)  
**Subject:** [EXTERNAL] RE: Comments to Text Amendment Bundle  
**Date:** Tuesday, August 20, 2024 3:29:10 PM

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Hi Alek,

We noticed that this bundle is scheduled for Planning Board on October 16, but couldn't track down a copy of the revised text amendment that is mentioned on the website. Did you have a chance to review the below, and/or would you be able to pass along the updated text?

Thanks!

**Cory M. Rutz**

Attorney at Law

Pronouns: she/her/hers

**Otten Johnson Robinson Neff + Ragonetti PC**

Suite 1600 | 950 17th Street | Denver, Colorado 80202

DIRECT 303.575.7531 | MAIN 303.825.8400 | FAX 303.825.6525

[CRutz@ottenjohnson.com](mailto:CRutz@ottenjohnson.com) | [My Profile](#) | [vCard](#)

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**From:** Cory Rutz

**Sent:** Wednesday, July 31, 2024 3:55 PM

**To:** [alek.miller@denvergov.org](mailto:alek.miller@denvergov.org); Axelrad, Tina <[tina.axelrad@denvergov.org](mailto:tina.axelrad@denvergov.org)>

**Cc:** Sean Maley <[smaley@crlassociates.com](mailto:smaley@crlassociates.com)>

**Subject:** Comments to Text Amendment Bundle

Alek and Tina,

Sean Maley (cc'd) and I are both working on a few projects where this multi-owner PBG/SDP issue has come up, most notably and recently with the Northfield Mall and the affordable project proposed by Elmington at 40<sup>th</sup> and Colorado. First of all, thank you and the whole team for making this a priority, and for putting so much thought into the proposed text amendment!



If approved, this will be huge for those vacant shopping center type parcels, and (in my opinion, or perhaps hope) barriers to housing and infill development overall.

We've both reviewed based on our respective experience with this issue, and put together the following comments to the proposed text. Most of them are fairly straightforward, but we'd love to jump on a call at any time to talk through any questions, comments, or further considerations.

#### Section 12.3.7.2.A

- 3.a. Applicability of Exception
  - As drafted, this language appears to require the entire area subject to the site plan to be subject to the DZC. Because this issue is arising in several contexts that have multiple owners within a site plan in Former Chapter 59, it would require a rezoning of the full area in order to benefit from this procedure. We'd suggest revising so that only the portion of the property that is subject to the proposed amendment be within the DZC. Rezoning a third party's property, while possible, isn't a great start to a redevelopment project—we're of course seeing this right now with Elmington's project and the opposition letter received by one of the neighbors whose property is proposed to be rezoned!
  - In the second-to-last sentence, "site plan" is used in the context of a planned building group. In our experience the titles of these documents vary, with some called "development plans," some simply called "PBGs."
  - Should this applicability section be located above, such that it would apply to amendments in Section 2 above?
- 3.b.iv.
  - Could this notice period simply track the ZPIN process, but with a required inclusion of all owner owners within that notice?
  - 10 days after the concept meeting is quick.
- 3.b.v.(a).
  - As drafted, this criterion is quite broad. At the very least would recommend adding "material" to "adverse impacts," as perception of adverse impacts can vary.
  - Also, would propose tying this criterion back to the additional information that the DRC may require per Section 3.b.ii.(a) above—i.e., only material, adverse impacts that are new relative to those parameters that applied to the original application.
- 3.b.iii. Including instructions for how to appeal a decision in this post-approval notice seems to invite an appeal, and isn't consistent with any other city notice procedure we're familiar with. Also, the other similar provisions of the DZC simply reference making an appeal "pursuant to the rules and regulations of the Board of Adjustment" without referencing a specific appeal period, presumably to allow the BOA to change those rules without necessitating changes to the DZC. We'd recommend doing the same here, and that the post-approval notice would only require the post-approval notice to reference this section of the DZC, e.g., "a request for amendment to site plan pursuant to Section 12.3.7.2 has been approved." Note that those rules provide for a 15-

day appeal period.

- General minor comments:
  - Numbering is off at the romanette level.
  - “informatonal” in 3.b.iii.
  - “limitatins” in 3.b.

#### Section 12.3.7.2.A

- Should the note about applicability to Former Chapter 59 PBGs be incorporated here, too?

More generally, we’re curious as to:

- Whether the city has considered a similar mechanism for amending a zone lot boundary? It’s probably moot given that an owner could address the SDP independent of the zone lot boundary, if it meets the criteria, but wanted to ask.
- About how long the DRC review set forth in Section 3.7.2.B would take from concept application to decision?

**From:** [Katie Fox](#)  
**To:** [Miller, Alek - CPD Senior City Planner](#); [Hernandez, Adam C. - CAO Senior Assistant City Attorney](#)  
**Cc:** [Trust of Corey M. Parker \(Work\)](#); [Trust of Corey M. Parker \(Work\)](#); [Jody Alderman](#)  
**Subject:** [EXTERNAL] Comments and questions re: 2024 Text Amendment Bundle - Denver Zoning Code  
**Date:** Friday, August 9, 2024 12:38:49 PM  
**Attachments:** [2024.8.9 DZC comments on text amendments ABLAW.pdf](#)

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Dear Alek Miller,

We appreciate the opportunity to make public comments on the proposed 2024 Text Amendment Bundle. In addition to commenting through the online forum, attached please find our comments and suggestions written in [green](#).

In particular, we wanted to explain our proposed change to Table 12.4.5.2.J.3-1 – Administrative Adjustments Available to Zone Lots with the Following Primary Building Forms: Suburban House, Urban House . . .

The extent of adjustment allowed (middle column) for Side Interior Setback requirements on Zone Lots greater than 30 feet wide up to and including 40 feet wide is the equivalent of a 40% change. We believe the same degree of change should be allowed for setback requirements on all others. Accordingly, we recommend that the 25% adjustment allowed should be amended to 40%. In the alternative, the extent of adjustment allowed for setback requirements, all others, could read “No limit, provided the adjustment results in a Side Interior Setback no less than 5 feet.”

Also, we are curious why the required votes to approve a variance will become a super majority (4 out of 5 BOA members) instead of the current requirement of 3 out of 5 votes. Can you explain why the City proposes making it more difficult for variance approval? See Section 12.2.6.9.

Finally, if you could provide us with a timeline and process for approval of these text amendments in the months ahead, we would greatly appreciate it.

Thank you for your time and consideration,

KATIE R. FOX

**ALDERMAN BERNSTEIN**

101 University Blvd., Suite 350, Denver, CO 80206

[krf@ablawcolorado.com](mailto:krf@ablawcolorado.com)

720-460-4204



**From:** [Cory Rutz](#)  
**To:** [Miller, Alek - CPD Senior City Planner](#); [Axelrad, Tina R. - CPD Zoning Administrator](#)  
**Cc:** [Sean Maley](#)  
**Subject:** [EXTERNAL] RE: Comments to Text Amendment Bundle  
**Date:** Tuesday, August 20, 2024 3:29:10 PM

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Thanks!

**Cory M. Rutz**

Attorney at Law

Pronouns: she/her/hers

**Otten Johnson Robinson Neff + Ragonetti PC**

Suite 1600 | 950 17th Street | Denver, Colorado 80202

DIRECT 303.575.7531 | MAIN 303.825.8400 | FAX 303.825.6525

[CRutz@ottenjohnson.com](mailto:CRutz@ottenjohnson.com) | [My Profile](#) | [vCard](#)

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**From:** Cory Rutz

**Sent:** Wednesday, July 31, 2024 3:55 PM

**To:** [alek.miller@denvergov.org](mailto:alek.miller@denvergov.org); [Axelrad, Tina <tina.axelrad@denvergov.org>](mailto:Axelrad, Tina <tina.axelrad@denvergov.org>)

**Cc:** [Sean Maley <smaley@crlassociates.com>](mailto:smaley@crlassociates.com)

**Subject:** Comments to Text Amendment Bundle

Alek and Tina,

Sean Maley (cc'd) and I are both working on a few projects where this multi-owner PBG/SDP issue has come up, most notably and recently with the Northfield Mall and the affordable project proposed by Elmington at 40<sup>th</sup> and Colorado. First of all, thank you and the whole team for making this a priority, and for putting so much thought into the proposed text amendment!

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#### Section 12.3.7.2.A

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  - As drafted, this language appears to require the entire area subject to the site plan to be subject to the DZC. Because this issue is arising in several contexts that have multiple owners within a site plan in Former Chapter 59, it would require a rezoning of the full area in order to benefit from this procedure. We'd suggest revising so that only the portion of the property that is subject to the proposed amendment be within the DZC. Rezoning a third party's property, while possible, isn't a great start to a redevelopment project—we're of course seeing this right now with Elmington's project and the opposition letter received by one of the neighbors whose property is proposed to be rezoned!
  - In the second-to-last sentence, "site plan" is used in the context of a planned building group. In our experience the titles of these documents vary, with some called "development plans," some simply called "PBGs."
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- About how long the DRC review set forth in Section 3.7.2.B would take from concept application to decision?

**From:** [Paul Norquist](#)  
**To:** [Miller, Alek - CPD Senior City Planner](#)  
**Subject:** [EXTERNAL] Text Amendment bundle comments  
**Date:** Tuesday, August 20, 2024 12:24:40 PM

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Alek-

Thank you for taking comments on the Text Amendment Bundle. I was perusing the Article 5 today to get an idea of the proposed changes and there seems to be some confusion in the new 'accessory structure' tables. Assuming this relates to all other Articles as well. A couple of things in the Minor Detached Accessory Structures table;

1. If these structures are exempt from zoning permits how would they be included in Max Building Coverage calculations unless part of a new construction permit set?
2. The way I read this, if an owner wanted to have an Arbor and a Shed, since they would both be above the 4' height limit of Option A, they fall under Option B and only 1 or the other would be allowed. Or does the "Total Number of Each Structure" mean that a zone lot may not have 2 sheds or 2 arbors or 2 play structures, but may have one of each? The language there is not clear. I'd hate to see the case where the city is forcing a homeowner to choose between a storage shed and a play structure for their kids.

It seems that the majority of the items listed as Minor Detached Accessory Structures, with the exception of mechanical equipment, are typically owner installed items after construction. We have done hundreds of addition remodels and new construction homes in Denver, and with a few rare exceptions, sheds, pergolas, arbors, planters, play structures, etc.. are not included in the permit scope of the project. If they are installed, they are done so by the owner or a landscape contractor hired after the construction permit has been closed out. If the intent is to get owners to record these items in city document, in my opinion, adding this language in the code will only further push projects to not include these items in remodel and new construction permit sets as they do not require zoning permits anyway.

There should also be a reference to section 13.1.5.13-C. in the table to clarify that certain structures are excluded from Building Footprint/lot coverage calculations.

Thanks

Paul Norquist



**paul norquist**

O\_303-561-3000

M\_303-506-1148

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**From:** [Steven Ferris](#)  
**To:** [Miller, Alek - CPD Senior City Planner](#)  
**Subject:** [EXTERNAL] 2024 DZC Bundle Comments  
**Date:** Wednesday, August 28, 2024 2:50:22 PM

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Alek,

Forgive me for this less than comprehensive review of the changes proposed. I am currently stretched for time and expecting to refine some of this thinking when this goes to the Planning Board. Please note that if I do not provide a comment below on specific sections I am in support of those changes.

On an overarching matter to these changes, it is time for CPD and the city to adopt a standard practice to establish the effective dates of all zoning code changes. The continual rethink on effective dates, and political threats to rethink them, create needless stress and questions for both staff and applicants. The rule should be that an complete application for a zoning permit or formal SDP will be under the rules in effect when the application was deemed complete and in process. It's that simple.

Anyhow, please accept the following comments:

Article 1

Section 1.4.5., Building Connectors. These revisions here should make some accommodation to allow commercial buildings to construct connecting bridges limited to specific sizes, 0' zoning setbacks, and subject any DOTI ROW permits. No one believes Denver is looking to replicate the Twin Cities' skyway system. Precluding such activity because of a zone lot boundary concern and the definition of a "common wall" defies logic. Zone lot boundaries are clear, building over them does not remove their importance. Carving this exception would be in the public purpose, and throw a small lifeline to a struggling office space market.

Article 10

A. Let's spend some time incorporating the EV and EVSE parking spaces found in the building code into the zoning code. Sending site designers shopping to find these standards is needlessly time consuming, and a needles challenge to SDP reviewers.

B. 10.4.5.3.A.5. Let's increase the requirement to complete a ZPIN for parking reductions to 50%. The ZPIN process already has its own limitations, so why insist on it for something like a small parking adjustment?

C. 10.4.6. When punting a vehicular standard to DOTI, would it be possible to also make clear DOTI's decision will not be subject to the DOTI variance procedure, which also takes needless time and money?

D.10.4.8. Generally, why are we making loading space design and accommodation more difficult? Is there an identified problem with the lack of loading spaces in the city? I ask because most of them go unused except for occasional deliveries and move-in days.

1) 10.4.8.2.A. should preserve the exception for not providing loading in the MS zone district. Areas zoned in this way are typically smaller lots and smaller buildings where providing loading is more onerous. Requiring them literally reduces the numbers of units able to be built, and again wastes space.

2) 10.4.8.4.B. should establish rationale standards for loading space sizes based on the building location, configuration, and layout. Please stop assuming every apartment building is a 300-unit luxury building, as many are smaller and focus on smaller units. Smaller units do not need loading for the largest truck possible.

3) Isn't 10.4.8.4.C. a complete rewrite of 10.4.8.3.C? Why isn't it being shown that way? Then, this language should be expanded to accommodate shared loading across alley or street ROW. Some flexibility on this would help given that most loading spaces are empty for long periods of time.

4) 10.4.8.4.D. should be expanded to allow ANY amount of required loading spaces to be placed on the street, not just those requiring 2 or more loading spaces.

E. 10.6.4.3.and 4 need some flexibility. The 1' threshold should be 2'. Very little is gained when we overly regulate this with such painstaking detail. Also, the exception should be expanded to situations where the grade change is needed to enhance screening and privacy measures, such as placement of elevated planters.

## Articles 12 & 13

A. 12.2.6.9.A.2. Changing the voting threshold to approve a variance AGAIN? Does CPD feel threatened by the ability of the BOA to simply overrule their decisions? This is especially ironic given that only 2 years ago CPD recommend reducing the threshold from 4 to 3 votes by pointing out that most cities also have a simple majority vote to approve a variance. Why the back and forth? The 3-vote threshold should be Maintained.

B. 12.3.3.12.A. This language is clear, except A.2. should be 90 days and A.3. is exceedingly vague. Often a request for additional material will take significant time for an applicant to prepare.

C. 12.3.7.2.B.2.n. Good work overall, but paragraph n. at the end of this critical section continues to hold outsize power to interpret away any of the above provisions a.-m. It should be cleaned up substantially or removed entirely.

D. 12.4.3.2.A. & B. These sections continue to lack clarity while A.4. and B.4. have circular errors. B.4. is particularly egregious, as it has established a precedent whereby a concept SDP review is held to determine whether a concept SDP review is needed. Yes, you read that right — it is a process to determine a process. Too many projects have been stuck in this permitting vortex by this language. B.4. should be removed.

E. 12.4.3.2.C.2. should expand on this exceptions list to allow building permit issuance in the judgment of the zoning administrator, when issuance is warranted due to factors outside of the control of CPD, and C.O. of any associated permit is withheld until such time the associated SDP is approved. I cite this language because I have seen building permits held up by nonsensical DOTI standards, and DOTI themselves recommended issuance of a building permit prior to SDP. (They wanted time to resolve the matter but not hold up construction.)

F. 12.4.7.7.C. This again smells like CPD preferring their authority over the rights of appellants. I can see a 1-year prohibition on refileing, but 3 years is too much, because conditions can often change quickly and the right to file an appeal should be maintained.

G. 13.1.3.3. The proposal to eliminate provisions allowing an extra story of parking, whether as a mezzanine or extra story hidden behind the appearance of 1 story, is a flawed choice. Many applicants feel the need to take advantage of this provision. It saves money and can allow more units to be built. I can see that staff struggles with implementing it, but that mean the rules must be clarified, not simply expunged. Moreover, there is no aesthetic justification for this removal. I urge CPD to maintain and clarify these provisions.

Thank you for your consideration,  
Steve

**Steven Ferris**

**The Real Estate Garage**

**ph: 303-435-5393**

**email: [steve@realestategarage.net](mailto:steve@realestategarage.net)**

## Comments from the Board of Adjustment, Received Aug. 30

The following are comments on remaining items of the text amendment, a no-comment on an amendment means concurrence.

12.2.6.2.G. “Relevant city agencies shall provide training to the Board of Adjustment on the following subjects as new members are appointed or upon major legal or policy updates.”

Comment: An annual session, or quarterly reviews of “dead cases” may be useful to review the performance of the Board and findings in the annual report.

12.2.6.9.A.2. “The concurring vote of 4 members of the Board of Adjustment shall be necessary to decide in favor of the applicant...”

Comment: There is no paradox between the powers of the Board of Adjustment to “strictly enforce the Zoning Code (§12.2.6.9.C),” and the purpose of the Zoning Code “to implement Denver’s Comprehensive Plan, to guide orderly development, and to promote public health, safety, and welfare (§1.1.1).” The Zoning Code empowers the Board of Adjustment to authorize variances “subject to terms and conditions fixed by the Board of Adjustment, as will not be contrary to the public interest and where owing to justifying circumstances, deviation from literal enforcement or application of this Code is reasonable (§12.4.7.1).” In the August 13, 2024, study session, the Board heard discontent from the Zoning Administration about the increasing number of rulings by the Board against the recommendations of the Zoning Administration. The Board explored several potential reasons, one of them being the vote change from a supermajority (4/5) to a simple majority (3/5). Since the last text amendment, as administrative adjustments have increased, Board decisions adverse to the Zoning Administration recommendations have also increased, it is undetermined at this point whether there is a correlation and whether the change from a supermajority to a simple majority is the reason for the change. Reverting to a supermajority may be seen as a regression in Denver’s statutory evolution. The proposed text amendment may intend to prevent harm to zoning by disallowing an application, for instance, to acquire a variance, when in fact, it is in the minor differences where deviation from literal enforcement or application of this Code is reasonable. A simple majority in a bench of five is a democratic and well-balanced threshold for decision making and the proposed text amendment should be eliminated.

Comment: This is a shared feeling among the Board, that leaving the approval requirement at 3 votes rather than 4 votes is appropriate.

12.4.1.2.B.2.a

Comment: Zoning permits are required for new driveways and driveway expansions, despite them being less than 12 inches in height. Although this is called out below in 12.4.1.2.D.1, it may be worth mentioning here as well. I think people get this far and see that it’s less than 12 inches in height and stop reading, missing that a zoning permit is necessary for a driveway.

12.4.7.4.B

Comment: Practically speaking, the BOA needs to have a copy of the Pre-Application Referral Letter that CPD issues following the Pre-App meeting. The Referral Letter serves as the gate keeping document that must be issued before an application can be filed with the BOA. However, this document is not identified anywhere in the Code. This only requires that the Pre-App meeting be held, it doesn't require anything further. If an applicant were to have the Pre-App meeting, but not have the Pre-App Letter, we would seemingly have to accept an application from them, despite not having the Letter that we need to determine our subject matter. I think a reference to the letter should be included.

12.4.7.5.B.1.c

Comment: There is a sense that Design elements is a little vague and could be broadly interpreted. This could be resolved by rephrasing as 'Design elements in the applicable building form standards table' or something similar, to help ensure it is not more broadly applied.

12.4.7.5.B.3.b.ii. "Whether the grant of the variance would establish a precedent in the existing neighborhood for similar future requests, which taken cumulatively, would adversely impact the existing character and built context in the identified existing neighborhood."

Question: how can the Board of Adjustment envisage the cumulative effect of requests that have not yet been formulated?

Comment: In further consideration to the comment relating to the Board *establishing a precedent*, it seems that a repetition of similar conclusive zoning reliefs offered from the Board could possibly adversely impact the neighborhood character or they just may indicate that a zoning code item may need to be modified or reevaluated. One example could be the repetitive zoning relief requests for front encroachments stemming from the use of brick or stonework at the front façade of buildings. The use of brick or stonework typically *enhance the neighborhood character*, but many times are not part of a project's design since they're not included in the DZC list of items allowed to encroach into the front setback.

12.4.16.5. Review Criteria

Comment: It is not clear where the paragraph starts (delete "for no more than 5 years, of the enforcement of such order" from the first paragraph).

12.4.16.7.A Expiration and Extensions

Change " and may an extension grant " to "...and may grant an extension..."

13.1.2.2.B.1. Two Base Planes

Comment: Please provide an explanatory graphic.

13.1.3.2. Base Plane in other zone districts

Comments from the Board of Adjustment, Received Aug. 30

Question: The Board of Adjustment has seen many applications from SU zone districts that claim unusual conditions or circumstances. Are there options, like Two Base Planes, that can be explored?

13.1.3.4.B.1. Rule of Measurement

Comment: add the “s” to “portion.”



**Right of Way & Permits**

1123 West 3<sup>rd</sup> Avenue  
Denver, Colorado 80223  
Telephone: **303.571.3306**  
Facsimile: 303.571.3284  
donna.l.george@xcelenergy.com

September 12, 2024

City and County of Denver Development Services  
201 West Colfax, Department 205  
Denver, CO 80202

Attn: Alek Miller

**Re: 2024 Text Amendment Bundle**

Public Service Company of Colorado’s (PSCo) Right of Way & Permits Referral Desk has reviewed the **2024 Text Amendment Bundle**. Please be advised that PSCo owns and operates natural gas and electric distribution facilities throughout the City and County of Denver, as well as high-pressure natural gas transmission pipelines and high-power electric transmission facilities in various areas. PSCo reserves the ability to maintain all existing rights and these amendments should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities, and that our current use/enjoyment of the area would continue to be an accepted use on the property and that it be “grandfathered” into these changes.

