



DENVER
COMMUNITY PLANNING
& DEVELOPMENT

Advancing Equity in Rezoning

City Council & Planning Board Joint Session

Rezoning Review Criteria & Equity Commitments Proposals

July 23rd, 2024

Agenda

1. Recap of April Joint Session
2. Updating the Rezoning Review Criteria
3. Ensuring Commitments to Equitable Outcomes
4. Next Steps & Discussion

Recap from April Joint Session

General agreement:

- Remove the **Uniformity of District Regulations** Criterion
- Remove the **Denver Zoning Code Intent Statement** Criterion
- Move the option to approve a rezoning for **land for a community need not anticipated at the time of plan adoption** out of the consistency with plan guidance criterion

Less clear consensus on:

- How to address the Public Health, Safety, and General Welfare language



Current Criteria:

12.4.10.7 General review criteria Applicable to All Zone Map Amendments

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

12.4.10.8 Additional Review Criteria for Non-Legislative Rezonings

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

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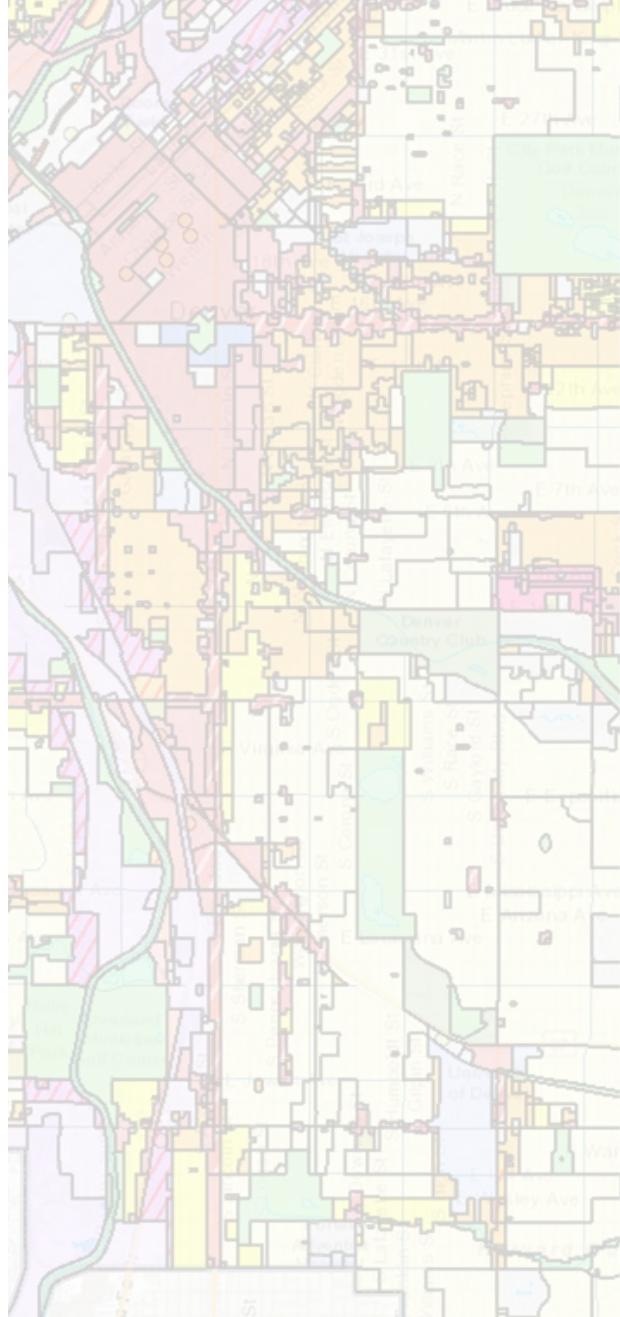
Current Review Criteria