Setbacks should not impair PSCo’s ability to locate any necessary transformers and/or switch cabinets on properties.

The Customer/Applicant is responsible for obtaining the appropriate zoning permits and receiving approval from the Zoning Department for any necessary pad mount transformers and/or switch cabinets on this property, which may include review by the Board of Adjustments.

PSCo requests that the following language is added:

*Per OSHA standards, a minimum 10-foot radial clearance must be maintained at all times from all overhead electric facilities including, but not limited to, construction activities and permanent structures.*

Donna George  
Right of Way and Permits  
Public Service Company of Colorado dba Xcel Energy  
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com



**From:** [Jennings Golich, Jill R. - CPD CA2951 Deputy Manager](#)  
**To:** [Miller, Alek - CPD Senior City Planner](#); [Axelrad, Tina R. - CPD Zoning Administrator](#)  
**Cc:** [Baker, Evelyn T. - CPD CA2951 Deputy Manager](#)  
**Subject:** FW: 2024 Zoning Amendments  
**Date:** Friday, September 20, 2024 8:38:38 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)


Sorry for not sending sooner, wasn't sure what Manish was intending to do with the comments. Below are comments on two different things in the bundle – extra story for parking and BoA proposed changes.

 <b>DENVER</b> THE MILE HIGH CITY	<b>Jill Jennings Golich</b>   Deputy Director Community Planning and Development   City and County of Denver <a href="#">Pronouns</a>   She/Her phone: (720) 865-2909   cell: (303) 349-1592 <a href="#">311</a>   <a href="#">denvergov.org/CPD</a>   <a href="#">Denver 8 TV</a>   <a href="#">Facebook</a>   <a href="#">Twitter</a>   <a href="#">Instagram</a>
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**From:** Kumar, Manish A. - CPD Executive Director of CPD <[manish.kumar@denvergov.org](mailto:manish.kumar@denvergov.org)>  
**Sent:** Thursday, September 19, 2024 2:24 PM  
**To:** Jennings Golich, Jill R. - CPD CA2951 Deputy Manager <[Jill.JenningsGolich@denvergov.org](mailto:Jill.JenningsGolich@denvergov.org)>; Baker, Evelyn T. - CPD CA2951 Deputy Manager <[Evelyn.Baker@denvergov.org](mailto:Evelyn.Baker@denvergov.org)>  
**Subject:** Re: 2024 Zoning Amendments

Sounds good to me.

MK

 <b>DENVER</b> THE MILE HIGH CITY	<b>Manish Kumar, PE</b>   Executive Director / Manager Community Planning and Development (CPD)   City and County of Denver <a href="#">Pronouns</a>   He/Him/His phone: (720) 865-2962   cell: (303) 916-0307 <a href="#">311</a>   <a href="#">denvergov.org</a>   <a href="#">Denver 8 TV</a>   <a href="#">Facebook</a>   <a href="#">Twitter</a>   <a href="#">Instagram</a>
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**From:** Jennings Golich, Jill R. - CPD CA2951 Deputy Manager <[Jill.JenningsGolich@denvergov.org](mailto:Jill.JenningsGolich@denvergov.org)>  
**Sent:** Thursday, September 19, 2024 2:19 PM  
**To:** Kumar, Manish A. - CPD Executive Director of CPD <[manish.kumar@denvergov.org](mailto:manish.kumar@denvergov.org)>; Baker, Evelyn T. - CPD CA2951 Deputy Manager <[Evelyn.Baker@denvergov.org](mailto:Evelyn.Baker@denvergov.org)>  
**Subject:** RE: 2024 Zoning Amendments

Can I pass these comments along to the Zoning team?

 <b>DENVER</b> THE MILE HIGH CITY	<b>Jill Jennings Golich</b>   Deputy Director Community Planning and Development   City and County of Denver <a href="#">Pronouns</a>   She/Her phone: (720) 865-2909   cell: (303) 349-1592 <a href="#">311</a>   <a href="#">denvergov.org/CPD</a>   <a href="#">Denver 8 TV</a>   <a href="#">Facebook</a>   <a href="#">Twitter</a>   <a href="#">Instagram</a>
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**From:** Kumar, Manish A. - CPD Executive Director of CPD <[manish.kumar@denvergov.org](mailto:manish.kumar@denvergov.org)>  
**Sent:** Thursday, September 19, 2024 6:50 AM  
**To:** Jennings Golich, Jill R. - CPD CA2951 Deputy Manager <[Jill.JenningsGolich@denvergov.org](mailto:Jill.JenningsGolich@denvergov.org)>; Baker, Evelyn T. - CPD CA2951 Deputy Manager <[Evelyn.Baker@denvergov.org](mailto:Evelyn.Baker@denvergov.org)>  
**Subject:** Fwd: 2024 Zoning Amendments

Fyi



**Manish Kumar, PE** | Executive Director / Manager  
Community Planning and Development (CPD) | City  
and County of Denver  
[Pronouns](#) | He/Him/His

phone: (720) 865-2962 | cell: (303) 916-0307

[311](#) | [denvergov.org](http://denvergov.org) | [Denver 8 TV](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

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**From:** Greg Iturreria <[greg.iturreria@bmcinv.com](mailto:greg.iturreria@bmcinv.com)>  
**Sent:** Wednesday, September 18, 2024 9:40:44 PM  
**To:** Kumar, Manish A. - CPD Executive Director of CPD <[manish.kumar@denvergov.org](mailto:manish.kumar@denvergov.org)>  
**Subject:** [EXTERNAL] RE: 2024 Zoning Amendments

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Hi Manish,

I wanted to follow up on my email below to also point out that the Amendments will severely change the effectiveness of the BOA which is an important part of the zoning process. We need to have strong and independent BOA that can step in and provide clarity and direction when we inability come up against provisions of the code that don't apply as intended to unique parts of projects. We strongly encourage you and your team to keep the BOA as it is.

**Greg Iturreria**  
Managing Director, Head of Development

**BMC INVESTMENTS**  
205 Detroit St. Suite 400  
Denver, CO 80206  
P 303.229.8296 (Cell)  
[Greg.Iturreria@bmcinv.com](mailto:Greg.Iturreria@bmcinv.com)  
[www.bmcinv.com](http://www.bmcinv.com)

---

**From:** Greg Iturreria  
**Sent:** Thursday, September 12, 2024 6:20 PM  
**To:** Manish (City Of Denver Building Department) Kumar <[Manish.kumar@denvergov.org](mailto:Manish.kumar@denvergov.org)>  
**Subject:** FW: 2024 Zoning Amendments

Hi Manish,  
Sorry for the delay in sending this to you.

I agree with the decision to completely remove Mezzanines out of the Zoning Code. This is something that Chris has been wanting to remove from the code and as it is part of the building interior the IBC can speak to it.

The provisions that is the most concerning to us section 13.1.3.B.5, which is the section that grants us the ability to add the additional floor, has been removed completely. As you have seen it is not perfect and needs to be cleaned up but by cutting it out, we lose the extra floors that are allowing our urban infill projects to pencil. This is going to kill projects like Cherry Lane and

299 in Denver. There are two possible solutions that I see:

- Removing section 13.1.3.B.5 would not be an issue if the Max Stories requirement (Shown below highlighted in yellow) was removed from all zone districts and we just relied on Max Feet that is already in the Zoning code and IBC min floor requirements that also already exist. We have no issue building the buildings under the total height requirement (Max Feet) but need the ability to maximize the efficiency of the building to make the project pencil. Following the same logic that Chris is using for the Mezzanines the number of floors is a building interior issue and should be pulled out of the zoning code.
- The other option that I see is we can fix the issues with 13.1.3.B.5 allowing it to reference the zoning that the building is under not C-MS.

Hopefully this is helpful, I am happy to chat about any of this.

Matt and I would like to meet with you and Olga to discuss the pathway forward through SDP on Cherry Lane, do you have any time next week?

●

## 5. ~~Parking-Structure Stories~~

### a. ~~Intent~~

~~To promote a high-quality pedestrian experience along the Street Level of a structure containing vehicle parking by providing an exception to the allowed height in stories, but not to height in feet.~~

### b. ~~Applicability~~

~~This section 13.1.3.3.B.5 shall apply to multi-story structures that contain both vehicle parking and at least one primary Street Level active use other than Garage Parking.~~

### c. ~~Standards~~

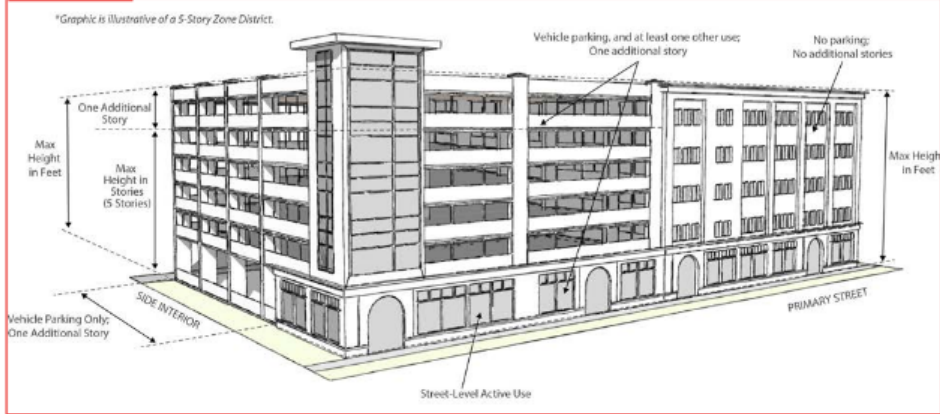
~~i. If no design standard alternatives set forth in the Underlying Zone District or any applicable Overlay Zone District are used to meet any of the required Building Form Standards, and a structure meets the Street Level active use requirements of the Shopfront building form in the C-MS zone districts, then the structure may exceed the maximum height in stories allowed by the applicable Building Form by one additional story at such locations as:~~

~~a) The structure contains vehicle parking and at least one other use, or~~

~~b) The structure contains vehicle parking.~~

~~**For example,** in a 5-story zone district, a structure meeting the Street Level active use requirements may have 6 stories of vehicle parking, or 6 stories of a combination of vehicle parking and office uses. However, a structure may only have 5 stories at such locations as all of the stories contain office uses with no vehicle parking. Stories containing vehicle parking may be sandwiched between stories containing other uses. See Figure 13.1-17.~~

Figure 13.1-17

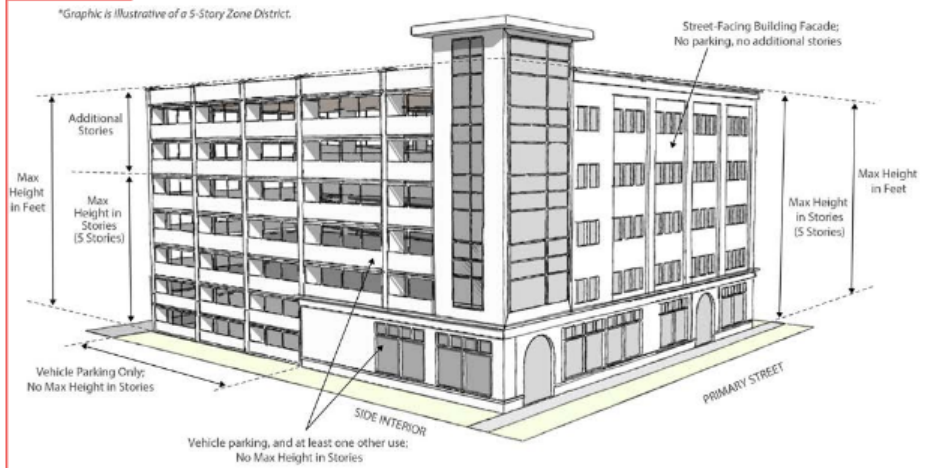


- ii. If a structure meets the Street Level active use requirements of the Shopfront building form in the G-MS zone districts and such Street Level active uses are provided on all stories along each street-facing building façade, then the structure shall have no maximum height in stories at such locations as:
  - a) The structure contains vehicle parking and at least one other use, or
  - b) The structure contains vehicle parking.

A building facade is Street-facing when it meets the criteria in Section 13.1.6.5 Determination of "Street-Facing" Building Elements:

**For example,** in a 5-story district, a structure meeting the Street Level active use requirements on all stories along all street-facing building façades may have an unlimited number of stories containing vehicle parking, or the structure may have an unlimited number of stories containing both vehicle parking and office uses. However, the structure may have only 5 stories at such locations as all of the stories contain office uses with no vehicle parking. See Figure 13.1-18.

Figure 13.1-18



- iii. In addition to the standards in Sections 13.1.2.3.B.5.c.i and ii, the following additional standards shall apply:
  - a) An additional story in height is allowed only at such locations within the Structure where vehicle parking and another non-parking use both occur and are vertically aligned; and
  - b) Except as detailed in the building form standard tables in each of Articles 3-9, a Structure shall not be exempt from the maximum height in feet allowed by the applicable Building Form; and
  - c) A Structure exceeding the maximum height in stories as allowed by this Section 13.1.2.3.B.5 that is not utilizing the height flexibility allowed by Section 10.12.1 Height Incentives, shall not be required to meet the increased requirements for enhanced on-site compliance as set forth in D.R.M.C. Chapter 27, Article X Mandatory Affordable Housing and any applicable Rules and Regulations.

**C. Exceptions From Stories (Max)**

Exceptions from overall height in stories are found in each of Articles 3-9 of this Code.

**13.1.3.4 Height in Feet**

**A. Feet (max)**

## CHERRY CREEK GENERAL

HEIGHT		C-CCN-3	C-CCN-4	C-CCN-5	C-CCN-7	C-CCN-8	C-CCN-12
Stories (max)		3	4	5	7	8	12
Feet (max)		45'	57'	70'	96'	110'	150'
A 3rd Avenue CCN Bulk Plane Applies (see Article 13, Division 13.1)		Yes	Yes	Yes	Yes	Yes	Yes
Height Exceptions		See Section 7.3.7.1					
SITING		C-CCN-3	C-CCN-4	C-CCN-5	C-CCN-7	C-CCN-8	C-CCN-12
REQUIRED BUILD-TO							
B Primary Street (% within min/max)		70% 5'/15'	70% 5'/15'	70% 5'/15'	70% 5'/15'	70% 5'/15'	70% 5'/15'
SETBACKS							
Primary Street (min)		5'	5'	5'	5'	5'	5'
Side Interior (min)		0'	0'	0'	0'	0'	0'
C Side Interior, adjacent to Protected District (min)		10'	10'	10'	10'	10'	10'
Rear, <u>with or without an alley (public or private) and no alley</u> (min)		0'	0'	0'	0'	0'	0'
Rear, adjacent to Protected District, <u>where Alley (public or private) abuts a rear zone lot line/no alley</u> (min)		0'/10'	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'
Rear, adjacent to Protected District, <u>where no Alley (public or private) abuts a rear zone lot line</u>		10'	10'	10'	10'	10'	10'
Setback Exceptions and Encroachments		See Sections 7.3.7.3 and 7.3.7.4					
PARKING							
Surface Parking between building and Primary Street		Not Allowed					
D Surface Parking Screening Required		See Article 10, Division 10.5					
Vehicle Access		See Section 7.3.5.3					
DESIGN ELEMENTS		C-CCN-3	C-CCN-4	C-CCN-5	C-CCN-7	C-CCN-8	C-CCN-12
BUILDING CONFIGURATION							
E Mass Reduction where Zone Lot <u>Size Area</u> is greater than 9,375 square feet (min)		25%	25%	25%	25%	25%	25%
Mass Reduction where Zone Lot <u>Size Area</u> is 9,375 square feet or less, as of October 27, 2014 (min)		na	na	na	na	na	na
F Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)		20'/25'	20'/25'	20'/25'	20'/25'	20'/25'	20'/25'
G Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)		na	35'/40'	35'/40'	35'/40'	35'/40'	35'/40'

**Greg Iturreria**

Managing Director, Head of Development

**BMC INVESTMENTS**

205 Detroit St. Suite 400

Denver, CO 80206

P 303.229.8296 (Cell)

[Greg.Iturreria@bmcinv.com](mailto:Greg.Iturreria@bmcinv.com)

[www.bmcinv.com](http://www.bmcinv.com)

**From:** Greg Iturreria

**Sent:** Wednesday, July 17, 2024 10:34 PM

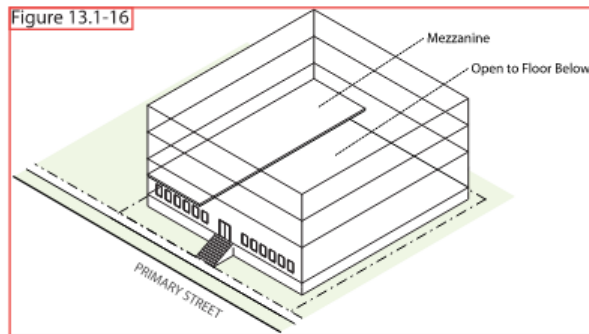
**To:** Manish (City Of Denver Building Department) Kumar <[Manish.kumar@denvergov.org](mailto:Manish.kumar@denvergov.org)>

**Subject:** 2024 Zoning Amendments

Hi Manish,

I was looking at the 2024 Zoning Amendments that have been posted for public review and unfortunately it looks like the entire section that we have been referencing as the exception for adding the additional floor has been removed completely. This is going to kill projects like Cherry Lane and 299 in Denver. Removing this section would not be an issue if the Max Stories requirement was removed from all zone districts and we just relied on Max Feet that is already in the Zoning code and IBC min floor requirements that also already exist. We have no issue building the buildings under the total height requirement (Max Feet) but need the ability to maximize the efficiency of the building to make the project pencil. Would it be possible to chat

about how we can come up with an equitable solution that works for all of us?



## 5. Parking Structure Stories

### a. Intent

To promote a high-quality pedestrian experience along the Street Level of a structure containing vehicle parking by providing an exception to the allowed height in stories, but not to height in feet:

### b. Applicability

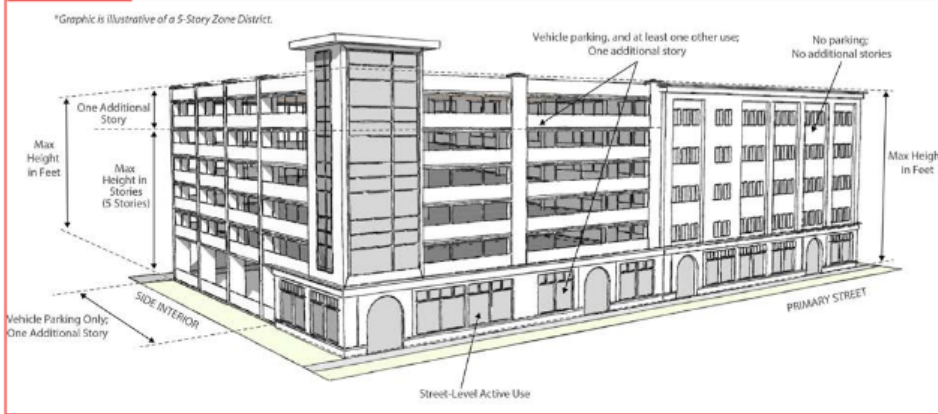
This section 13.1.3.3.B.5 shall apply to multi-story structures that contain both vehicle parking and at least one primary Street Level active use other than Garage Parking:

### c. Standards

- i. If no design standard alternatives set forth in the Underlying Zone District or any applicable Overlay Zone District are used to meet any of the required Building Form Standards, and a structure meets the Street Level active use requirements of the Shopfront building form in the C-MS zone districts, then the structure may exceed the maximum height in stories allowed by the applicable Building Form by one additional story at such locations as:
  - a) The structure contains vehicle parking and at least one other use, or
  - b) The structure contains vehicle parking.

**For example**, in a 5-story zone district, a structure meeting the Street Level active use requirements may have 6 stories of vehicle parking, or 6 stories of a combination of vehicle parking and office uses. However, a structure may only have 5 stories at such locations as all of the stories contain office uses with no vehicle parking. Stories containing vehicle parking may be sandwiched between stories containing other uses. See Figure 13.1-17.

Figure 13.1-17



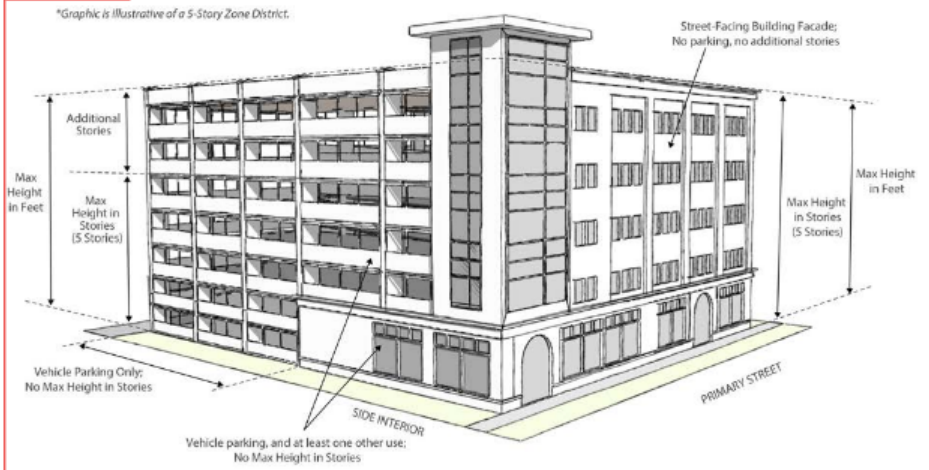
- ii. If a structure meets the Street Level active use requirements of the Shopfront building form in the C-MS zone districts and such Street Level active uses are provided on all stories along each street-facing building façade, then the structure shall have no maximum height in stories at such locations as:
  - a) The structure contains vehicle parking and at least one other use, or
  - b) The structure contains vehicle parking.

A building facade is Street-facing when it meets the criteria in Section 13.1.6.5 Determination of "Street-Facing" Building Elements:

**For example,** in a 5-story district, a structure meeting the Street Level active use requirements on all stories along all street-facing building facades may have an unlimited number of stories containing vehicle parking, or the structure may have an unlimited number of stories containing both vehicle parking and office uses. However, the structure may have only 5 stories at such locations as all of the stories contain office uses with no vehicle parking. See Figure 13.1-18:



Figure 13.1-18



- iii. In addition to the standards in Sections 13.1.2.3.B.5.c.i and ii, the following additional standards shall apply:
- a) An additional story in height is allowed only at such locations within the Structure where vehicle parking and another non-parking use both occur and are vertically aligned; and
  - b) Except as detailed in the building form standard tables in each of Articles 3-9, a Structure shall not be exempt from the maximum height in feet allowed by the applicable Building Form; and
  - c) A Structure exceeding the maximum height in stories as allowed by this Section 13.1.2.3.B.5 that is not utilizing the height flexibility allowed by Section 10.12.1 Height Incentives, shall not be required to meet the increased requirements for enhanced on-site compliance as set forth in D.R.M.C. Chapter 27, Article X Mandatory Affordable Housing and any applicable Rules and Regulations.

**C. Exceptions From Stories (Max)**

Exceptions from overall height in stories are found in each of Articles 3-9 of this Code.

**13.1.3.4 Height in Feet**

**A. Feet (max)**

## CHERRY CREEK GENERAL

HEIGHT	C-CCN-3	C-CCN-4	C-CCN-5	C-CCN-7	C-CCN-8	C-CCN-12
Stories (max)	3	4	5	7	8	12
Feet (max)	45'	57'	70'	96'	110'	150'
A 3rd Avenue CCN Bulk Plane Applies (see Article 13, Division 13.1)	Yes	Yes	Yes	Yes	Yes	Yes
Height Exceptions	See Section 7.3.7.1					

SITING	C-CCN-3	C-CCN-4	C-CCN-5	C-CCN-7	C-CCN-8	C-CCN-12
<b>REQUIRED BUILD-TO</b>						
B Primary Street (% within min/max)	70% 5'/15'	70% 5'/15'	70% 5'/15'	70% 5'/15'	70% 5'/15'	70% 5'/15'
<b>SETBACKS</b>						
Primary Street (min)	5'	5'	5'	5'	5'	5'
Side Interior (min)	0'	0'	0'	0'	0'	0'
C Side Interior, adjacent to Protected District (min)	10'	10'	10'	10'	10'	10'
Rear, <u>with or without an alley (public or private) and no alley</u> (min)	0'	0'	0'	0'	0'	0'
Rear, adjacent to Protected District, <u>where Alley (public or private) abuts a rear zone lot line/no alley</u> (min)	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'	0'/10'
Rear, adjacent to Protected District, <u>where no Alley (public or private) abuts a rear zone lot line</u>	10'	10'	10'	10'	10'	10'
Setback Exceptions and Encroachments	See Sections 7.3.7.3 and 7.3.7.4					
<b>PARKING</b>						
Surface Parking between building and Primary Street	Not Allowed					
D Surface Parking Screening Required	See Article 10, Division 10.5					
Vehicle Access	See Section 7.3.5.3					

DESIGN ELEMENTS	C-CCN-3	C-CCN-4	C-CCN-5	C-CCN-7	C-CCN-8	C-CCN-12
<b>BUILDING CONFIGURATION</b>						
E Mass Reduction where Zone Lot <u>Size Area</u> is greater than 9,375 square feet (min)	25%	25%	25%	25%	25%	25%
Mass Reduction where Zone Lot <u>Size Area</u> is 9,375 square feet or less, as of October 27, 2014 (min)	na	na	na	na	na	na
F Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	20'/25'	20'/25'	20'/25'	20'/25'	20'/25'	20'/25'
G Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)	na	35'/40'	35'/40'	35'/40'	35'/40'	35'/40'

**Greg Iturreria**  
Managing Director, Head of Development

**BMC INVESTMENTS**  
205 Detroit St. Suite 400  
Denver, CO 80206  
P 303.229.8296 (Cell)  
[Greg.Iturreria@bmcinv.com](mailto:Greg.Iturreria@bmcinv.com)  
[www.bmcinv.com](http://www.bmcinv.com)

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**From:** [Logan Duhnkrack](#)  
**To:** [Miller, Alek - CPD Senior City Planner](#); [Axelrad, Tina R. - CPD Zoning Administrator](#)  
**Cc:** [Carly Shapiro](#)  
**Subject:** [EXTERNAL] Zoning Rules & Carriage Lot Development (23rd & Irving)  
**Date:** Wednesday, August 7, 2024 9:45:53 PM

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Hi Alex and Tina,

I'm a current resident and owner at 2329 Irving Street, which backs up to the carriage lot that is potentially being developed.

For reference, we purchased the lot & home in February of this year, so we are new to the neighborhood! When we moved, I was assured by numerous sources (and personally reviewed the zoning codes) that there was really no possible way to develop on the empty carriage lot behind our home for a few reasons; mainly safety-related for surrounding homeowners. Only a month ago, we received an unsolicited email from a mediator, who had been hired by the city to attempt to find middle ground between the lot owners (who are attempting to develop this parcel) and the current homeowners adjacent to the lot. This was a complete 180 from previous discussions with the city, with very little (if none at all...) feedback from the community. In chatting with neighbors on the block, there has been zero involvement or consideration from the community on the proposed changes, which has led to a number of unaddressed concerns related to impacts on all of our properties.

While there are a plethora of reasons why I believe this is an extremely poor attempt at creating additional housing in the city of Denver, the following are "tier 1" issues that need to be addressed and discussed (with the members of the community who actually live adjacent to these lots, not just someone in the City of Denver government offices):

1. Fire hazards:
  1. The current alleyway access to the carriage lot in our neighborhood are literally too narrow to drive a truck bigger than an F-150 through. There is no way a fire truck will have access to this carriage lot, posing a massive risk to all adjacent properties
  2. The proposed new development would significantly increase the density of structures on the block, raising the risk of structural fires spreading between homes on the block
2. Safety issues:
  1. Traffic congestion in an already-busy block with existing hazards for cyclists, traffic, and most importantly, pedestrians (including small children and infants, which are abundant on the block)
3. Removal or destruction of communal spaces:
  1. Loss of shared areas, reduction of community interaction, and diminishment of any sort of "communal spaces", which carriage lots have always informally served as
4. Development issues:

1. The proximity of the proposed development would make access to our (and all neighboring) garages nearly impossible to access and create traffic hazards. I genuinely think this would reduce quality of life, decrease privacy for all residents, and disrupt the unique uniformity that our neighborhood boasts!

I hope you will take these items into consideration, given the lack of transparency over the last few months on this topic. Aside from the inconvenience to all neighbors for construction, utility piping/wiring, aesthetic destruction and overall nuisance this development would cause, this is ultimately a safety issue for residents on the block and residents in the neighborhood who use our communal sidewalks, paths, etc., and I cannot imagine any sort of Fire, EMT, or police force could be supportive of developing these carriage lots.

Thank you for your consideration!

Best regards,  
Logan

--

**Logan Duhnkrack**  
303.587.8823

**From:** [Kathryn Grainger](#)  
**To:** [Miller, Alek - CPD Senior City Planner](#)  
**Cc:** [Axelrad, Tina R. - CPD Zoning Administrator](#)  
**Subject:** [EXTERNAL] Protest Zoning Changes  
**Date:** Friday, August 9, 2024 12:15:45 PM

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I am writing to protest the zoning code changes that would allow for the expansive development of carriage lots like ours across the North Denver area.

Including the historical carriage lots into zoning changes without direct community input is irresponsible. The lack of communication specifically to the neighborhoods directly “connected” either by physical land or surrounded by property is irresponsible. We have voted city council members into office to be the voice of our community. However, the carriage lot blocks will be left voiceless as we were never asked our opinions. We are a unique group of communities and neighborhoods that should not be lumped into future zoning changes. We need our voices heard. I would suspect more carriage lot communities do not know they are at risk to zoning practices that forever our communities. Full transparency, I am a house connected to 3330 West 24th Ave carriage lot. That is the only reason I knew new zoning changes would affect my direct community.

I have called North Denver home for 25 years. I have either lived or worked in this amazing community since I called Denver my new “home”. I cannot speak for every neighbor in a carriage lot community but I greatly oppose linking unique and historic carriage lots into new zoning regulations. Please ask our options before blindly changing our communities forever.

Kathryn T Grainger  
Former Big Brother Big Sister employee - 2420 West 26th Ave  
Former St. Anthony Central Hospital RN - West 16th Ave and Raleigh St  
Former resident- 3335 N. Wyandot St  
Current resident 3337 West 23rd Ave

Sent from my iPhone

**From:** [Keith Meyer](#)  
**To:** [Miller, Alek - CPD Senior City Planner](#)  
**Cc:** [Axelrad, Tina R. - CPD Zoning Administrator](#); [Horn, Melissa A. - CC YA2245 City Council Aide](#); [Sandoval, Amanda P. - CC President Denver City Council](#)  
**Subject:** [EXTERNAL] Issues Regarding Proposed Denver Zoning Code Changes: Carriage Lots  
**Date:** Friday, August 9, 2024 3:05:16 PM

---

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Hello

I'm writing to voice my strong objections to the proposed Denver Zoning Code Changes regarding Carriage Lots (2024 Denver Zoning Code Text Amendment Bundle).

My first concern is just how little feedback from surrounding property owners was solicited regarding these dramatic proposed zoning code changes. It is shocking that you are proceeding so cavalierly without adequately involving or considering feedback from hundreds of Denver residents and property owners directly surrounding carriage lots across the city. Proper community engagement by reaching out to neighbors surrounding lots would identify specific issues and potential negative impacts on neighboring properties, such as increased traffic or privacy concerns that may be overlooked, resulting in unintended consequences for residents.

It's also saddening because this is a real missed opportunity to find positive community based solutions to Denver's Housing and Affordability issues. Many residents understand Denver's need for providing more housing, But, rather than finding real ways to engage with local residents that could provide valuable insights and solutions, this process has not been made known, despite having residents actively seeking to be involved. This has stripped residents of their voices in this process.

Carriage lots often serve as informal community spaces in neighborhoods. Developing these lots can reduce opportunities for communal interaction and recreation. Building them out will inevitably mean the loss of valuable green space, affecting local ecosystems and decreasing neighborhood aesthetics.

There are also significant fire and safety risks that are unaccounted for in simply removing long standing development restrictions such as requiring that only adjacent lot owners can purchase lots and that development agreements need to be reached before zoning changes are approved.

Thank you,

Keith Meyer



**From:** [Megan](#)  
**To:** [Miller, Alek - CPD Senior City Planner](#)  
**Cc:** [Axelrad, Tina R. - CPD Zoning Administrator](#)  
**Subject:** [EXTERNAL] Zoning Code Amendment - Carriage Lots  
**Date:** Friday, August 9, 2024 10:05:47 AM

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Hello, I am the owner of a home that surrounds a carriage lot. When we purchased our home almost 5 years ago, the carriage lot was a significant part of our due diligence process, and we were told by the Seller's real estate agent, and we independently confirmed by reviewing the zoning code, that very limited structures could be built on carriage lots only by an adjacent lot owner. These limitations made us feel conformable following through with the largest purchase and investment decision of our lives. The proposed change to the zoning code to allow individuals that do not own adjacent property to develop these parcels is of great concern to my household, as well as all of my neighbors. My concerns are outlined in more detail below:

1. Access to Garages/Setbacks: The alleyways are very narrow and I have to drive up onto a portion of the carriage lot in order to get in and out of my garage. If a structure or a fence is built on the carriage lot it will make it very challenging if not impossible for us to get in and out of our garage.
2. Construction Issues: There is very limited space on the carriage lot and surrounding alleyways. If a home is built on this parcel, there is very little space for construction vehicles, cement trucks, supplies, etc., and there is a very real risk that construction of a home that takes up the majority of the space on the carriage lot will create access issues to our homes.
3. Service Issues: Utility servicers currently use the space on the carriage lot to park when they are working on powerlines etc. in our neighborhood, and they will no longer have any space to perform these services.
4. Congestion: Building a home on the carriage lot will add significant congestion and take away all of the very little green space on the block.
5. Increased Traffic: In addition to the very significant traffic and interference created by the construction, a new home will add increased traffic through the alleyways due to an entirely new household of residents, guests and visitors.
6. Parking Issues: If the new structure being built does not have a garage, the residents will take spots on the already very



- crowded streets, in addition to spots being taken by guests, visitors, etc.
7. Height Issues: Allowing tall, detached homes that are 24 feet high will add significantly to the congestion issue and would allow the home to be taller than many surrounding structures, impacting the appearance of the neighborhood and likely impacting property values.
  8. Fire Hazard: The increased congested development will limit access for emergency vehicles, and could delay response times and increase risk of damage by fire for every surrounding home.
  9. Snow Removal: Currently the carriage lot holds a lot of excess snow that is removed from the alleys, and there will be nowhere for that excess snow to be stored.
  10. \*Short-Term Rental Risks: Current laws limit short-term rentals to primary residences, which would not apply to accessory dwelling units that are built by adjacent property owners. This change to the zoning code would allow individuals to buy carriage lots and build short-term rentals on them, which would indisputably significantly impact the quality of life of all of the surrounding neighbors and undeniably decrease the value of all of the surrounding homes. There is a very high risk that individuals will see this as an investment opportunity to buy land at a discounted rate and then turn the home into a short-term rental, because many people will not want to build their primary home that they plan to reside in on a carriage lot surrounded by alleys and garages. This factor is one of the most significant issues and risks because it would not be permitted without this zoning change, and it is by far the biggest risk to the surrounding homeowners' quality of life and property values.
  11. Safety Issues: Having residents and visitors out where we all enter our garages at night creates a safety issue. This issue increases exponentially if it is a short-term rental and there are many different unknown people, who have no connection to this neighborhood and whose primary goal is to vacation and party, constantly coming and going in the back of our homes where we enter and exit with our children.
  12. Lack of Knowledge/Transparency: The communication about this issue has been very frustrating and even intentionally misleading in many ways. We were told in February that the question of building on carriage lots was not an issue, and that Councilwoman Sandoval was not in support of this change. However, this change has clearly already been in process for quite some time and is very supported by at least some council members, and yet we only received notice of this change mere weeks ago, and we know that the vast majority of affected homeowners have no idea that this is even a possibility.

In sum, allowing these carriage lots to be developed by individuals

that do not own adjacent property fundamentally alters a basic assumption that we all had when we bought our homes. We prudently investigated the code and analyzed the risk that the limited building parameters could negatively impact us, and we decided we were okay with that risk. This change to the code changes what the risk is and the likelihood that living adjacent to a carriage lot could negatively impact our quality of life or the value of our homes. If the code change had been in effect when we were looking to buy this home, we very likely would not have purchased this home. The risk of this change going forward has caused significant stress to our household, and has made us consider whether we need to try to sell our home as soon as we can to avoid the potential problems this could cause if it goes through, and I know many others share this same fear.

It is certain that this zoning code change will negatively impact hundreds of homeowners that currently surround carriage lots. Creating a couple dozen new homes cannot justify the impact on hundreds of other homeowners who reasonably relied on the zoning code when purchasing our homes. The existing code serves an essential purpose of protecting homeowners' interests and was a critical factor in the decision to live in these particular areas. Section 12.10.4.1 of the Zoning Code states, "this Section 12.10.4 is intended to address a unique configuration of land in Denver defined by this Code as a "Carriage Lot," and to allow only a strictly limited range of permitted structures, uses, and activity to control for potential adverse impacts on surrounding uses." We have been told that if the structure is the same size as it would otherwise need to be per the existing code, that there is no difference in the impact to the surrounding owners, however the most significant points that I make above demonstrate that this is not true. Sections 12.10.4.2 and 12.10.4.3 of the zoning code are extremely important and create the fundamental understanding of homeowners that surround these carriage lots, and changing these Sections in such a substantial manner will have a serious and negative impact on all of the hundreds of homes surrounding carriage lots, and will at the very least cause their value to decrease substantially because of the new risks associated with buying one of these properties. For those of us who were unlucky enough to have already purchased one of these homes in reasonable reliance on the long-standing existing zoning code, we will be irreparably damaged by this change, and are adamantly opposed to it. Thank you for your consideration.

Thank you,

Megan Gies

# Planning Board Comments



Submitted on	21 August 2024, 1:03PM
Receipt number	696
Related form version	3

## Your information

Name	Kathryn Grainger
Address or neighborhood	3337 W 23rd Ave
ZIP code	80211
Email	Katgrain@yahoo.com

## Agenda item you are commenting on

Zoning Code Text Amendment

## Rezoning

Address of rezoning

Case number

## Draft plan

Plan area or neighborhood

## Proposed text amendment

Project name	Carriage Lot
--------------	--------------

## Historic district application

Name of proposed historic district

## Comprehensive Sign Plan

Address of comprehensive sign plan

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Case number

## DURA Renewal Plan

---

Address of renewal project

---

Name of project

## Other

---

Name of project your would like to comment on

## Submit your comments

---

Would you like to express support or opposition to the project?

Strong opposition

Your comment:

I am writing to express my strong concerns regarding the proposed changes to carriage lots outlined in Section 12.10.4 of the Bundle. I urge you to remove these changes immediately and take the time to actively engage with our community. It is essential to solicit feedback and genuinely listen to the concerns and interests of those who will be most affected by these modifications.

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.

# Planning Board Comments



Submitted on	21 August 2024, 9:43AM
Receipt number	695
Related form version	3

## Your information

Name	Keith Meyer
Address or neighborhood	3337 West 23rd Ave
ZIP code	80211
Email	meyerk@gmail.com

## Agenda item you are commenting on

Zoning Code Text Amendment

## Rezoning

Address of rezoning

Case number

## Draft plan

Plan area or neighborhood

## Proposed text amendment

Project name	12.10.4
--------------	---------

## Historic district application

Name of proposed historic district

## Comprehensive Sign Plan

Address of comprehensive sign plan

---

Case number

## DURA Renewal Plan

---

Address of renewal project

---

Name of project

## Other

---

Name of project you would like to comment on

## Submit your comments

---

Would you like to express support or opposition to the project?

Strong opposition

Your comment:

My name is Keith Meyer and I am a resident of Northwest Denver in the Sloan's Lake Neighborhood. I'm also involved with my Registered Neighborhood Organization, the Sloan's Lake Citizens Group, and am our delegate to the Inter Neighborhood Cooperation.

I'm raising one specific concern regarding the proposed changes to the Denver Zoning Code in the upcoming 2024 Text Amendment Bundle ~ specifically the significant proposed changes involving carriage lots. This is an important topic for the neighborhoods that have these unique lots, and it deserves to be discussed rather than bundled in with other changes in a package most of the community is unaware of.

Carriage lots, as many of us know, are an integral part of many neighborhood's community and historical character. The proposed amendments would significantly alter their use and function, impacting not just the physical landscape but also the community fabric we cherish. However, the fundamental concern here is not the merit of the changes themselves but the process by which they have been introduced.

While appropriate and contextual development of carriage lots is an important topic to explore, it is equally vital that proposed changes are approached with caution, transparency, and, most importantly, adequate community input. The stated goals of bundles are to make minor cleanups and changes. Not to try and slip in substantial changes to the code without community engagement.

It is important that we uphold the principle of inclusivity in our decision-making processes, particularly when dealing with unique and character-defining elements of these blocks. These unusual block patterns occur in several neighborhoods across the city, and the residents are unaware that these changes are even in the works, since it's hidden within this bundle.

In light of these concerns, I am urging you all to remove all proposed changes that apply to carriage lots from the Bundle, in Section 12.10.4, and immediately take the time to engage with our community, solicit their feedback, and genuinely listen to their concerns and interests. By doing so, we can ensure that any changes made to carriage lots are not only beneficial but also embraced by those who call this community home, and preserve the trust CPD has built in the community that zoning code

changes in the bundle are simple corrections and clarifications, not  
undiscussed substantive changes.

Thank you.

---

**If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.**



September 11, 2024

Alek Miller, AICP | Senior City Planner, Zoning Administration  
Community Planning and Development | City and County of Denver

CC: Tina Axelrad, Caitlin Quander, Fred Glick, Fran Peñafiel, Amanda Sandoval, Paul Kashman, Sarah Parady, Serena Gonzales-Gutierrez, Kevin Flynn, Jamie Torres, Diana Romero Campbell, Amanda Sawyer, Paul Kashmann, Flor Alvidrez, Shontel M. Lewis, Darrell Watson, Chris Hinds, Stacie Gilmore

**Re: Sloan's Lake Citizen Group's request for removal of proposed changes in the upcoming 2024 Text Amendment Bundle to the Denver Zoning Code regarding Carriage Lots (Section 12.10.4)**

The Sloan's Lake Citizens Group was recently made aware of proposed changes to the Denver Zoning Code in the upcoming 2024 Text Amendment Bundle ~ specifically the significant proposed changes involving carriage lots. Sloan's Lake has eight historical carriage lots that are an integral part of our neighborhood's community and historical character. Given that each lot can have up to twenty homes surrounding them, that's up to 300 or more residents that will be affected by these changes.

We were surprised to learn of these proposed changes since we have not been contacted by anyone from the city regarding these suggested modifications to an integral part of our neighborhood. This is an important topic for the neighborhoods that have these unique lots, and it deserves to be discussed rather than bundled in with other changes in a package most of the community is unaware of. The proposed amendments would significantly alter their use and function, impacting not just the physical landscape but also the community fabric we cherish. However, the fundamental concern here is not the merit of the changes themselves but the process by which they have been introduced.