12.4.10.7 General review criteria Applicable to All Zone Map Amendments

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

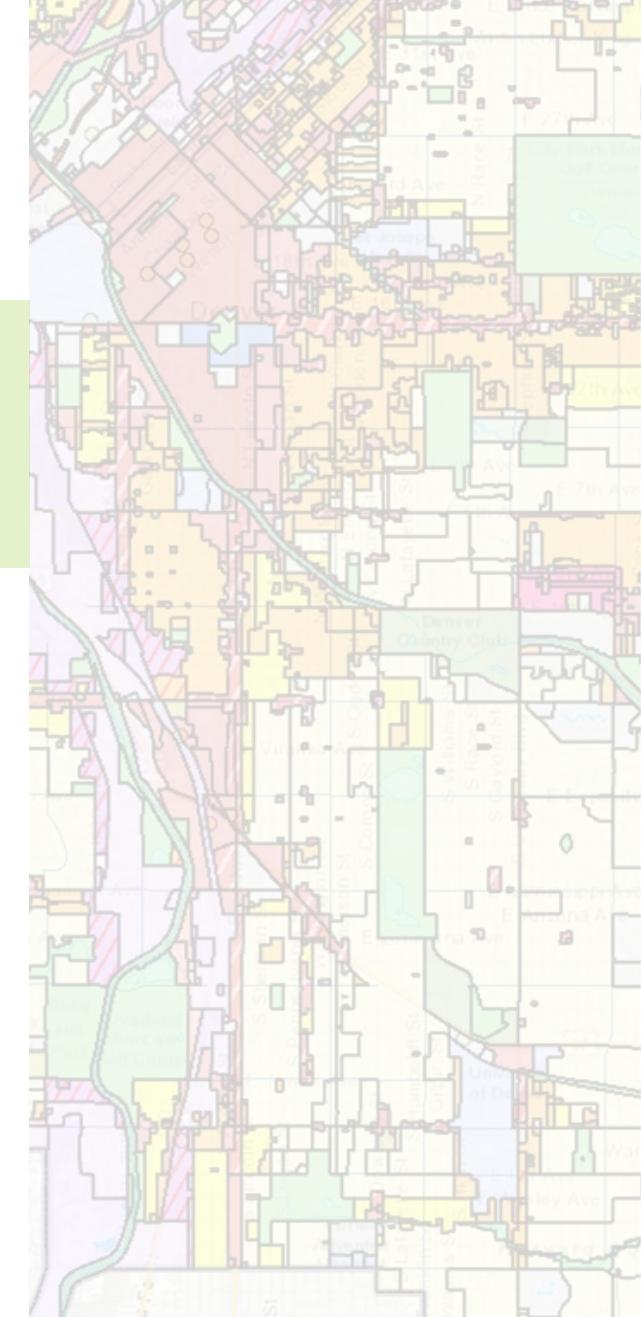
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- B. Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements



What We're Keeping

Consistency with Adopted Plans



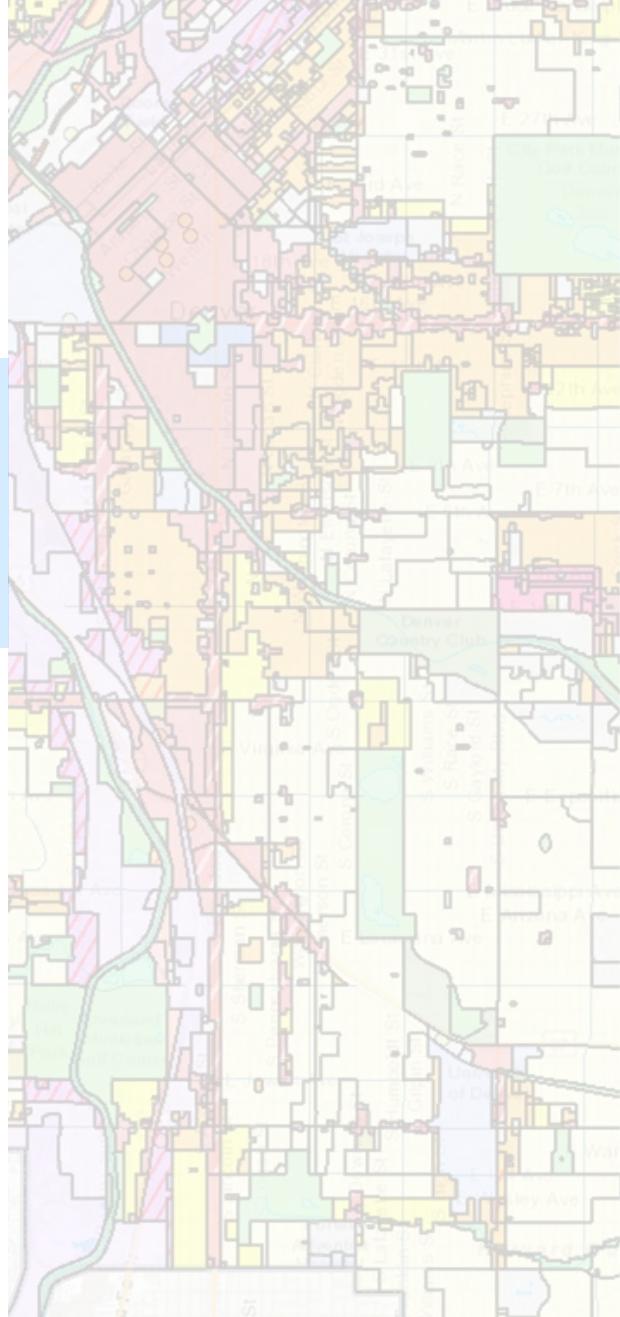
What We're Clarifying

Exception for Community Need

What we heard

Unanticipated Community Need

- Retain ability to approve a rezoning for an unanticipated community need*
- Move the provision from the adopted plan consistency criterion*
- Highlight plan consistency as the most important criterion*
- Path forward seems too broad*