Exploring the development of carriage lots is understandable, but it is equally important to approach any proposed changes with caution, transparency, and, above all, sufficient community input. The stated goals of zoning bundles are to make minor cleanups and changes, **not to try and slip in substantial changes to the code without community engagement!**

It is important that we uphold the principle of inclusivity in our decision-making processes, particularly when dealing with unique and character-defining elements of these blocks. These



unusual block patterns occur in several neighborhoods across the city, and the residents are unaware that these changes are even in the works, since it's hidden within this bundle. Very legitimate concerns exist around:

- Fire safety and alley access for fire equipment
- Running utilities services to landlocked properties under existing alleyways
- Water runoff from repaved alleys to adjacent properties
- Setback and height limits
- Access to existing garages & exterior structures
- Landscaping in and around alleyways and lots
- An increased loss of potential additional community & green space

In light of these concerns, the Sloan's Lake Citizens Group strongly supports the **removal of all proposed changes that apply to carriage lots from the upcoming Bundle, in Section 12.10.4**, and that Community Planning and Development immediately take the time to engage with our neighborhood, solicit our feedback, and work with community members to address the legitimate concerns of residents and neighbors before moving forward with any proposed zoning changes.

By taking this approach, we can ensure that any changes to carriage lots are both beneficial and supported by the community members. Additionally, it will help maintain the trust CPD has established, reinforcing that the zoning code changes in the bundle are merely minor corrections and clarifications, rather than significant alterations made without prior discussion.

Thank you,

Thomas R. Braun - CO-PRESIDENT

Sloan's Lake Citizen Group

*(At the September 11, 2024 monthly meeting of Sloan's Lake Citizens' Group, a straw poll was taken of the members who attended in person and the members who were participating via "Zoom". The vote was unanimous in support of this letter except for one person who abstained.)*

**From:** [Keith Meyer](#)  
**To:** [Miller, Alek - CPD Senior City Planner](#)  
**Cc:** [Axelrad, Tina R. - CPD Zoning Administrator](#); [Clauson, Fritz - CPD CE0371 City Planner Associate](#); [Megwroper@gmail.com](#); [cpgies@gmail.com](#); [Megan Gies](#); [v.guillen@live.com](#); [katgrain@yahoo.com](#); [neeley.deb@gmail.com](#); [tbrunn2473@aol.com](#); [Horn, Melissa A. - CC YA2245 City Council Aide](#); [Sandoval, Amanda P. - CC President Denver City Council](#); [Trupti Suthar](#); [Greater Park Hill Chair](#); [caitlin.quander@gmail.com](#); [fred@innoabrd.com](#); [Penafiel Vial, Maria F. - CPD CE2159 City Planner Principal](#)  
**Subject:** [EXTERNAL] Re: Community Discussion of Proposed Carriage Lot Changes  
**Date:** Friday, September 27, 2024 5:19:31 PM  
**Attachments:** [image001.png](#)

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Alek,

Thank you for your note regarding the upcoming informational meeting on carriage lots on October 7th. We appreciate your efforts to facilitate this informational session and will try to gather a few concerned residents to meet on the 7th. However, with just over a week's notice, it's difficult for many affected residents to adjust their schedules to attend.

Given this timing, we are maintaining our request that the provisions related to carriage lots be removed from the current Text Amendment Bundle to allow for the comprehensive consideration and community discussion they warrant. It's important to note that CPD chose not to engage on these topics before slipping them in the bundle. We hope this last-minute meeting is not intended to substitute for the necessary outreach and engagement on these issues prior to the public Planning Board meeting. If CPD was genuinely committed to engagement, these discussions would have occurred much earlier, rather than just a week before the public hearing.

While we appreciate your initiative, after months of concern and feedback, the short notice does not provide adequate time for a thorough community conversation. Without sufficient notice and opportunity for authentic discussion, we believe these amendments should be removed and addressed independently.

We would also like this email included in materials provided to the Planning Board for both the upcoming October 2nd and October 16th public meetings.

Thank you for your understanding & we look forward to a future community engagement process

Keith

On Wed, Sep 25, 2024 at 3:45 PM Miller, Alek - CPD Senior City Planner <[Alek.Miller@denvergov.org](mailto:Alek.Miller@denvergov.org)> wrote:

**You're Invited to a Discussion About Proposed Changes to Carriage Lots**

What is a carriage lot? It's a lot surrounded by alleys and homes on all sides and not directly connected to a street. Most carriage lots are on the west side of Denver, shown on the map attached to this email. The [2024 Text Amendment Bundle](#) proposes changes to the Denver Zoning Code which will affect how development on carriage lots is allowed.

Denver Zoning Administrator Tina Axelrad and I would like to explain the proposed changes and answer questions from the community at a discussion on October 7:

5:30-7pm, Monday, October 7th

Merritt House

2246 Irving St, Denver, CO 80211

If you can't join in person, please click the link highlighted in yellow below to join from a browser.

Spanish Interpretation will be available in person and on the Teams meeting.

Learn more about the text amendment bundle [at this link](#).

Thank you!

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## **Está invitado a una discusión sobre los cambios propuestos a los lotes de carruajes**

¿Qué es un lote de carruajes? Es un lote rodeado de callejones y casas por todos lados y no está conectado directamente a una calle. La mayoría de los lotes de carruajes se encuentran en el lado oeste de Denver, como se muestra en el mapa adjunto a este correo electrónico. El Paquete de Enmiendas de Texto de 2024 propone cambios al Código de Zonificación de Denver que afectarán la forma en que se permite el desarrollo en lotes de carruajes.

La administradora de zonificación de Denver, Tina Axelrad, y yo quisiéramos explicar los cambios propuestos y responder las preguntas de la comunidad en una discusión el 7 de octubre:

5:30-7 p.m., lunes 7 de octubre

Casa Merritt

2246 Irving St, Denver, CO 80211

Si no puede unirse en persona, únase a nosotros a través de Teams en el siguiente enlace: [Join the meeting now](#)

La interpretación en español estará disponible en persona y en la reunión de Zoom. Obtenga más información sobre el paquete de enmiendas de texto en este [enlace](#).

¡Gracias!



**Alek Miller, AICP** | Senior City Planner, Zoning Administration  
Community Planning and Development | City and County of Denver

[Pronouns](#) | He/Him/His  
phone: (720) 865-2629

[311](#) | [denvergov.org/CPD](https://denvergov.org/CPD) | [Denver 8 TV](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

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## Microsoft Teams [Need help?](#)

[Join the meeting now](#)

Meeting ID: 280 739 765 305

Passcode: xGBXbi

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Phone conference ID: 636 301 87#

## Join on a video conferencing device

Tenant key: [867521695@t.plcm.vc](mailto:867521695@t.plcm.vc)

Video ID: 112 150 659 0

[More info](#)

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

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# Planning Board Comments



Submitted on	30 September 2024, 6:50PM
Receipt number	706
Related form version	3

## Your information

Name	Shane Sutherland
Address or neighborhood	2390 Clermont Street
ZIP code	80207
Email	Chair@greaterparkhill.org

## Agenda item you are commenting on

Zoning Code Text Amendment

## Rezoning

Address of rezoning

Case number

## Draft plan

Plan area or neighborhood

## Proposed text amendment

Project name 2024 Text Amendment Bundle

## Historic district application

Name of proposed historic district

## Comprehensive Sign Plan

Address of comprehensive sign plan

---

Case number

## DURA Renewal Plan

---

Address of renewal project

---

Name of project

## Other

---

Name of project you would like to comment on

## Submit your comments

---

Would you like to express support or opposition to the project?

Strong opposition

Your comment:

On September 30, 2024, I sent the following message to Councilman Watson.

RE : 2024 Text Amendment Bundle to the Denver Zoning Code regarding Carriage Lots (Section 12.10.4)

About two weeks ago I became aware that the City was planning to rezone carriage lots throughout the city with the Text Amendment Bundle to the Zoning Code in Section 12.10.4. Park Hill has, I believe, eight carriage lots in the Southwest corner of Park Hill so this zoning change could potentially affect hundreds of Park Hill residents.

I was surprised to learn about the proposed changes to the zoning of carriage lots through Sloan's Lake Citizens' Group and not through Community Planning and Development. Neither the GPHC nor I have received any official notice or solicitations for community input on the proposed zoning changes of carriage lots. I feel that zoning changes of this nature that could affect hundreds of residents should be approached with inclusion, transparency, and with above all ample community input.

It is my understanding that the purpose of the zoning text bundles were designed to make minor changes, corrections and cleanup of the existing zoning code, not to propose new zoning that might substantially change the neighborhood. There are legitimate concerns about changing zoning of carriage lots to allow more development. Some of these concerns are emergency vehicle access, flooding and runoff, and access to existing garages. At this time, I want to emphasize that my highest concern is the lack of community engagement in Park Hill and not in the proposed changes themselves.

I am therefore asking that proposed zoning changes to carriage lots be removed from the 2024 Text Amendment Bundle to the Denver Zoning Code, until such time a proper and inclusive community outreach can be completed by the City. This community outreach should not only include the GPHC, but all affected Denver residents.

Shane Sutherland, Chair  
Greater Park Hill Community, Inc.

If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.



**From:** [District 1 Comments](#)  
**To:** [Jessica Newman](#); [Office of Councilwoman Sarah Parady](#); [Office of Councilwoman Serena Gonzales-Gutierrez](#); [Miller, Alek - CPD Senior City Planner](#)  
**Subject:** RE: [EXTERNAL] Carriage Lots  
**Date:** Sunday, October 6, 2024 6:05:52 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hello Jessica,

Thank you for reaching out and sharing your comments regarding carriage lots and the 2024 Text Amendment Bundle. I have added the main contact over at Community Planning and Development (CPD), Alek Miller, so he is aware of your concerns as well. I also wanted to make you aware of a meeting that is happening tomorrow night, via Zoom, in case you want to listen in and/or participate. I have included the details below and they can also be found [on the CPD website](#).

## Carriage Lot Discussion

Next date: Monday, October 07, 2024 | 05:30 PM to 07:00 PM

What is a carriage lot? It's a lot surrounded by alleys and homes on all sides and not directly connected to a street. Most carriage lots are on the west side of Denver, shown on the map attached to this email. The [2024 Text Amendment Bundle](#) proposes changes to the Denver Zoning Code which will affect how development on carriage lots is allowed.

Denver Zoning Administrator Tina Axelrad and Project Manager Alek Miller would like to explain the proposed changes and answer questions from the community at a discussion on October 7.

When: Monday, October 7, 2024, 5:30-7:00 PM

Where: Merritt House 2246 Irving St, Denver, CO 80211 and online via Zoom

[Participate via Zoom](#)

Take care,  
Gina



**Gina Volpe | Senior Council Aide**  
Office of Councilwoman Amanda P. Sandoval  
Council District 1, NW Denver  
(720) 337-7701 | 1810 Platte St. Denver



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**From:** Jessica Newman <jessieanneneuman@me.com>

**Sent:** Saturday, October 5, 2024 2:20 PM

**To:** District 1 Comments <District1@denvergov.org>; Office of Councilwoman Sarah Parady <paradyatlarge@denvergov.org>; Office of Councilwoman Serena Gonzales-Gutierrez <G-Gutierrez.atlarge@denvergov.org>

**Subject:** [EXTERNAL] Carriage Lots

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Amanda, Sarah, Serena:

My name is Jessica Newman and I am the owner at 3323 N Clay St. With thanks to neighbors, I recently learned of the proposed changes to Denver's Zoning Code in the 2024 Text Amendment Bundle. I am concerned about the significant changes involving carriage lots.

I was surprised to hear of these changes. I am adjacent to a carriage log and have not been contacted by the city regarding the modifications. I believe these spaces are very unique to the Potter Highlands neighborhood and should be discussed openly and transparently with the impacted neighbors (vs. included in a package that is unrelated and has very low visibility).

I propose and strongly support the removal of all proposed changes that apply to carriage lots from the upcoming bundle (Section 12.10.4) and that CPD take the time to engage with residents before proposing or moving forward with zoning changes.

Thank you for your attention -

Jessie Newman

303-929-0364

**From:** [Keith Meyer](#)  
**To:** [Miller, Alek - CPD Senior City Planner](#)  
**Cc:** [Penafiel Vial, Maria F. - CPD CE2159 City Planner Principal](#); [tom@sloanslakecitizensgroup.org](mailto:tom@sloanslakecitizensgroup.org); [Deb Neeley; Greater Park Hill Chair](#); [Axelrad, Tina R. - CPD Zoning Administrator](#); [Horn, Melissa A. - CC YA2245 City Council Aide](#); [caitlin.quander@gmail.com](mailto:caitlin.quander@gmail.com); [fred@innoabrd.com](mailto:fred@innoabrd.com); [District 1 Comments](#); [Kashmann, Paul J. - CC Member District 6 Denver City Council](#); [Parady, Sarah - CC Member District 13 Denver City Council](#); [serenagonzalez.guiterrez@denvergov.org](mailto:serenagonzalez.guiterrez@denvergov.org); [Flynn, Kevin J. - CC Member District 2 Denver City Council](#); [District 3; District 4 City Council](#); [City Council District 5](#); [City Council District 7](#); [Alvidrez, Flor C. - CC Member District 7 Denver City Council](#); [City Council District 8](#); [City Council District 9](#); [City Council District 10](#); [Gilmore, Stacie M. - CC Member District 11 Denver City Council](#); [Allen Cowgill](#); [Sandoval, Amanda P. - CC President Denver City Council](#)  
**Subject:** [EXTERNAL] 2024 Carriage Lot Community Survey Results  
**Date:** Monday, October 7, 2024 7:00:05 AM  
**Attachments:** [2024 Carriage Lot Community Survey Results ~.pdf](#)

---

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Alek

The attached community survey was recently completed by neighbors concerned with the removal of several provisions regarding Carriage Lots in the upcoming 2024 Text Amendment Bundle and is intended for yourself, zoning officials, the Denver Planning Board, and City Council members.

Can you please distribute this to all Planning Board Members in advance of the October 16th meeting as we intend to have residents speak to the following issues.

cc: Fran Penafiel

Thank You.

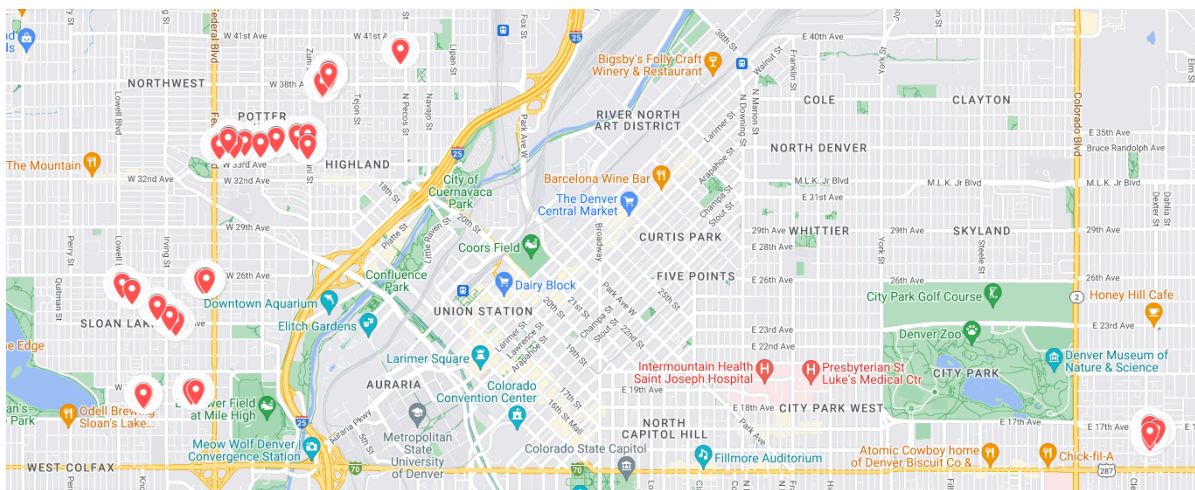
# 2024 Denver CARRIAGE LOT Community Survey

As you may or may not know, significant proposed changes involving carriage lots are being introduced in the upcoming 2024 Text Amendment Bundle. This is an important topic for the neighborhoods that have these unique lots, and the challenges for the development of these lots deserve to be discussed and better understood. We also understand that there are legitimate conversations and concerns around housing, affordability and “takings law” concerning carriage lot development. This is even more reason for needed community conversations to take place.

Since it was unclear if any real outreach to affected neighbors surrounding carriage lots had been done, we recently conducted a survey among neighbors surrounding these lots throughout the city. We did this to gauge if surrounding owners knew of the proposed changes, understand their concerns, and to assess whether they felt that adequate community feedback had been sought throughout the 2024 Text Amendment Bundle process regarding these substantial changes to the Denver Zoning Code.

There are 37 lots across the city that these changes could affect and upwards of 20 or more homes can surround each lot. Given these numbers, that is more than 1800 residents across the city that these buried changes in the 2024 Denver Zoning Code Amendment Bundle could substantially affect.

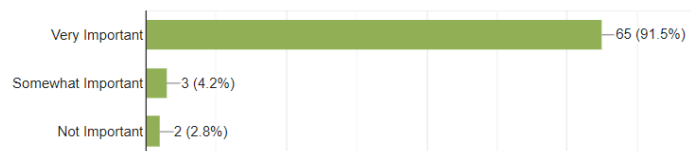
We posted flyers on the doors of neighbors surrounding over 25 carriage lots across the city. So far we have received **over 70 responses** from residents across 5 different neighborhoods including; *Park Hill (16), Sunnyside (5), Highlands (27), Sloan’s Lake (19) & West Colfax (5).*



When asked how important gathering community input is before making zoning changes to carriage lots, over **91% of respondents said that it was very important.**

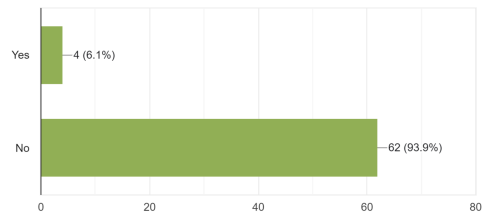
How important is it to gather community input and address neighborhood concerns when making decisions about zoning changes for carriage lots?

71 responses



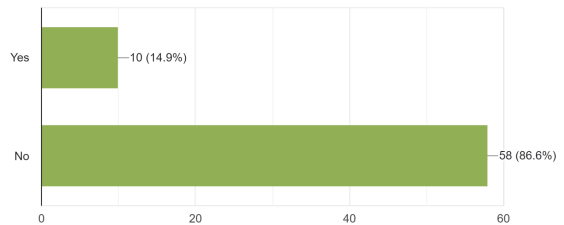
When asked whether respondents felt that community input had been adequately gathered regarding the proposed development changes of carriage lots ~ **94% of respondents said NO.**

Do you believe that community input has been sufficiently gathered and neighborhood concerns adequately addressed regarding the development of carriage lots?  
66 responses



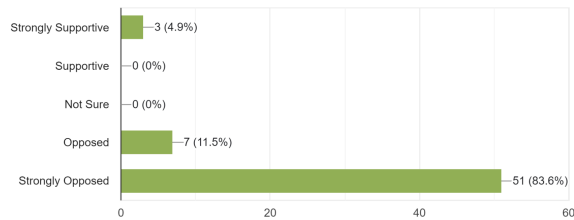
When asked if they were aware of the proposed zoning changes for carriage lots, **87% had no prior knowledge of the proposed changes** before having a flier placed on their door. Several residents left comments similar to the following; *“This is the first time we are hearing about the carriage lot expansion plans, which is shocking because this is a local, neighborhood issue.”*

Prior to this survey, were you aware of the current proposed changes to the Denver Zoning Code regarding carriage lot development?  
67 responses



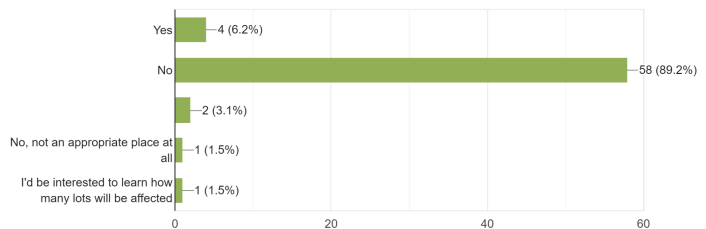
When asked whether or not respondents would support the development of carriage lots on their blocks without opportunities for input and concerns to be addressed from surrounding neighbors, over **83% were opposed.**

Do you support allowing development of carriage lots in your neighborhood without opportunities for input and concerns to be addressed from surrounding neighbors?  
61 responses

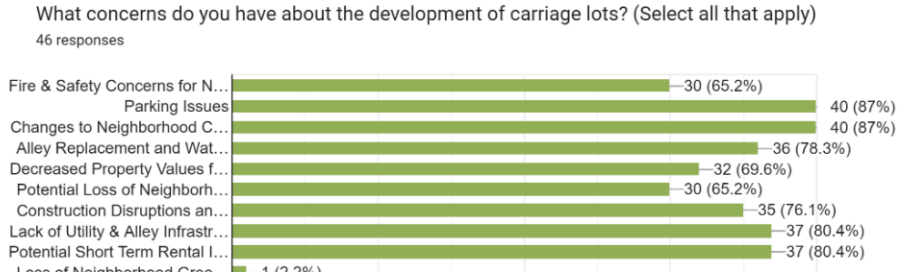


When asked specifically about whether Text Amendment Bundles are appropriate places to make policy changes that could have significant impacts on neighbors surrounding these lots, nearly **90% of respondents were opposed.**

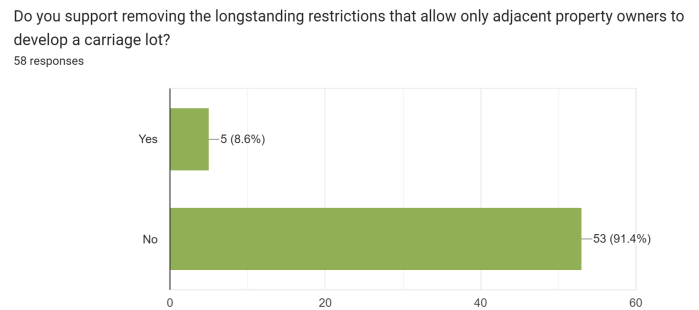
Given that Text Amendment Bundles are meant to make minor cleanups and changes to the Denver Zoning Code, do you think these are an appropriate ...g policy rules around Carriage Lot development?  
65 responses



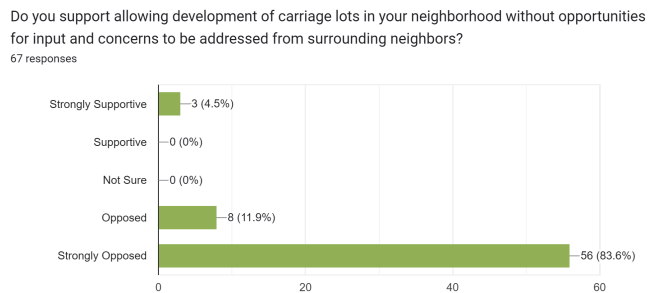
We asked respondents to clarify and prioritize what types of concerns they have about potential development of these spaces. Top responses included *fire and safety, alley replacement issues, lack of infrastructure, changes to neighborhood character, potential issues with short term rentals, loss of green space and parking issue*



We then asked about specific provisions of section 12.10.4 in the Text Amendment Bundle dealing with carriage lots. The first dealt with longstanding restrictions that allow only adjacent property owners to develop a carriage lot ~ over **91% opposed removing the restrictions.**



We also asked about restrictions removing requirements that development plans must be submitted prior to receiving a zoning approval. Here over **83% of respondents did not support the removal of these protections for neighbors.**



Based on the above survey results, the numbers present a clear picture that the proposed Text Amendment Bundle changes lack the community input necessary that is needed with changes of this magnitude. A large number of residents are unaware of these changes and have significant concerns that should be addressed. These are not small cleanups and changes to the code, but are rather significant alterations that will open up these lots for fast tracked new development.

Burying the removal of these longstanding guardrails for neighbors, without establishing appropriate replacements, is not only irresponsible but also leaves residents vulnerable to unforeseen challenges and potentially costly consequences. Pushing through significant changes like these in a bundle package fails to allow for the necessary conversations needed to insure transparency and protection for residents who call Denver home.

***Therefore, the affected neighbors of Park Hill, Sunnyside, Highlands, Sloan’s Lake & West Colfax strongly urge that these under-discussed items in section 12.10.4 of the 2024 Text Amendment Bundle be removed and considered separately, after the public engagement that CPD should have done prior to proposing these substantive changes.***

**From:** [Dana Reed](#)  
**To:** [Miller, Alek - CPD Senior City Planner](#)  
**Subject:** Re: [EXTERNAL] Carriage Lot changes and upcoming meeting oct 7.  
**Date:** Thursday, October 3, 2024 8:27:54 AM  
**Attachments:** [image001.png](#)

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Hi Alek:

I will definitely attend. And yes, please share this with the committee.

I think it's expected that neighbors will protest. Why wouldn't they. Their 'free place to let their dog defecate' is being taken away. But please keep in mind that these are the **exact** same people that have **no issue** selling their single family bungalow to a developer who then tears the home down and builds a detached duplex in the same lot.

Traffic? Double the people.  
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All of these supposed 'concerns' are affected by their decision. But *miraculously*, these same people don't seem to care under *those circumstances* do they? The irony is palpable.

Also please understand, **no one on that block** had the opportunity to protect from or comment on **that** purchase/destroy/redevelop transaction did they? **No one.** And if they did, I'm sure that '*neighbor*' would have different feelings than they do today with the proposed changes.

*Fair is fair.* A city lot is a city lot. That is all anyone is asking. Let us play for the **same rules** as literally *everyone else*. As a land owner, I simply am asking for equal opportunity under the law. And I think I deserve that right as city resident. I plead that the city see it this way as well. As servants to *all* citizens I think it is only appropriate.

**Let me share a story.**

Residents complain about a possible '*safety*' issue with carriage lots. It is not only unfounded and brought up just to spark fear but laughable.

On my block, just last year, we had a gun incident. A young kid pulled a gun on party goers at a 4th of July party on the block. Police came. It was fairly scary. Especially considering a neighbor next door has 2 young children.

Was the incident in any way related to the carriage lot? No. Related to any **new resident** or **new building form** on the block? No. It occurred at the **one remaining bungalow** sitting on the block. The resident is an older woman who has lived here for a long time and it was the friends of **her grandchildren** who threw the party. Evolutionary change to the block *did not*



# PHOTOS SUBMITTED BY DANA REED



Carriage Lot at 2034 W. 35<sup>th</sup> (near Tejon) prior to improvements by current owner



Carriage Lot at 2034 W. 35<sup>th</sup> (near Tejon) after improvements by current owner



*cause the issue.* In fact, the **opposite** was true. The **prior state** of the block caused the issue.

What *is* unsafe, however, Is an overgrown and dark lot that can be home to homeless, drug addicts, illegal dumping, etc. Have I had old gasoline and oil dumped on my lot instead of being disposed of properly? Yep. More than a few times.

Dilapidated and uncared for lots that collect garbage with zero monitoring nor upkeep are what is not safe. Drug deals happen all the time around my lot. My cameras see them. That is not safe. Dogs defecate and urinate all over the place. Pet owners do not care. It's all simply left for *someone else* (*i.e.* the owner) to clean up. That is not safe.

Ownership by those that *live on* these carriage lots is what will **beautify these blocks. I myself am an example of that.** EVERYONE loves my lot. And yet NOONE has offered to pay for it, keep it up, pay the irrigation bill, etc. etc. Carriage lot development will not make these areas worse. It will make them better. It's so obvious its hard to believe we have to even debate it.

No one is building the empire state building back there. **No One.**

Would I love to build something other than a garage? Yes. Other than a severely limited 1000 sq/ft ADU? 100%.

I have 7000 sq/ft to work with. I could build an incredible home or detached duplex with gardens, etc. Building form which align with the area and would fill in the block and promote upkeep of all the land contained within. It's a no brainer. The detached ADU building form literally is not worth the money. I think we all know that..

I've been researching the carriage lot issue for over 5 years. In sum, these lots are protected by the law.. *until they are not.* Just 2 blocks from me on 33rd and Tejon, a **full apartment building** sits on a carriage lot. And this was built **during** the restrictions of carriage lots via the city? How? The builders cut a deal.

It happens over and over and over again. Carriage lots have been developed all over the city. And **no one** is complaining. This is a fight over nothing. It really is.

I will be in attendance on Monday. And I hope to have the opportunity to plead my case. Fair is fair. And we, as lot owners, are simply asking for fairness. If neighbors don't want to accept fairness to their fellow neighbor, then maybe it is **they** that we should be worried about. Not us. We are actually trying to do the right thing. What is in the best interest of the city and its beautify and safety.

Please feel free to share this, or any other communication with the city as well. And please feel free to have anyone reach out to me directly. I am quite well versed on this subject and the feelings of area leadership that are 'pro-change' as well.

Thank you.

--Dana  
720.346.4528

**From:** Dana Reed <[reed.dana.a@gmail.com](mailto:reed.dana.a@gmail.com)>  
**Sent:** Wednesday, October 2, 2024 6:08 PM  
**To:** Miller, Alek - CPD Senior City Planner <[Alek.Miller@denvergov.org](mailto:Alek.Miller@denvergov.org)>  
**Subject:** [EXTERNAL] Carriage Lot changes and upcoming meeting oct 7.

Alek:

I am the current owner of a 7500sq/ft carriage lot in the lower highlands. (Lot address is 2035 w35th..behind 3537 tejon and 3537 tejon..both of which i own)

**I could not support your re-zoning effort for carriage lots enough.**

But I do request that you make **one additional change:**

\* Lift the detached ADU restriction on these lots as well.

*Let me please explain:*

My lot is 7200 square feet 80x90 roughly. It is a single carriage lot zoned as two lots, both currently zoned as TU. **A duplex** could be placed on **each of the two lots** on this land ( or a nice size single family home.). The lot also borders Mixed Use Zoning on one entire side.

Why would a lot of this size be limited to a detached ADU sized unit? It simply doesn't make sense. A 1000 sq/ft unit simply is not financially viable for a lot of that massive size. The land supports much much more.

But let's be clear, with removal of the restriction, development safeguards are still in place. The land, lot size, and current TU zoning itself dictate what is possible to develop. Zoning of developments will still align with the neighborhood. No one is building the empire state building. Fear is outrageously overblown.

To this day, I still do not understand why carriage lots are treated differently. **All Lots** should be held accountable to the **same rules**. Truly, this is the right and fair thing for the city to do.

Prior to my purchase of my carriage lot, it sat.... uncared for.....for 50 years.

For 50 years my lot sat....overgrown - a literal garbage dump. Rotten trees, litter everywhere, etc. The 2 car garage on the lot (and I am not joking about this) was used for human trafficking.

I have spent over \$40,000 of my own money betting this lot: adding grass, removing trees, adding landscaping, irrigation, etc. I mow it weekly. I handle its upkeep.

Through **ownership**, I have beautified it.

I would **love** the opportunity to **further** do something with this land. But the restrictions in place for carriage lots today (ADU only) are simply outdated, arguably unfair, and overly prohibitive.

Most carriage lots are not that large. I agree. And that is fine. **But some are**. Let's treat these lots as we treat any and every other piece of land in the city. Let's apply the same rules. Equal opportunity under the law. What is built on them, if anything, will be built according to **standard city zoning**.

We all agree, our Neighborhoods have changed. And the restrictions of carriage lots put in place **decades** ago are no longer valid.

My specific lot no longer is surrounded by single family homes. Most all (only 2 remain) have been purchased, destroyed, and developed into something else: multi-unit condo housing, duplexes, a brownstone row, a mexican restaurant, etc. Additionally, **all** garages face the alley. Thus, it is impossible for abandonment of the alley to ever occur.

Private ownership and development of the lot is the **only viable solution**. This is all on the same single block. And all of this construction and destruction was done according to standard zoning regulations.

Piling on: there is not a **single** resident on this block has lived here for over 8 years. And many units are, in fact, rentals. There is, in fact, not a sole person on my block that has **ever** done a **single thing** to better that lot. **Not Once**. A few in fact, have dumped garbage on it ( a full size pool table and air hockey table being a great example), - left, simply for me to clean up.

These people are transient in nature. They **do not** and **are not** motivated to care for the land. This is proven by the lot's 50 year garbage dump-link condition, as it was left unattended nor cared for for half a century.

To add insult to injury, my private property and \$40,000's in upkeep is now simply treated by my neighbors as a 'public park" for their animals to defecate. I am left to pay to water the grass that was left to burn by their animals urine.

Alek: I am here to help and to give feedback. I am here to do whatever I can to help drive positive change. Carriage lot properties (including my own) have huge potential to the city (including the NNW Plan, 38th ave corridor project, etc) but are being ignored today.

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***Please Lift the Detached ADU restriction.***

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**I beg of you. Please. It is the right thing to do.**

Please feel free to reach out to me for any further commentary. 720.346.4528.

-Dana Reed

**From:** [Dana Reed](#)  
**To:** [Miller, Alek - CPD Senior City Planner](#)  
**Subject:** [EXTERNAL] Carriage Lot changes and upcoming meeeting oct 7.  
**Date:** Thursday, October 3, 2024 10:43:17 PM

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Alex:

I'd like to share with you a picture from today. This truck is not mine. But the owner found it perfectly appropriate to park on my property. On my carriage lot.

This happens All The Time.

Please share this with the committee.

When was the last time you had a monster truck park on YOUR driveway?

I think that answer is obvious.

And I think this only further proves my point on carriage lot development and ownership. The neighborhood truly doesn't care. They really don't. They just act like it to get their way.

Pic attached.



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**Subject:** Re: [EXTERNAL] Carriage Lot changes and upcoming meeting oct 7.  
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720.346.4528

On Thu, Oct 3, 2024 at 7:04 AM Miller, Alek - CPD Senior City Planner <[Alek.Miller@denvergov.org](mailto:Alek.Miller@denvergov.org)> wrote:

Hi Dana,

Thank you for providing this comment and for your support of the proposed changes. I also appreciate that your zone lot is much larger than would be needed for only a Detached ADU. Currently, we're hearing quite a lot of opposition to the proposed change, which, as you know, limits the carriage lot to a Detached ADU. The opposition we've received has come from owners of properties surrounding carriage lots mostly based on worries that the carriage lots would become over developed and cause traffic, safety, water runoff, or other external effects. Are you comfortable with me sharing this as part of the comments received with the Planning Board? The next step in this process is a Planning Board hearing on October 16<sup>th</sup> where the Board will hear public comment. You are also welcome to attend the hearing in person at the Webb building or over Zoom. There's more information on providing public comment here: [Planning Board - City and County of Denver \(denvergov.org\)](https://denvergov.org/planning-board)

We're holding an informational meeting for people interested in the changes to carriage lot requirements on Monday at 5:30-7 at Merritt House and on Zoom. I'll send you a calendar invite for that meeting now in case you're interested and able to attend.

	<p><b>Alek Miller, AICP</b>   Senior City Planner, Zoning Administration Community Planning and Development   City and County of Denver</p>
<p><a href="#">Pronouns</a>   He/Him/His phone: (720) 865-2629</p>	
<p><a href="tel:311">311</a>   <a href="https://denvergov.org/CPD">denvergov.org/CPD</a>   <a href="#">Denver 8 TV</a>   <a href="#">Facebook</a>   <a href="#">Twitter</a>   <a href="#">Instagram</a></p>	

Please be advised that the [2024 Text Amendment Bundle](#) is on track to be adopted by the end of the year. It proposes over 130 changes providing updates and modifications to the Denver Zoning Code and will also help reduce plan review times and simplify code enforcement.



**From:** Dana Reed <[reed.dana.a@gmail.com](mailto:reed.dana.a@gmail.com)>  
**Sent:** Wednesday, October 2, 2024 6:08 PM  
**To:** Miller, Alek - CPD Senior City Planner <[Alek.Miller@denvergov.org](mailto:Alek.Miller@denvergov.org)>  
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Please feel free to reach out to me for any further commentary. 720.346.4528.

-Dana Reed

**From:** [Dana Reed](#)  
**To:** [Miller, Alek - CPD Senior City Planner](#)  
**Subject:** Re: [EXTERNAL] Fwd:  
**Date:** Monday, October 7, 2024 10:38:24 PM  
**Attachments:** [image001.png](#)

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Thanks for the time today. Thank you for the time you both offered me to explain my position.

Sorry to go on a rant, but I felt like the audience needed to hear facts from someone that actually owns a carriage lot and not focus overblown and out-of-context concerns. I hope others found it helpful to hear my views.

To sum up the comments from today, it appeared that no one was adamantly against changes.

Sure, one wish they had more “notice,” (though its obvious they did and just ignored it). Some have neighbors that lie about city approval (but also didn’t want to pay fair market value for the lot in question. I paid 182k for mine btw. Not sure on size, but 6k seems unreasonable)

But I never heard a valid reason against the change.

Will a city block owner assure care of the carriage lot? No. My lot is a perfect example. It sat uncared-for for 50+ years. Wishful thinking is not, at times, reality.

At the end of the day, lifting the regulation of block ownership is a good one. No other regulation really changes. Same size unit. Same size footprint.

I obviously disagree with the sizing restrictions, but I do, at least, think the city got lifting the ownership part right: there is no other property type in which ownership must be on the same block. That’s worth something. And it’s worth correcting.

Let’s be honest, not all carriage lots are created equal. Some are tiny and have enough space for basic parking. Others are 7200 sq ft and support 2 units on each parcel. And we should treat them as such.

It just seems that standard original zoning solves for this.

I don’t know why we are making it more difficult. Let’s all play by the same rules.

Thanks again for your time this evening. I look forward to the next meeting. I’ll try to have my comments more honed in and succinct.

Dana

On Monday, October 7, 2024, Miller, Alek - CPD Senior City Planner

<[Alek.Miller@denvergov.org](mailto:Alek.Miller@denvergov.org)> wrote:

Dana,

Thanks for sharing these – they are telling. I'll add them to the comments to share with the Planning Board.



**DENVER**  
THE MILE HIGH CITY

**Alek Miller, AICP** | Senior City Planner, Zoning Administration  
Community Planning and Development | City and County of Denver

[Pronouns](#) | He/Him/His  
phone: (720) 865-2629

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Please be advised that the [2024 Text Amendment Bundle](#) is on track to be adopted by the end of the year. It proposes over 130 changes providing updates and modifications to the Denver Zoning Code and will also help reduce plan review times and simplify code enforcement.

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**From:** Dana Reed <[reed.dana.a@gmail.com](mailto:reed.dana.a@gmail.com)>

**Sent:** Monday, October 7, 2024 2:42 PM

**To:** Miller, Alek - CPD Senior City Planner <[Alek.Miller@denvergov.org](mailto:Alek.Miller@denvergov.org)>

**Subject:** Re: [EXTERNAL] Fwd:

Alek: here is another anecdote for your carriage lot committee - *illegal dumping on lots by neighbors*

I noted in my prior email about "a full size pool table and air hockey table" being illegally dumped on my lot a while back. It's actually a great story and a great example of what the neighbors **REALLY** think about carriage lots.

I would love to share it with the committee.

**Here is the story:**

One weekday morning about 8 months ago, my brother (who lives next door to me) alerted me via text of a "full size air hockey table and a full size ping pong table" having been illegally dumped on the grass in the back of my lot. I was out of town at the time. Three days later I came home to find exactly what he had explained. **Someone in the community** found my lot to be an *acceptable place for illegal dumping and to rehome their air hockey table and ping pong table*. Garbage too big that a Municipal waste truck won't pick it up and you must pay to have it removed? No worry, a carriage lot is available.

I immediately turned the each table on its side, and laid them up against to tree. To my displeasure and expectation, I then found a large (now dead) spot of grass under which the tables sat.

NOW HERE COMES THE FUN PART....

In the process of moving the tables off the grass, I also noticed what appeared to be a cardboard box UNDER one of the tables. "Odd?" I thought..."I wonder if it has an address on it!" (As it was directly **UNDER** the tables in question, the box was an **obviously from the same person** and, one would be safe to assume, an unknowing and accidental piece of evidence left as to *who could have done the dumping*.)

*To my happiness and surprise **there was an address**.....Hurray!*

"Whose address was it?" you ask? You guessed it. The neighbor across the street.

No joke, they could not have lived more than 150 feet away. Just down the alley and to the left. (i.e. the wind didn't blow the box there)

I thought to call the police, and maybe I should have. Instead, however, I did the easier thing. I just brought out my two-wheeled dolly, picked up each table, and politely wheeled them both back to the front porch of their rightful owner.

Miraculously, the tables were gone a day later. Perhaps they disposed of them properly. Or perhaps they just found another lot upon which to dump them.

I'd love to tell you this was the *only* time illegal dumping has occurred on my lot. That is, unfortunately, not true.

I, in fact, once had video of a construction van pulling up, parking, and simply dumping all of their vans contents onto my grass and driving away. Fortunately for them my night vision cameras could not ascertain the license plate number or I would have hunted them down and made them eat it.

Oil, gasoline, garbage, animal feces...dumping like this happens all the time. And I can not describe the frustration one feels when it does.

I wish all of the 'concerned neighbors' could have seen all the waste that came out of the dirt on this carriage lot as I was flattening the land with a bobcat to install sod. It was ***a lot*** of garbage. And, yes, ***I got to pay for all of its proper disposal. Not a single neighbor volunteered a moment of their time, nor a dollar of their paycheck.***

Ok, off my soapbox. Again, just another anecdote of what is *really* going on with these lots. I hope you find it a meaningful and telling one.

Thanks again,

--Dana

User name	Comment	CPD Response	Comment link
Fred Glick	Not sure why you would restrict this to a single connector per zone lot. On a very large zone lot with multiple buildings, multiple connectors may be appropriate. For example, on an education campus.	Upon further discussion, we are going to go back to allowing building connectors as accessory to one- and two-unit development only (as allowed today), rather than expanding to all building form types. The expansion would require greater thought about how to make the building form work for a variety of uses. On a very large zone lot, like on an educational campus, they would typically not have an issue with creating a building connector between buildings, so long as they are on the same zone lot.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2167#page=7">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2167#page=7</a>
Fred Glick	On a large suburban lot, not possible that a longer connector might be appropriate? Particularly in a case where it might be a mobility/ADA issue?	The 10-foot limit is for the <i>width</i> of the connector, rather than the length. We don't intend to require existing detached structures to be closer to primary structures than they are.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2168#page=7">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2168#page=7</a>
Fred Glick	Why no Minor Detached Structures for the mixed-use commercial districts? If this form is to include utilities, for example, would it be appropriate to allow in mixed-use commercial districts?	This was a mistake and the Minor Detached Structures building form will be added to allow the form in all mixed-use commercial zone districts (and industrial and other special zone districts as well).	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2169#page=34">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2169#page=34</a>
Fred Glick	This doesn't totally make sense to me. As I read it, Option B only allows one structure, but Option A limits to 4' in height. So you couldn't, as I understand it, have both a play structure or shed AND a ground-mounted heat pump unit. That seems to conflict with (a) the impetus to simplify code and reduce permitting requirements and (b) sustainability goals which are pushing people to do more heat pumps.	Thanks for this comment. After review, CPD will be removing the limit on the number of "minor detached structures" allowed on a zone lot, although they will count toward the allowed maximum building coverage. In this way, the code will be simplified in focusing on and permitting more impactful structures.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2170#page=41">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2170#page=41</a>
Fred Glick	Not sure these labels correspond with the table above? B is suppose dto be the side street setback?	Thanks for this comment. The tables will be revised to match the labeling in the image.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2171#page=41">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2171#page=41</a>
Fred Glick	I really am not sure what this means, and without a corresponding diagram, I'm really lost.	To assist our customers, there is a diagram in the Rules of Measurement, in Section 13.1.5.12, which will be titled "Location of Structure for General and Minor Detached Structure Building Forms." This should help with understanding how to apply the standard.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2172#page=41">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2172#page=41</a>
Ignacio Correa-Ortiz	Section 1.4.5.6 refers to the "following standards," but the section is empty and the contents are in 1.4.5.7.B. Section suggested for deletion.	Thanks for this comment. This section will be revised.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2173#page=6">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2173#page=6</a>
Ignacio Correa-Ortiz	Most?	We are comfortable with the word 'more' in this case.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2174#page=6">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2174#page=6</a>
Ignacio Correa-Ortiz	Change nomenclature since A is now an empty section?	Thanks for your attention detail here. All numbering will be updated when the 'clean' draft of the code is prepared.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2175#page=6">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2175#page=6</a>
Ignacio Correa-Ortiz	It is not clear what determines options A and B.	The size and location of the structure determine which option a structure should use. If it can't fit within these two options, it would be classified as a General Detached Structure.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2176#page=34">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2176#page=34</a>
Ignacio Correa-Ortiz	Option A may include structures like mechanical equipment, and therefore a roof form is not warranted, however, in Option B, at 14 feet max. height with no roof form standards, an unintended consequence is a massive box filling its entire building envelope. I suggest a roof form standard be applied.	We don't have a roof form standard on other accessory structures; rather, the bulk plane, height, and setbacks control the mass of the structure.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2177#page=41">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2177#page=41</a>
Ignacio Correa-Ortiz	See Article 3 for suggestion on same standard.	Thank you for this comment.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2178#page=54">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2178#page=54</a>
Ignacio Correa-Ortiz	See Article 3 for same suggestion on this standard.	Thank you for this comment.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2179#page=43">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2179#page=43</a>
Fred Glick	Still concerned about having access to only option A or B. Also, while I can understand a concern about "too many" minor structures, seems a bit ridiculous that a property owner would have to choose between having a playhouse OR a garden shed OR a small greenhouse. Is this really a level of regulation the City should be undertaking?	Thanks for this comment. Upon further consideration, the limit on number of structures will be removed. I also want to clarify that a property owner has access to both A and B and if the structure falls outside the parameters for these minor structures, they could use the General Detached Structure building form.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2180#page=54">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2180#page=54</a>



User name	Comment	CPD Response	Comment link
Fred Glick	I'm a bit unclear now how this works in Lower Downtown, since the LDDRC is a deciding body, not a recommending body. Does this mean that the zoning administrator has the authority to rescind the LDDRC's decision?	This section is focused on projecting signs in the downtown districts. Now that a comprehensive sign plan is no longer required for projecting signs in downtown (as proposed in the bundle), LDDRC will continue to make a final decision on a sign's compliance with Landmark rules for LoDO but the Zoning Administrator (CPD staff) will be the final decision-maker on the zoning permit. A zoning permit will not be issued without LDDRC approval for Landmark compliance.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2182#page=52">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2182#page=52</a>
Fred Glick	This new requirement seems to conflict with what is shown in Figure 11.10-5. For example, wouldn't this now require that the spacing between the seating elements on the left side have 5' of spacing, not 3' as shown?	In this case, the 3' shown is correct. The pedestrian pathway that requires 5' is the area on the sidewalk where people would walk outside of the OGA.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2183#page=78">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2183#page=78</a>
Fred Glick	I find it a bit confusing that this is included in both 11.10 and 11.11. 11.10 would imply that it is not a temporary use, but by its nature a mobile food truck is temporary, unless you are suggesting they might be allowed to park there permanently? But the First Friday example sort of implies that it is temporary, or at least itinerant?	In the Bundle, a food truck may operate on private property either as an accessory use (new) or as a temporary use. As an accessory use operating to support or complement a different primary use on the same private property, food trucks will be allowed greater freedom to operate and rotate on a continuing permanent basis, with a one-time zoning permit review and approval. As a temporary use of private property, an independent food truck will enjoy greater freedom to operate with the bundle changes, but will still be time-limited and subject to shorter operating hours. The Bundle is accommodating two different business models for operating food trucks in Denver.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2184#page=82">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2184#page=82</a>
Fred Glick	I think that the intent is to simplify the food truck requirements, but have to admit that I'm left pretty confused by the bulk of text here. I would suggest going back, starting by asking what you hope to achieve (and/or prevent here) and evaluate what in here is really necessary and what might be eliminated.	See response above.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2185#page=86">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2185#page=86</a>
Fred Glick	Just confirming that this does not create a conflict with the existing signs in the Theatre District?	Thanks for this question. The Theatre District has its own, more specific sign regulations, which would prevail in this case because the most specific rule always applies when two rules conflict. Further, any existing signs would be allowed to continue as a nonconforming sign.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2181#page=44">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2181#page=44</a>
Fred Glick	Does this still apply? I think all PB involvement with SDPs has now been removed?	We have removed all Planning Board participation in approval of SDPs from the code as part of the Bundle.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2186#page=9">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2186#page=9</a>
Fred Glick	I'm trying to understand if the intent here is to eliminate mezzanines completely, and if so, why?	We've received several similar comments. CPD will maintain the existing standard for mezzanines but may explore modifying it in a future text amendment.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2187#page=77">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2187#page=77</a>
Chuck Boncordero	So now a single user in a multi tenant building in the listed zones may now have a projecting sign w/o the requirement of a CSP provided they meet all other requirements? Please confirm. Thank you	Yes, that's correct.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2188#page=51">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2188#page=51</a>
Bryan Gunn	I do not understand the logic behind changing where the base plane is calculated to 20' from Primary Street in all cases, whereas before it was calculated at the minimum block-sensitive front setback? This change seems like it will have unintended negative consequences for lots that have a minimum front setback, for example, at 25' or greater or for example at 15' or less, because often times a minimum front setback relates to a significant change in grade or contours of a lot - for example the "Denver Hill". This may also significantly disadvantage lots that slope significantly up or down from the street to the alley.	The purpose of this change is to provide a simplified, standard point where the base plane is taken from because the primary street setback can change from place to place depending on what adjacent neighbors have done with their primary structure. The Denver Hill typically starts at about 10 feet from the primary street zone lot line. Taking the base plane from 20 feet. Finally, 20 feet is the default setback when a block-sensitive primary street setback cannot be established.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2190#page=73">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2190#page=73</a>
Cindy Pedrioli	Is this correct? Residential rear setbacks (all previous sections) are greater than those noted with drive-thru use setbacks when adjacent to a protected district (typically residential)? i.e. Broadway adjacent to residential on the other side of the alley along Lincoln.	That is correct. We are not proposing to change these setback in the Bundle; instead, we're reorganizing tables for better ease of use. In this case, the alley provides a buffer to the protected district and a 10-foot setback is required when no alley is present.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2191#page=17">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2191#page=17</a>
Cindy Pedrioli	Same question/concern as comment under drive-thru services next to protected districts.	See comment above.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2192#page=20">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2192#page=20</a>
Bryan Gunn	PLEASE consider modifying definitions of "Roof, Low Slope" and "Roof, Pitched" such that Low Slope is a pitch LESS THAN 3:12 and Pitched is a slope EQUAL TO or greater than 3:12. As currently written, a minimum pitch asphalt shingle roof that is 3:12 as commonly seen in Denver Square designs falls into "Low Slope" when it should be considered pitched.	We've confirmed with the Residential review team that this is a desirable change and it will be reflected in the Revised Public Review draft. Thanks for your suggestion.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2189#page=163">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2189#page=163</a>

User name	Comment	CPD Response	Comment link
Cindy Pedrioli	These images do not correlate with the text of the section they follow	Correct. These images show the General building form, which comes after the images.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-">https://denvercpd.konveio.com/2024-text-amendment-bundle-</a>
Cindy Pedrioli	Do trash enclosures count as accessory structures? Then there needs to be an allowance for accessory structures in non-residential zones.	Trash enclosures are addressed as screening devices in DZC Sec. 10.5.7.3.B, rather than as a detached accessory structure.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2194#page=34">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2194#page=34</a>
Cindy Pedrioli	Consider whether people will try to park in the gap between the alley and the garage door. Many jurisdictions require a 0'-2' OR 20' setback next to the garage, so that either you can obviously park in the driveway at 20' deep (and with enough room to not block things outside of it) or you can't. Anything less than 20' but deeper than approximately 2' tends to result in cars being parked (parallel, head-in, etc.) in that space, partially blocking the alley, walk or private drive.	Additional revisions will be proposed in the Revised Public draft to guarantee a minimum of 21' between a garage and the furthest side of the alley when garage doors face the alley at the rear of a zone lot, which will help with maneuvering in the alley. Further, garage structures are required to be a minimum of 10' behind the primary street-facing façade, which generally prevents garages from causing these issues at the public sidewalk, at least at the primary street. At the rear and side street, the 5' setback has been the required setback in these zone districts in the past and we haven't heard that there is a desire to change them.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2195#page=38">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2195#page=38</a>
Cindy Pedrioli	Same concern as noted below on parking occurring on the "driveway" up to the garage door blocking the walk, street, etc.	See response to previous comment.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2196#page=38">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2196#page=38</a>
Cindy Pedrioli	trash enclosures in commercial, mixed use or multi-family scenarios?	Trash enclosures are addressed as screening in DZC Sec. 10.5.7.3.B, rather than as a detached accessory structure.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-">https://denvercpd.konveio.com/2024-text-amendment-bundle-</a>
Cindy Pedrioli	Separate out Detached Accessory Structures and Minor Detached Structures in this section. Also, use consistent terms throughout the document, some sections reference Accessory Structures, other reference Detached Structures.	Thank you for this comment. We've revised for consistency.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2198#page=32">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2198#page=32</a>
Cindy Pedrioli	This definition needs to be present at the beginning of the section, before the table that includes them. Additional note also added there.	Thank you for this comment. We are considering how to reformat this section for ease of use.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2199#page=41">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2199#page=41</a>
Cindy Pedrioli	The minimum 12 SF seems small for things like planters (that's all the veggies you can grow?) Some toddler play pieces are taller than 4' as well. What problem is this section actually trying to address? Have there been issues with the addition of these items getting out of control or is it trying to eliminate them from requiring permitting? If it is the former, consider eliminating many of the items listed from regulation or eliminating the minor detached structures section (planters, ground-mounted mechanical equipment and play structures (under a certain height) and adding a note to the code to that effect. Arbors (assuming this means attached to the building or like a stand-alone pergola) could be outlined in roof structures section of building code or defined more clearly in building additions (with less restriction than an enclosed addition). Sheds fall into the category with accessory structures with its own category smaller and with less regulations than garages.	Thanks for this comment. Since receiving comments, CPD has revised to remove the limit on the number of these minor structures allowed per zone lot. In line with your suggestion, this change would remove the requirement to obtain a zoning permit for these minor structures (as described in Sec. 12.4.1).	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2200#page=41">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2200#page=41</a>
Cindy Pedrioli	It should read latter, not former. If you are trying to eliminate it from permitting, then state that in a statement and remove the entire section. Sheds are also already in the Detached Structure section.	In our code, all structures are assigned a building form, which is why it's necessary to have a building form for these minor structures, even though they do not require a permit. This is the place where we outline the parameters for these structures, so that people know how much they can build without applying for a zoning permit. Sheds can come in a variety of sizes: the smallest ones can fit in the minor structures building form, while larger structures would fit in the General Detached Structure building form, which is why they are listed	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2200#page=41">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2200#page=41</a>
Cindy Pedrioli	Consistency in terminology. Accessory structures versus detached structures	Thanks for this comment. We'll work on ensuring consistency in the adoption draft.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2202#page=41">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2202#page=41</a>
Cindy Pedrioli	Is it still accessory structures here or Detached Structures? Consistent throughout.	Thanks for this comment. We'll work on ensuring consistency in the adoption draft. Note that the lower-case 'detached accessory structures' describes the category of structures. If adopted, there will no longer be a building form called Detached Accessory Structures.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2203#page=50">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2203#page=50</a>

User name	Comment	CPD Response	Comment link
Cindy Pedrioli	Is there a building code requirement for setbacks? Otherwise, why do these need to be regulated at all?	The building code does not establish similar "setbacks" from property lines like the zoning code does. Zoning setbacks are intended to provide open and unobstructed space between buildings, which creates a community-desired aesthetic as well as provide privacy between uses. The code makes limited exceptions for "minor" structures where the intent of the setbacks is not substantially compromised. The Bundle changes align with this approach.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2204#page=66">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2204#page=66</a>
Cindy Pedrioli	Could AC units and heat pumps noted in above sections be added to this section instead?	AC units and heat pumps will be treated as "ground-mounted mechanical equipment" that will be required to be setback behind the primary-street facing façade to mitigate aesthetic impacts if these were placed in front of a structure.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2205#page=71">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2205#page=71</a>
Alek Miller, Senior City Planner	The rear setbacks for DADU in this section will be modified to read more like the other building form tables in other contexts. This section has an error, stating that the rear setback would be different based on the 'portion of the structure.' The setback will be set for the whole structure.	n/a - response from staff	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2206#page=37">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2206#page=37</a>
Nick Allen	I strongly challenge a blanket elimination of this section. While often confusing, mezzanine parking decks that utilize this section allow for solutions to accommodate parking, particularly for smaller infill sites. Eliminating this opportunity effectively requires those parking stalls to be built below grade, significantly increasing construction costs. This change will increase the cost of housing, and thus should be carefully evaluated. I would encourage thoughtful modification of the section in lieu of elimination.	We've received several similar comments. CPD will maintain the existing standard for mezzanines but may explore modifying it in a future text amendment.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2207#page=77">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2207#page=77</a>
Cindy Pedrioli	Does this apply to attached garages as well? setbacks from garage faces are typically recommended to be either 2' or 20', so that people cannot try to park on the door apron (2'), or have enough room to park (20'). 12' is too short to park a car but long enough for many to think they can.	The garage portion of a primary one- or two-unit residential structure is proposed to be subject to the same rear setback as the remainder of the structure. The choice to set the garage door back further than the minimum required zoning setback is a design choice that may be quite rational for the reasons you state, but will not be driven by zoning standards. See also, minimum maneuvering area for vehicle paring standards added to the adoption draft, which also speak to your comment.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2208#page=4">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2208#page=4</a>
Cindy Pedrioli	Same setback concern as in other previous sections - recommend 2' OR 20', not somewhere in between where a car will try to park on the driveway/apron of the garage.	See above response.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2209#page=51">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2209#page=51</a>
Cindy Pedrioli	This indicates that there is no maximum to the amount of garages, sheds, etc. you can have on your property as long as it meets the SF restrictions in the chart below, but that you have to follow Option A (height restrictions) on small things like infrastructure units, kid play structures, arbors, etc. or only have 1 small item in your lot. This seems backwards. Also see my comment in Article 3 about the Minor Detached Structures.	The Revised Public Review draft has revised the standards for minor detached structures to allow an unlimited number of "option A" or "option B" structures, limited instead by the maximum building coverage limits applicable to the primary structure on the zone lot.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2210#page=45">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2210#page=45</a>
Cindy Pedrioli	Also see my comment in Article 3. Option A's Max 4' in height and 12 sf in size is unusually small for some of these types of uses, like an arbor, planter, play structure or shed. Does this really need to be regulated? Regulate number and height on garages and sheds, and leave the rest out of regulation.	The goal with this building form is indeed not to sweat the smallest of stuff that is a "structure." Option A and Option B accomplishes that objective, with controls on Option B primarily to limit aesthetic impacts from cluttering up the "front yard" with larger minor structures.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2211#page=54">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2211#page=54</a>
Ignacio Correa-Ortiz	Option A may include structures like mechanical equipment, and therefore a roof form is not warranted, however, in Option B, at 14 feet max. height with no roof form standards, an unintended consequence is a massive box filling its entire building envelope. I suggest a roof form standard be applied.	Thank you for your comment. The Revised Public Review draft does not contain roof form standard as you suggested. See response below.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2178#page=54">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2178#page=54</a>
Ignacio Correa-Ortiz	Option A may include structures like mechanical equipment, and therefore a roof form is not warranted, however, in Option B, at 14 feet max. height with no roof form standards, an unintended consequence is a massive box filling its entire building envelope. I suggest a roof form standard be applied.	CPD accepts that we might get some boxes that fill the entire envelope allowed, but think that applying a roof standard to a minor structure would be in conflict with the goal of offering a low-barrier, simple building form that does not require a zoning permit.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2179#page=43">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2179#page=43</a>
Kaylyn Kirby	I agree with Nick's comment. The whole sale removal of this section seems extremely problematic. If reviewing these conditions is the issue (ie, complicated / can be confusing) I would recommend clear guidance for what exhibits or additional drawings should be included in SDP sets for projects utilizing mezzanines. If all projects are documenting them similarly + there is a consistent interpretation from all Zoning reviewers, this should not be an issue.  In addition, there is already differences between IBC and DZC on "mezzanine" - removing this section completely could cause even more confusion.	We've received several similar comments. CPD will maintain the existing standard for mezzanines but may explore modifying it in a future text amendment.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2221#page=77">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2221#page=77</a>

User name	Comment	CPD Response	Comment link
Kaylyn Kirby	How will this text amendment affect projects already in SDP review (and in design). Pulling the rug out from underneath projects that have these incorporated could result in costly delays, redesign, etc. >> potentially increasing project costs and delaying the delivery of needed housing	We've heard concerns like yours from others in the community, as well, and we are developing a grace period for projects that are already in the pipeline.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2222#page=77">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2222#page=77</a>
Kaylyn Kirby	Removing this option in its entirety seems like an overreaction to potential complexity in reviewing these conditions. Clear guidance and communication between Zoning and project teams could streamline documentation and review of these conditions. Many projects rely on this section to provide needed parking above grade (vs. below grade / much more costly parking) and the removal of this section could result in less usable space being provided in favor of additional parking (ie, less residential units to provide parking for what's left of the units).  Understanding that generally the City is not interested in providing more parking, there is still market demand for parking and "projects won't pencil" without meeting a certain level of parking. Our public transit needs to vastly improve to help make a dent in people giving up their vehicles in Denver. In addition to actual alternative options for getting outside (ie mountains) without a personal vehicle.	We've received several similar comments. CPD will maintain the existing standard for parking structure stories but may explore modifying it in a future text amendment.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2223#page=78">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2223#page=78</a>
Kaylyn Kirby	Is there any consideration given for some Administrative adjustments for projects with 2-3+ Primary Street frontages to provide some flexibility for needed building functions (ie, exhaust, parking/loading entry, transformers, general building functionality). Projects can be very constrained when dealing with multiple Primary Streets to also provide basic building functionality. Is there a way to provide option for dialogue on compromise in certain situations. Perhaps not all "Primary Street" designations are treated the same if one is a "one off condition." Projects should still strive to meet the spirit of the requirement, but is there an opportunity for alternatives if 100% compliance is not possible.	While this situation is not directly addressed in the criteria, this can be considered an unusual condition in some circumstances and could be used as a justification for an administrative adjustment. Please note, there are procedures in Article 13 that allow the zoning administrator to designate the primary street zone lot line that diverges with the standards under certain conditions.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2224#page=91">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2224#page=91</a>
Kaylyn Kirby	What about lots that have slope, but two primary streets and not a rear ZLL (Sloping site section)? Impacts to Base plane and thus height calculations. Understand this condition does not exist in the whole City, but it does exist.	When no reference lots are available, 20 feet is used as the default primary street setback. We think this is a reasonable estimate that is close to where many primary street setbacks will land and it allows applicants to plan their buildings without concern about how neighboring structures may influence the primary street setback. If there is a significant slope, an applicant can request an administrative adjustment or variance to adjust the height.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2225#page=75">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2225#page=75</a>
Kaylyn Kirby	Misread this originally, but still have a questions of why the 20' back. This could potentially hinder projects that have significant slopes between the street and rear lot line.	When no reference lots are available, 20 feet is used as the default primary street setback. We think this is a reasonable estimate that is close to where many primary street setbacks will land and it allows applicants to plan their buildings without concern about how neighboring structures may influence the primary street setback. If there is a significant slope, an applicant can request an administrative adjustment or variance to adjust the height. Further, 20 feet is the default setback when no reference lots are available. This change will allow for simpler application of the code and for applicants to plan their building height without regard to their adjacent neighbors' structures.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2220#page=74">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2220#page=74</a>
Kaylyn Kirby	If exterior balconies do not contribute to GFA, why would they not be permitted to count toward Incremental Mass Reduction? They are in effect "open" and not "mass"? Interior (walls on 3 sides + roof above) balconies do count toward GFA, and therefore, would think that they would NOT count toward Incremental Mass Reduction.  Item iii.a above notes that if the area is not considered GFA, it CAN be considered Incremental Mass Reduction. That seems simple enough. The proposed "clarification" is confusing or should just state "interior balconies"	This rule of measurement was proposed to be changed to be more streamlined, clear and consistent with the Mass Reduction Rules of Measurement that do not support the inclusion of balconies. In this case, it's more important to be consistent across all of our massing reduction strategies than with the definition of GFA.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2227#page=115">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2227#page=115</a>
Kaylyn Kirby	It appears "green screen" is being removed as an option, therefore this diagram is moot.	Based on additional comments, the Revised Public Review draft will propose to remove "wall design element" as a permitted design alternative to meet minimum transparency standards. The removal is intended to simplify a complex area of the code, and improve built design outcomes.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2228#page=137">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2228#page=137</a>
Kaylyn Kirby	Why is color being removed?	Based on additional comments, the Revised Public Review draft will propose to remove "wall design element" as a permitted design alternative to meet minimum transparency standards. The removal is intended to simplify a complex area of the code, and improve built design outcomes.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2229#page=135">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2229#page=135</a>

User name	Comment	CPD Response	Comment link
Kaylyn Kirby	Is this section essentially removing the 1' in height for every 1' setback from perimeter of building?	In the Revised Public Review draft, you'll see that many of the current standards are going to be used instead of substantially overhauling the height exceptions table.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2215#page=13">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2215#page=13</a>
Kaylyn Kirby	Wouldn't this exception no longer exist as item G.2 (Integrated Facade) is being removed?	Yes, that's correct. This error will be corrected in the Revised Public Review draft.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2217#page=97">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2217#page=97</a>
Kaylyn Kirby	Removal of this Alternative could have significant impacts to projects that need to provide parking above grade (as below grade is very costly). Requiring all above parking levels to be wrapped with min. 15' Active Use could result in less efficient parking plates and undesirable "active use" around said plates. Could result in additional parking stories to make up for inefficient layout, resulting in less usable space within a building. Not all sites have the dimensions to be able to provide parking plates with a meaningful and usable active use zone.	In furtherance of the city's land use policy objectives to reduce the amount of parking provided in our neighborhoods, and encouraging more active uses and more housing units (vs. parking spaces), the deletion of this standard removes an incentive to provide more parking, rather than less.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2218#page=97">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2218#page=97</a>
Kaylyn Kirby	How will this text amendment impact current projects in SDP review? I expect there are quite a lot utilizing this alternative and if this went into effect immediately / for projects in SDP, this would cause serious redesign, project timeline impacts, construction cost increases, and potentially stop projects from moving forward.	Thanks for your question. We've heard similar concerns from others and have determined that a delayed effective date for projects in the pipeline is appropriate. As of right now, we plan to propose a delayed effective date for SDPs of 2/3/2025.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2220#page=74">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2220#page=74</a>
Kaylyn Kirby	Note, Article 13 does not appear top left drop down navigation menu. May be missing comments due to confusion on how to find it.	Thanks for your attention to detail on this. Unfortunately, the system we used to post the document only allows a certain number of files, so Articles 10 and 11 and Articles 12 and 13 are combined.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2230#page=92">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2230#page=92</a>
Kaylyn Kirby	What is driving the 20' from Primary Street ZLL? What about odd shaped Zone Lots? Will this create confusion as the ZLLs are drawn throughout plan and elevations, dimensions from ZLL to wall, etc.?	When no reference lots are available, 20 feet is used as the default primary street setback. We think this is a reasonable estimate that is close to where many primary street setbacks will land and it allows applicants to plan their buildings without concern about how neighboring structures may influence the primary street setback.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2231#page=124">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2231#page=124</a>
Kaylyn Kirby	Where is 13.1.5.4 and 13.1.5.5? Are these being removed? or simply a glitch?	13.1.5.4 and 13.1.5.5 are not changing, which is why they do not appear in this markup draft. We had to strike a balance between publishing the full code and highlighting only the sections changing. Apologies for any confusion.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2232#page=125">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2232#page=125</a>
Kaylyn Kirby	General note - it would be helpful for navigation (+ citation in SDPs) to have the full DZC section in the header or footer of the pages. This is a very long section and it's hard to tell exactly where you are... ie, 13.1.6.1.G...	We can consider doing this in the future with a more comprehensive look at the formatting of the code. It seems that this is primarily a challenge in Article 13, so the potential solution might be to add more divisions to 13.	
Kaylyn Kirby	"At every story above street level, exterior street facing building walls within the minimum percentage of Zone Lot Width specified in building form table shall be required to meet limitation on visible parking above street level"  This is problematic as it reads as: if you have a 70% Build-to Requirement, then ALL Stories above grade must meet that same 70% Build-to requirement to satisfy the "limitation on visible parking" This does not work where buildings step back / in at upper floors from either an architectural/massing move or as required by Incremental Mass Reduction. Meaning, if you have 100' of build-to at Street level, you may have 70' at upper floors... and that would not be compliant with the way this is worded.  If you are removing the "Integrated Facade" Alternate, this section needs to be cleaned up to be more in line with what I believe the intent to be. Or really it should be cleaned up regardless because its confusing. Should be % of the building length that exists at the upper floors or "100% of above grade parking" (or where parking exists above grade) needs to be wrapped / limited visibility / not visible from the street. But it should not be tied to the Zone Lot width because that doesn't make sense on upper levels.  ... hope that makes sense.	This section does not state that the Limitation on Visible Parking shall meet the Build-To Min / Max Range. Therefore, if portions of the Building are stepped back in compliance with Incremental Mass Reductions, so long as those stepped-back areas still show that the building is wrapped in activated uses for the minimum depth, the Building would be in compliance with the Limitation on Vehicle Parking requirements. The Rule of Measurement for how the percentage of the Zone Lot Width is calculated is called out in 13.1.6.1.i.2.b. So for every story above the Street level, the exterior street-facing building walls within the minimum Zone Lot Width will need to comply with the 70% Limitation. The Rules of Measurement also accommodate building massing insets or limited building articulation re: 1.3.1.6.1.2.ii.	

User name	Comment	CPD Response	Comment link
Kaylyn Kirby	Amending comment slightly, as technically the building form table does not say "Limitation on Visible Parking Above Street Level = Build-to Requirement" However, it does note (DO-7): Limitation on Visible Parking Above Street level is 70% of the Primary and Side Street-facing Zone Lot Width  So same concern... 70% of the Zone Lot Width on upper stories essentially reads as the building must maintain 70% build-to for its full height.	See response above on previous comment.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2232#page=125">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2232#page=125</a>
Kaylyn Kirby	See also comment on Limitation on Visible Parking above street as I believe it is written differently than expected + is confusing. If this Alt is being removed, that section needs some attention.	See response above on comment on Limitation on Visible Parking.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2217#page=97">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2217#page=97</a>
Kaylyn Kirby	See also comment under Limitation on Visible Parking above street level (in 13).  This needs to be reviewed, especially if Integrated Facade is being removed. Is this reading as follows: if parking exists above street level, than ALL Stories (even ones without parking), must be a min of 70% of the Zone Lot length (essentially matching Build-to) ? It appears to be a measurement of the Zone Lot Width and not the street facing building length, or "only where there is parking"  Essentially does not allow for buildings to step back at upper floors for massing or as required for Incremental Mass Reduction. I do not think this is the intent?	See the illustration in Figure 13.1-96; In these situations, we do include the depth of a recessed area as counting toward depth for IMR.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2235#page=93">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2235#page=93</a>
Alek Miller	Thanks for your attention to detail on this. Unfortunately, the system we used to post the document only allows a certain number of files, so Articles 10 and 11 and Articles 12 and 13 are combined. These are accessed from the drop down at the bottom below the document window. The drop-down at the top left is not wide enough to show the full title.	n/a - no response needed	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2219#page=72">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2219#page=72</a>
Tim Boers	reducing lot coverage on narrow lots reduces the viability of developing small lots. recommend changing this back to 50% or increasing a bit to 60% to compensate for the deletion of the 50% credit for garages >15' from the house.	Thank you for the comment. We have recalibrated the maximum building coverage in the Revised Public Review draft to allow more lot coverage on smaller or narrower lots.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2239#page=4">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2239#page=4</a>
Tim Boers	The increases in lot coverage for all three lot widths are too high, and will encourage bulkier buildings. Recommend reducing to 45% for lots between 30' wide and 75' wide, and reducing to 40% for lots greater than 75' wide. This would be consistent with what you are proposing for the Urban House form.	Thank you for the comment. We have recalibrated the max building coverage in the Revised Public Review draft to allow more lot coverage on smaller or narrower lots.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2240#page=7">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2240#page=7</a>
Tim Boers	ALL building coverage limits have been deleted! This seems to be contrary to how you are treating other building forms.	This was a drafting error that will be corrected in the Revised Public Review draft.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2240#page=7">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2240#page=7</a>
Tim Boers	ALL maximum structure widths and lengths have been deleted. Why?	Building coverage and setbacks will still control the amount of structure built on a site, but this deletion will allow for more flexibility in laying out tandem houses on a site. Removing the length and width limits also supports the addition of a front porch where it's required or desired.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2240#page=7">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2240#page=7</a>
Tim Boers	Building Footprint limits have been deleted for Districts U-TU-B, U-TU-B2, and U-TU-C . Why?	This was a drafting error that will be corrected in the adoption draft. Unfortunately, we did not revise it in time for the Revised Public Review draft.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2240#page=7">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2240#page=7</a>
Tim Boers	Why are the RH districts deleted here?	This was a drafting error that will be corrected in the adoption draft. Unfortunately, we did not revise it in time for the Revised Public Review draft.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2240#page=7">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2240#page=7</a>
Tim Boers	Same comment as in Article 5	Please see response in Article 5.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2245#page=4">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2245#page=4</a>
Tim Boers	You have eliminated the rear setback with no alley adjacent to a Protected District. This should remain in place!	This was a drafting error that has been corrected in the Revised Public Review draft.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2245#page=4">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2245#page=4</a>
Donna George	PSCO/Xcel Energy would like to review any ZLAMs where the electric service may be affected by the new lot line, causing the line to be in trespass of one lot or the other, depending.	The ZLAM reviewer refers to Xcel when the trigger is met. Currently, the trigger is "if zlam reviewer knows that new zone lot will be cut off from a known power or gas line." If they'd like any adjustments to be made to the trigger, please reach out to Ryann Anderson at ryann.anderson@denvergov.org.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2237#page=31">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2237#page=31</a>
Alisha Hammett	We would like to have a path similar to the PBG/SDP amendment language where a DRC gives the option of a single owner amending a zone lot. Not creating a provision for a single property owner to amend a zone lot will make the PBG dissolution process moot.	The adoption draft will have a parallel provision that allows zone lot amendments with less than 100% ownership, limited to zone lots that are subject to an approved SDP.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2238#page=31">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2238#page=31</a>



User name	Comment	CPD Response	Comment link
Phil Loper	Why is this language getting deleted? Why not just replace 'Detached Garage' with the new 'General Detached Structure' Building Form here? This change could have significantly negative impact on Zone Lots greater than 62' wide that don't have Alley vehicle access. Requiring a 7.5' Side Interior Setback for an attached garage in these cases seems highly, and unnecessarily, restrictive in my opinion.	That is what we're proposing. The new General Detached Structure building form incorporates the standards from the previous Detached Garage building form. The deletion you've pointed out is a proposal to remove an incentive for attached garages, which allows them to have narrower setbacks than the rest of the primary structure in many cases. We've heard similar concerns from others and will be retaining the allowance for attached garages to use detached garage standards. However, CPD may explore hanging this in a future text amendment.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2247#page=4">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2247#page=4</a>
Phil Loper	Why not also include 'screening roofs' for rooftop mechanical equipment as 'Non-occupiable structures and objects'? I think a sloped roof mechanical screen would be more aesthetically pleasing than a parapet wall mechanical screen that sticks up in the middle of a sloped roof.	Upon further discussion of the proposed height exceptions based on comments received, CPD is proposing to go back to the current set of height exceptions, which has specific standards for mechanical screens.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2248#page=51">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2248#page=51</a>
harsh parikh	Language is unclear. What does 'not permitted' mean in this context? Is the stipulation stating that the GFA of the connector will not count towards the GFA of the primary structure?	In this case, 'not permitted' means that the enclosed area of the Building Connector may not be used for anything other than a pedestrian walkway between structures is not allowed. Although it references Gross Floor Area, it's not meant to indicate anything about allocating the GFA to one structure or another; rather, this just speaks to the use within the Building Connector.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2249#page=7">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2249#page=7</a>
Megan Roper	<p>I'm extremely concerned with the zoning changes as they pertain to carriage lots. This change in zoning laws will impact over 1800+ current home owners/residents without awareness or consideration. Here are a few reasons why this change brings our block + other homeowners concern:</p> <ul style="list-style-type: none"> <li>- increased risk to fire hazard - our alleys are extremely narrow and no fire truck could fit in the alley. The increased fire hazard puts all of us at risk for home damage, or potentially life threatening depending on fire severity.</li> <li>- our resources are already strained. Every summer our entire block will lose Power during our hottest days because XCEL tells us that too many people on the grid are running their AC. If we add even more homes to such a tiny condensed area, we run the risk of having more outages. This puts our elderly even more at risk for heat related illnesses or death.</li> <li>- Home equity devaluation. The new buildings in the carriage lots will make our homes less desirable for many reasons. The erosion of our equity is not worth a small building crammed into a small area that doesn't even come close to addressing our actual housing crisis.</li> </ul> <p>I'd like to see REAL solutions to our housing crisis and not to the detriment of current homeowners and residents.</p> <p>Lastly, it's odd to me our representative, Sandoval, has changed position in such a short period of time. I can't imagine further lining the pockets of developers instead Of investing in our communities is the reputation our city council wants.</p>	The change proposed to carriage lots would maintain the physical standards in place today, but would allow someone other than a homeowner and resident on the block to own the carriage lot. The proposed amendment to eliminate the requirement is not a major change from what is possible today in terms of creation of a new structure on the lot.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2250#page=1">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2250#page=1</a>
Megan Roper	<p>I'm extremely concerned with the zoning changes as they pertain to carriage lots. This change in zoning laws will impact over 1800+ current home owners/residents without awareness or consideration. Here are a few reasons why this change brings our block + other homeowners concern:</p> <ul style="list-style-type: none"> <li>- increased risk to fire hazard - our alleys are extremely narrow and no fire truck could fit in the alley. The increased fire hazard puts all of us at risk for home damage, or potentially life threatening depending on fire severity.</li> <li>- our resources are already strained. Every summer our entire block will lose Power during our hottest days because XCEL tells us that too many people on the grid are running their AC. If we add even more homes to such a tiny condensed area, we run the risk of having more outages. This puts our elderly even more at risk for heat related illnesses or death.</li> <li>- Home equity devaluation. The new buildings in the carriage lots will make our homes less desirable for many reasons. The erosion of our equity is not worth a small building crammed into a small area that doesn't even come close to addressing our actual housing crisis.</li> </ul> <p>I'd like to see REAL solutions to our housing crisis and not to the detriment of current homeowners and residents.</p> <p>Lastly, it's odd to me our representative, Sandoval, has changed position in such a short period of time. I can't imagine further lining the pockets of developers instead Of investing in our communities is the reputation our city council wants.</p>	The change proposed to carriage lots would maintain the physical standards in place today, but would allow someone other than a homeowner on the block to own the carriage lot. Fire risk and other hazards are reviewed as part of the development review process.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2250#page=1">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2250#page=1</a>

User name	Comment	CPD Response	Comment link
harsh parikh	By removing the qualification that this limitation only applies to pedestrian access, you've placed a limitation on ALL paved surfaces. Would'nt this effectively place limitation on what percentage of a certain setbacks can be paved? This would create a big problem on a rear frontages where often the whole setback area needs to be paved in order to enter a garage. Suggest removing this item entirely. 'Flatwork' is not a building element, it's a surface finish. If you want to regulate imperviousness in setbacks there are other ways of achieving that. If you want to limit setback encroachments by exterior stairs, then that's understandable. But 'Flatwork' seems inappropriate.	In response to this and other comments, we've revised the setback encroachments to follow the current allowances. In the Revised Public Draft, you'll see that the definition of flatwork has been broadened so that it is no longer limited to pedestrian access routes. We believe there is a benefit to allowing a flatwork setback exception regardless of whether it functions as access to a building.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2251#page=68">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2251#page=68</a>
harsh parikh	Similar comment. Imagine a 30' wide lot that requires a 12' rear setback because it has an attached garage. According to this, only 15' width (not enough for two cars) will be allowed to be paved in the rear setback to allow for a driveway. And one that limit is reach, no further paving allowed for trash, ped entry into back yard, etc. Why limit perviousness of rear setback area? Suggest removing the flatwork limit entirely, or at least remove any flatwork limitations from rear yards and side yards.	The setback exception that you'd use in this case would be the "Drive or Driveway" exception, which allows the drive to encroach any distance into the rear setback. Flatwork is for pedestrian walkways, stairs, and ramps.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2252#page=68">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2252#page=68</a>
harsh parikh	You've already created the criteria what constitutes a minor structure. Why count such small items with limited impacts against max building coverage? I would suggest not counting Option A minor structures against max building coverage.	Thanks for your comment. We'll take it under consideration.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2253#page=68">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2253#page=68</a>
harsh parikh	Why remove this exception? An attached garage is a superior execution. Removal of this exception means that detached garages can be within 5' of the rear line but attached garages must remain 12' from the rear line. What positive outcome is achieved by pushing attached garages further back from the alley? I suggest leaving this exception in. Code should not incentivize detached garages over attached garages.	We think it's more reasonable to treat attached garages similarly to the rest the primary structure, rather than giving them the same setbacks as detached garages. This simplifies the code, improves process efficiency, and provides an easier path to reuse an attached garage for other, more active uses (e.g., an ADU) after construction. In addition, since attached garages are considered to be part of the primary structure, this change may create greater amounts of rear open space on a lot, since the primary structure would no longer extend from rear setback line to primary street setback.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2254#page=10">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2254#page=10</a>
harsh parikh	10' seems very short. Suggest increasing to at least 15'. There is already a precedence in the code for a 15' assumed distance between a garage and primary structure. 15' is a usable space that might allow decent natura light in. 10' is very short and will create nooks that will be poorly lit and hard to drain.	It sounds like you're thinking about the length of the Building Connector, rather than the width. The 10' is intended to limit how wide the Building Connector can be. We'll consider revising for clarity.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2255#page=7">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2255#page=7</a>
Andy Olree	I initially thought removing this section makes sense as it is in contradiction sometimes with the building code. If it is removed, i don't think it is saying mezzanines are not allowed, it is just removing the responsibility for review. That is how i interpret the removal. If they are trying to state that mezzanines are no longer allowed and are to be classified as a story, that is a problem and will create further confusion with building construction type, allowable area, egress, real estate definitions, and other. I recommend that the definition of a mezzanine be consistent with the International Building Code and by any other definition you can find (not a story). If an apartment has a loft or mezzanine where part of the apartment has high ceilings and the other part has 2 levels, you do not count the loft or mezzanine as a separate story. Only count full stories where there are hallways and elevators serving that floor area (story). The definition of a mezzanine is pretty consistent from building codes and real estate definitions and would ease the city's review to have that same consistency.	We've received several similar comments. CPD will maintain the existing standard for mezzanines but may explore modifying it in a future text amendment.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2256#page=77">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2256#page=77</a>
Andy Olree	Electrical transformers should not be considered a structure as it relates to setbacks. Xcel locates transformers within ROWs, on properties, on a power pole in an alley or along the property easement within the back 5 feet of residential properties. This setback encroachment is commonplace throughout the city of Denver. I had never had a transformer considered as an accessory structure with respect to setbacks until recently and it is not consistent with the built environment. Equipment is not a structure and should be considered as such for site placement. This is especially true when a primary structure has zero setbacks and then a "accessory structure" like a transformer has stricter setbacks.	Understood. However, all structures are required to be assigned to a building form. We think the minor detached structure building form proposed strikes a good middle ground, as it allows for structures of a small size (like some utility equipment boxes) to be constructed without a zoning permit, but still subject to a small set of siting rules to control for aesthetic impacts.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2257#page=168">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2257#page=168</a>



User name	Comment	CPD Response	Comment link
Connor Gies	I am very concerned with the lack of community feedback and involvement in the decision surrounding carriage lots. There has not been the proper feedback and engagement with homeowners surrounding these lots to consider how these spaces can and should be used. What are the considerations for increased traffic, how will emergency services get back to these areas with the alleyways being so small, loss of urban greenery, increased fire risk with no true plans of how to mitigate that risk. Not to mention how utilities will get back to that space and the negative impact this will have on current homeowners and property values of the surrounding homes. There seems to be a lot of unintended consequences that will come from this that council and zoning are overlooking to create a few more homes in an already densely populated area. My garage is across the alley from one of these lots, has anyone in favor of this change actually visited a carriage lot and understand the consequences this would have on the neighboring homes? This will negatively impact the quality of life for every home and family surrounding a carriage lot.	All carriage lot development must go through review for fire, transportation, building and zoning code requirements. The focus of the changes is on treating carriage lot owners in the same way that we would treat other property owners by removing a requirement to reside on the surrounding block and that the ownership between the carriage lot and outer block be linked.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2258#page=6">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2258#page=6</a>
Carlyn Shapiro	I am extremely concerned about the impact this proposal will have on carriage lots and the surrounding neighbors. I would implore the city to reconsider due to the following concerns:  <b>**Lack of Community Feedback:**</b> - The zoning changes may advance without sufficient input from local residents, potentially ignoring their concerns and priorities.  <b>**Unaddressed Local Concerns:**</b> - Without community engagement, issues like increased traffic or privacy impacts may be overlooked, leading to unforeseen consequences.  <b>**Limited Transparency:**</b>  <b>**Opaque Decision-Making:**</b> - Lack of community input can make the zoning process seem opaque, undermining public trust and perceived fairness.  <b>**Inadequate Mitigation of Potential Issues:**</b>  <b>**Missed Opportunities for Solutions:**</b> - Engaging with residents can reveal potential problems and solutions early, avoiding issues like increased density impacts or neighborhood changes.  <b>**Setback Issues:**</b>  <b>**Inconsistent Setbacks:**</b> - New developments may disrupt existing setback patterns, affecting	Given that the proposed changes do not affect the physical built outcomes, and all carriage lot development will have to go through the development review process, we believe many of these concerns can be mitigated. As for the community outreach piece, we are holding a community meeting on October 7 to further review what is proposed.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2259#page=8">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2259#page=8</a>
Cindy Pedrioli	EV standards (EVSE EV ready and EV capable) need to be written into the dimensional sections of the design standards/zoning code and Planning staff must become familiar with the requirements and convey those early in the design process. Most site design work is not referring to the Energy Code. These spaces, outside of required ADA spaces that have EV are a significant impact on parking counts and in turn site design/layout and even viability of a project. Universally accessible spaces require an aisle between each space, which is required to be 11' wide instead of 8.5-9' wide standard. That eats into the total number of parking spaces a property can provide.	We prefer to refer to the EV standards in the energy code because it allows the energy code experts to revise and amend their code without creating new conflicts with the zoning code.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2260#page=8">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2260#page=8</a>
Cindy Pedrioli	This section does not match the sections under specific zones where it notes a smaller distance from the face of the alley to the garage door, see my comments in article 3-5. Consistency.	Thank you for this comment.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2260#page=8">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2260#page=8</a>
Cindy Pedrioli	Is this timeframe shorter than existing? 45 days seems to be very short for turnaround of complex staff comments. I thought the current requirement was 180 days. 45 days seems like a significant hardship on consultant teams	You are correct. The final draft made that change to 180 days for responses to staff plan review comments.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2260#page=8">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2260#page=8</a>

User name	Comment	CPD Response	Comment link
Megan Gies	<p>Hello, I am the owner of a home that surrounds a carriage lot. When we purchased our home almost 5 years ago, the carriage lot was a significant part of our due diligence process, and we were told by the Seller's real estate agent, and we independently confirmed by reviewing the zoning code, that very limited structures could be built on carriage lots only by an adjacent lot owner. These limitations made us feel conformable following through with the largest purchase and investment decision of our lives. The proposed change to the zoning code to allow individuals that do not own adjacent property to develop these parcels is of great concern to my household, as well as all of my neighbors. My concerns are outlined in more detail below:</p> <ol style="list-style-type: none"> <li>1.Access to Garages/Setbacks: The alleyways are very narrow and I have to drive up onto a portion of the carriage lot in order to get in and out of my garage. If a structure or a fence is built on the carriage lot it will make it very challenging if not impossible for us to get in and out of our garage.</li> <li>2.Construction Issues: There is very limited space on the carriage lot and surrounding alleyways. If a home is built on this parcel, there is very little space for construction vehicles, cement trucks, supplies, etc., and there is a very real risk that construction of a home that takes up the majority of the space on the carriage lot will create access issues to our homes.</li> <li>3.Service Issues: Utility servicers currently use the space on the carriage lot to park when they are working on powerlines etc. in our neighborhood, and they will no longer have any space to perform these services.</li> <li>4.Congestion: Building a home on the carriage lot will add significant congestion and take away all of the very little green space on the block.</li> <li>5.Increased Traffic: In addition to the very significant traffic and interference created by the construction, a new home will add increased traffic through the alleyways due to an entirely new household of residents, guests and visitors.</li> <li>6.Parking Issues: If the new structure being built does not have a garage, the</li> </ol>	Thank you for these comments. The physical standards for development on carriage lots are not changing and these standards have been in place for many years. Your concerns about setbacks, construction issues, service issues, traffic/congestion, parking, and height are all addressed by the development review or multi-agency review before development is allowed.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2263#page=8">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2263#page=8</a>
Katie Fox	s (note: comment was correcting a minor typo)	Thanks for this comment.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2263#page=8">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2263#page=8</a>
Katie Fox	2. In a zone lot amendment application to combine two or more lots, creation of a new nonconforming or compliant structure is allowed when it results only from noncompliance with side interior setback to the extent of not more than 40%.	We did not address setbacks because when a zone lot split occurs, most setbacks would remain the same or get smaller. In terms of a zone lot combination, a variance would need to be requested and a justifying circumstance shown.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2267#page=32">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2267#page=32</a>
Katie Fox	delete "25%"	The 25% is part of an example pulled from the thresholds in the AA table.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2267#page=32">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2267#page=32</a>
Katie Fox	<p>Reword No. 2 to read, "2.In all cases for zoning relief, the Zoning Administrator shall determine the applicability of the administrative adjustment process based on whether (i) an administrative adjustment to the specific zoning standard violation that prevents approval under the zone lot amendment review criteria is within the authority granted in Section 12.4.5 of this Code, or (ii) a variance is required by the Board of Adjustment pursuant to Section 12.4.7."</p> <p>This makes it more clear that the Board of Adjustment has express authority as required by 12.4.7.3(A)(3)(b).</p>	Thanks for this comment. We think we've gotten the language right in the Revised Public Review draft.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2267#page=32">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2267#page=32</a>
Katie Fox	<p>Change to 40% or amend to read "No limit, provided the adjustment results in a Side Interior Setback no less than 5 feet."</p> <p>Either of these changes would align the setback requirements for all other zone lots with the extent of adjustment allowed for zone lots between 30 and 40 feet wide.</p>	We appreciate your comment and will take it under consideration for future code reform, but that change is beyond the scope of this Bundle.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2269#page=38">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2269#page=38</a>
Katie Fox	, unless as the result of a proposed zone lot amendment.	Thanks for this comment, but we believe it is important to maintain that the voluntary decision to transact a zone lot amendment is an applicant-created condition.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2269#page=38">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2269#page=38</a>
Katie Fox	Add the following to the start of this sentence: "An extenuating situation exists or a hardship will result if a variance is not granted, or the variance is necessary . . .	Thanks for this comment. We moved away from hardship language in 2022-23.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2269#page=38">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2269#page=38</a>
Katie Fox	, unless as the result of a proposed zone lot amendment.	Thanks for this comment, but we believe it is important to maintain that the voluntary creation of a zone lot amendment is an applicant-created condition.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2269#page=38">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2269#page=38</a>
Katie Fox	Keep the concurring vote requirement at 3 instead of 4 members of the BOA.	This change is reflected in the Revised Public Review draft.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2269#page=38">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2269#page=38</a>

User name	Comment	CPD Response	Comment link
Keith Meyer	Removal of the requirement of Primary Residence of Owners Surrounding a Carriage Lot is very problematic. These are small spaces surrounded by pre-existing homes and owners that often share these common areas. Adjacent neighbors are in a much better place to purchase a lot and be required to discuss development plans with neighbors and come to a mutually beneficial agreement for all. This is not the case when a developer who has no interest in the neighborhood can come in and purchase the lot and is not required to reach any type of development agreement with the community before building on the lot.	Carriage lots are the only development type where the DZC regulates where a property owner lives as their primary residence. This has created poor outcomes for neighbors in the past - for example, carriage lots have become overgrown or neglected because owners could not sell or develop them. We think this is a step in a more equitable direction - of treating land uses for the same purpose in a similar manner.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2274#page=65">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2274#page=65</a>
Trish Banks	This is an excellent point. It seems that these zoning changes are being drafted without really getting the thoughtful input of community members that actually live the area.	A community discussion is planned for October 7.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2259#page=8">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2259#page=8</a>
Trish Banks	These are very thoughtful and excellent points. They should be included in the public record on this discussion.  How has the Zoning Administrator sought to solicit genuine feedback from the residents effected by these changes?	These comments will be provided to the Planning Board. Many comments have been provided on the Public Review Draft and via email. CPD is holding a community discussion on October 7.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2259#page=8">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2259#page=8</a>
Casey Dunn	I am confused and concerned about the city's recent changes in the use of carriage lots. This change seems to have occurred with very little input from surrounding home owners and appears to have taken place through back channels. It's created a very poor perception of the city's decision making as there was no community feedback.  These changes also seem dangerous as the alleyways for carriage lots are insufficient for emergency vehicles and will create considerably more traffic in areas where there is little visibility and limited space.  We had hoped for years that this space would eventually become a community space for our neighbors and our family to come together and enjoy. It could become gathering spaces to bring our communities together. Turning these lots into housing does little to address the real challenges our community is facing, and seems to only benefit a select few who secretly partnered with the city to develop and profit from these lots. We really hope that the city will reconsider these changes.	Thank you for these comments. We are providing an opportunity for input on the public draft and through a hybrid meeting on October 7. All comments will also be provided to the Planning Board prior to the October 16 hearing. In addition, the physical standards for development on carriage lots are not changing and these standards have been in place for many years. Your concerns about setbacks, construction issues, service issues, traffic/congestion, parking, and height are all addressed by the development review or multi-agency review before development is allowed.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2264#page=4">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2264#page=4</a>
Veronica Guillen	I am concerned about these proposed zoning changes. As a homeowner bordering a carriage lot, I feel like us neighbors have been kept in the dark regarding these changes. Any development in the lot behind my house would result in loss of privacy, overshadowing of my property, and be a major intrusion on our space. Developing this carriage lot would also be a hazard. The alleyways on our block are already too narrow for trash trucks to drive through so how would emergency vehicles such as firetrucks and ambulances access the lot should there be an emergency? in addition, there is already a lack of parking in the area. Trash/recycle days make this even worse. Where will parking for these structures be? Trash pick up? How will construction vehicles/equipment get back there to build without damaging surrounding properties? How will water and sewer be accessed? What are surrounding neighbors supposed to do while construction occurs? How will we access our garages? Development of these lots will only result in overcrowding, overshadowing, and decreasing the quality of living for those surrounding them.	Thank you for these comments. We are providing an opportunity for input on the public draft and through a hybrid meeting on October 7. All comments will also be provided to the Planning Board prior to the October 16 hearing. In addition, the physical standards for development on carriage lots are not changing and these standards have been in place for many years. Your concerns about setbacks, construction issues, service issues, traffic/congestion, parking, and height are all addressed by the development review or multi-agency review before development is allowed.	<a href="https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2277#page=8">https://denvercpd.konveio.com/2024-text-amendment-bundle-public-review-draft?cid=2277#page=8</a>

# Planning Board Comments



Submitted on	16 October 2024, 11:48AM
Receipt number	711
Related form version	3

## Your information

Name	Grace Lopez Ramirez
Address or neighborhood	1800 Larimer Street, 11th Floor, Denver, Colorado 80202
ZIP code	80202
Email	grace.l.ramirez@xcelenergy.com

## Agenda item you are commenting on

Zoning Code Text Amendment

## Rezoning

Address of rezoning

Case number

## Draft plan

Plan area or neighborhood

## Proposed text amendment

Project name	Overall feedback for Zone Text Amendment Bundle
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## Historic district application

Name of proposed historic district

## Comprehensive Sign Plan

Address of comprehensive sign plan

---

Case number

## DURA Renewal Plan

---

Address of renewal project

---

Name of project

## Other

---

Name of project you would like to comment on

## Submit your comments

---

Would you like to express support or opposition to the project?

Moderate support

Your comment:

As the public utility service power provider for the City and County of Denver, Xcel Energy works in partnership with Denver to support the city's goals on everything from economic development to electrification.

As Denver becomes denser, space for necessary equipment to power homes and businesses becomes less available both in the right of way and on private property. Given the City's eventual 100% electrification goal, this infrastructure is likely to get larger as more power load comes onto our electrical grid.

Xcel Energy cannot emphasize enough that we will need Denver's support to ensure we are able to place, access and maintain that infrastructure to safely provide reliable power service to our constituents.

Thus, it is critical that we continue to work in a collaborative process mutually with Community Planning and Development and other city agencies to ensure our feedback is considered early in the regulatory process when proposing new and revised rules.

We appreciate the collaborative spirit Tina Axelrad and her team have brought to this zoning text amendment process and look forward to continued communication and partnership as we begin to implement these proposed changes.

Thank you.

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If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.

# Planning Board Comments



Submitted on	16 October 2024, 10:13AM
Receipt number	710
Related form version	3

## Your information

Name	Anne Davis
Address or neighborhood	1400 Glenarm Place, Suite 300
ZIP code	80202
Email	adavis@themulherngroup.com

## Agenda item you are commenting on

Zoning Code Text Amendment

## Rezoning

Address of rezoning

Case number

## Draft plan

Plan area or neighborhood

## Proposed text amendment

Project name 2024 Text Amendments

## Historic district application

Name of proposed historic district

## Comprehensive Sign Plan

Address of comprehensive sign plan

---

Case number

## DURA Renewal Plan

---

Address of renewal project

---

Name of project

## Other

---

Name of project you would like to comment on

## Submit your comments

---

Would you like to express support or opposition to the project?

Neutral

Your comment:

I proposed aligning a portion of Article 13. Rules of Measurement & Definitions with the 2021 IBC 505.2.1 - 3 allowing up to 50% area of the room the mezzanine is a part of when in a sprinklered building.

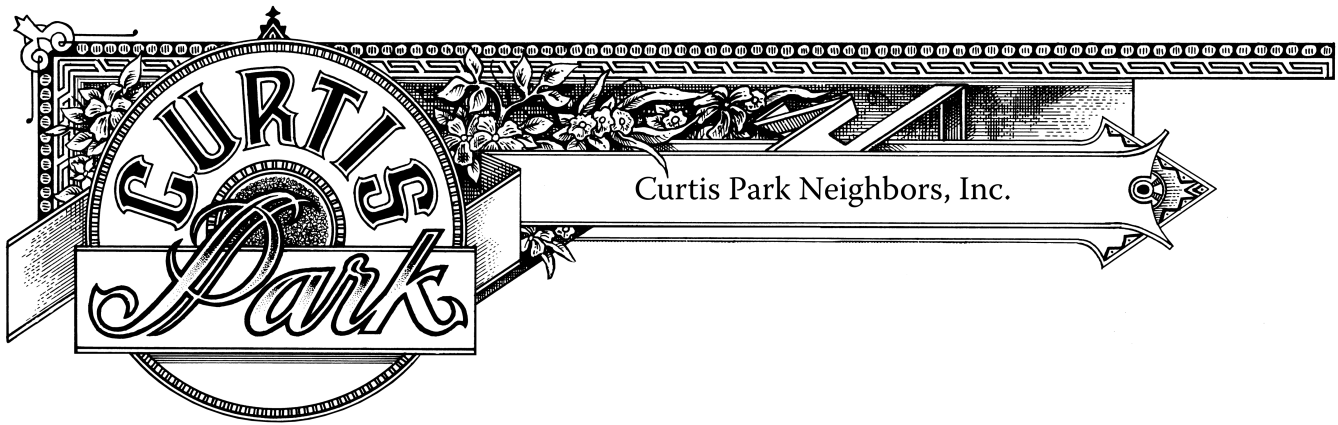
13.1.3.3 Height in Stories

4. Mezzanines

b. ii. The total gross floor area of the mezzanine story, not counting floor area with a net floor-to-ceiling distance less than 5 feet, shall be no greater than 33% of the floor area of the Room below in a non-sprinklered structure and no greater than 50% of the floor area of the Room below in a sprinklered structure to which the mezzanine opens.

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If you have an additional document or image that you would like to add to your comment, you may upload it below. Files may not be larger than 5MB.



October 21, 2024

**Re: Denver Zoning Code 2024 Text Amendment Bundle -  
Concerns With Unintentionally Reducing ADU Allowances on Small Lots**

Dever City Council LUTI Committee:

**Curtis Park Neighbors is seeking your support to address an unintentional issue in the DZC 2024 Text Amendment Bundle which reduces the allowable lot coverage for constructing ADUs on small lots such as are typical in Curtis Park.**

The text amendment bundle seeks to simplify various calculations and reduce special exceptions, but the change to eliminate the 500 sq ft additional lot coverage allowance for ADUs, does not fully replace the allowance in a simpler way for narrow lots.

In Curtis Park, the historic residential area in the center of Five Points, the predominant lot size is 3,125 sq ft (25' x 125'), and ADUs are both historically common and have been extensively constructed since the 2010 Denver Zoning Code reintroduced them to Denver. Both existing homes and new construction are benefiting from the ability to build ADUs that meet modern living needs even on our narrow lots.

CPD presented at Denver Planning Board last week regarding the 2024 Text Amendment Bundle that their simplifications *do not intend to reduce the building allowance, but only to reduce complexity.*

However, they were seemingly unaware that their adjustment to lot coverage does not fully replace the lost 500 sq. ft. ADU allowance for narrow lots such as ours. The impact reduces the buildable sq. ft. on a small lot with a house and an ADU by approximately 200 sq ft — a significant impact for these small structures.

Since CPD did not provide the normal outreach to RNOs letting us know about the availability of the review draft of the Bundle this summer, and because this item's current form was just newly introduced in Planning Board review draft which was noticed to RNOs only two weeks before the Planning Board hearing, we were limited in our ability to notice and react to this impact sooner.

(continued)



**Prior to adopting the 2024 Text Amendment Bundle, Curtis Park Neighbors requests that City Council either:**

- Work with CPD to revise this simplification for small lots citywide with an amendment to this bundle before adoption, in order to be consistent with CPD’s intention to simplify without impacting ADU building capacity,

OR

- Narrowly address this issue for future ADUs in most of Curtis Park when on the same lot as non-historic primary structures by adding to the bundle an amendment to the Curtis Park Conservation Overlay (CO-2). This would leave the impact unresolved for other historic neighborhoods with small lots, as well as to our Lawrence and Arapahoe edges which are not included in the overlay but would be better than doing nothing. This Curtis Park-specific change to CO-2 could be something along the lines of adding to Curtis Park CO-2 in DZC 9.4.3.7.E:
  - “Construction of a detached accessory structure may exceed the maximum building coverage by up to 200 sq. ft.”

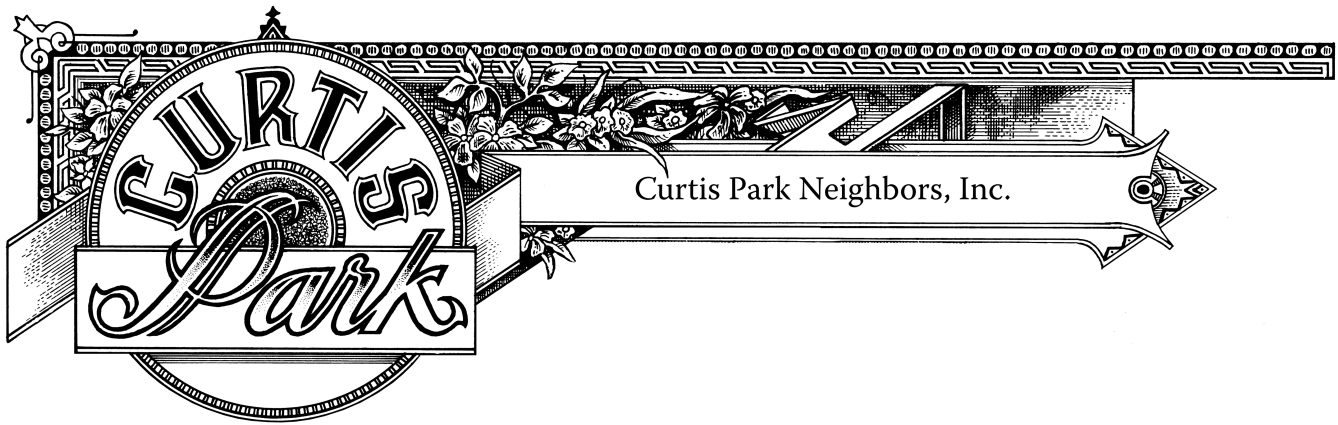
As the 2024 Text Amendment Bundle has already been recommended by Planning Board – which was not aware of this issue – we understand that addressing this issue will now take a Council-initiated amendment before adoption. We trust that, in partnership with CPD, the issue can be addressed before your final vote.

This letter and request is made with the support of a unanimous vote of the Curtis Park Neighbors Board at our regularly-scheduled October 21<sup>st</sup> 2024 meeting.

Thank you,

*Stephen M Bennett*

Stephen M Bennett  
President  
Curtis Park Neighbors  
stephen@curtisark.org  
720-360-6073



November 1, 2024

**Re: Denver Zoning Code 2024 Text Amendment Bundle -  
Follow Up on ADU Allowances on Small Lots / Concern Resolved**

Dever City Council LUTI Committee & CPD Zoning Administrator:

**Curtis Park Neighbors thanks Alek Miller from the Zoning Administration team for meeting with us and walking through full site layout scenarios for detached ADU development on small Curtis Park lots before and after the 2024 DZC Bundle.** He met by Zoom on October 30th with four neighbors who participate regularly in design discussions in Curtis Park, including one neighbor who builds ADUs professionally. Two representatives from our always-responsive Council office also joined for the discussion.

While the overall reduction in lot coverage allowed due to the Bundle's removal of the up-to 500 sq ft ADU exception itself is not fully offset by a change to base lot coverage – which caught our attention earlier this month – Mr. Miller's review of his prepared hypothetical site layouts clearly illustrated that:

1. The practical limitations on home + ADU size on narrow lots with larger home footprints arise predominantly from other zoning form standards and siting requirements, *not* from the trade-off of the 500 sq ft ADU exception for the modified base lot coverage number.
2. This appears to be true both in our historic core area where the CO-2 overlay allows ADUs in the rear 50% of the lot, as well as being true where the more Denver-typical requirement for ADUs to remain in the rear 35% of the lot applies, such as on Arapahoe and Lawrence Streets outside of our overlay.
3. This change eliminates the hard requirement for a 15-foot separation between the primary structure and the detached ADU that otherwise would have been needed to qualify for the old lot coverage exception. This will be helpful in cases our ADU-professional neighbor has encountered with adding ADUs to lots with existing homes. Alek shared that many Variance requests related to this separation qualifier have been received from across the city and will likewise no longer be necessary.
4. The adjusted base lot coverage allowance may be useful for more cases than just for ADUs and garages, increasing flexibility generally.

(continued)

**We no longer have a concern regarding this element of the 2024 DZC Text Amendment Bundle.** Thank you again for CPD's responsiveness and for Mr. Miller's clear presentation with well-prepared illustrations and his open and inviting engagement style.

This letter is being sent with the support of a unanimous vote of the Curtis Park Neighbors Board by electronic voting, which concluded on Friday, November 1st, 2024.

Stephen M Bennett  
President  
Curtis Park Neighbors  
stephen@curtisark.org  
720-360-6073