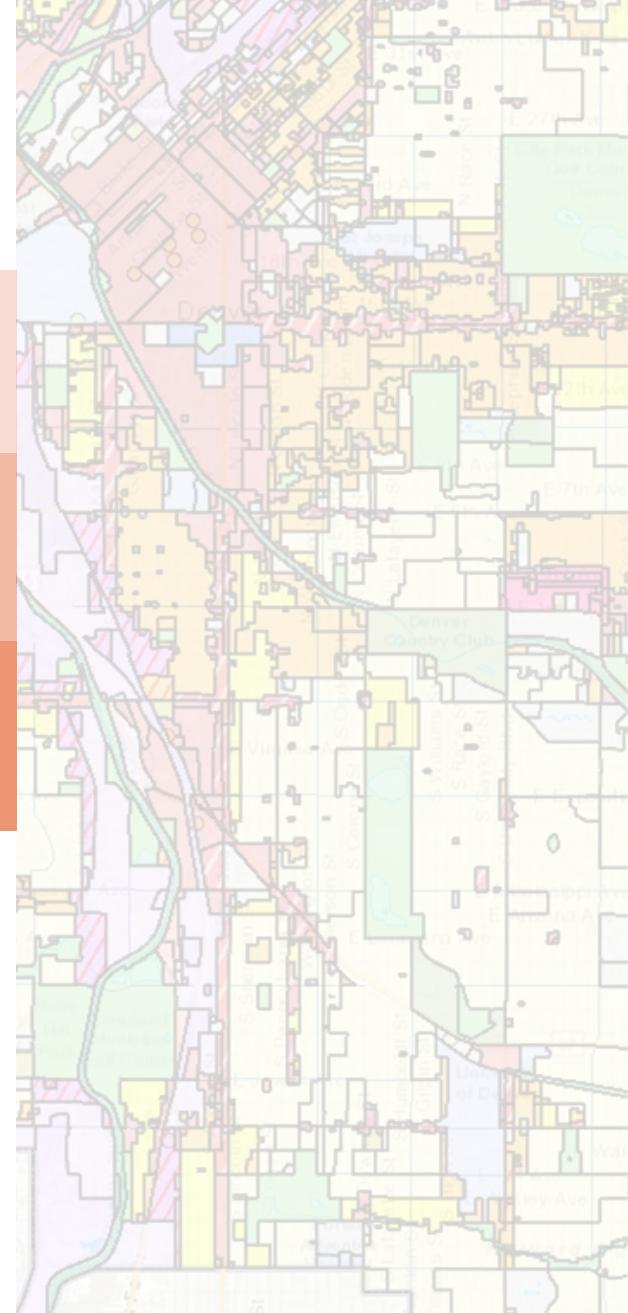


What We're Removing

Uniformity of District Regulations and Restrictions

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

Justifying Circumstances



What We're Changing

What we heard

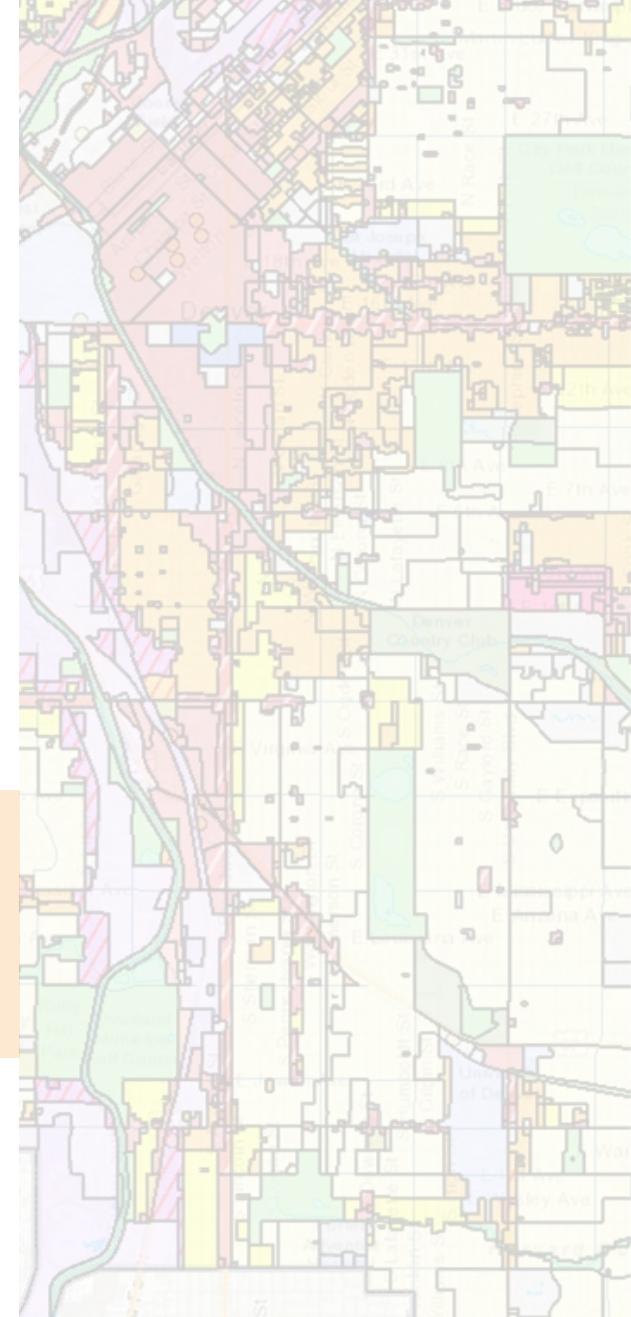
Public Health, Safety, General Welfare

- Move away from historically racist and exclusionary language*
- Retain a criterion that considers the public interest.*

Public Health, Safety, and General Welfare



Public Interest



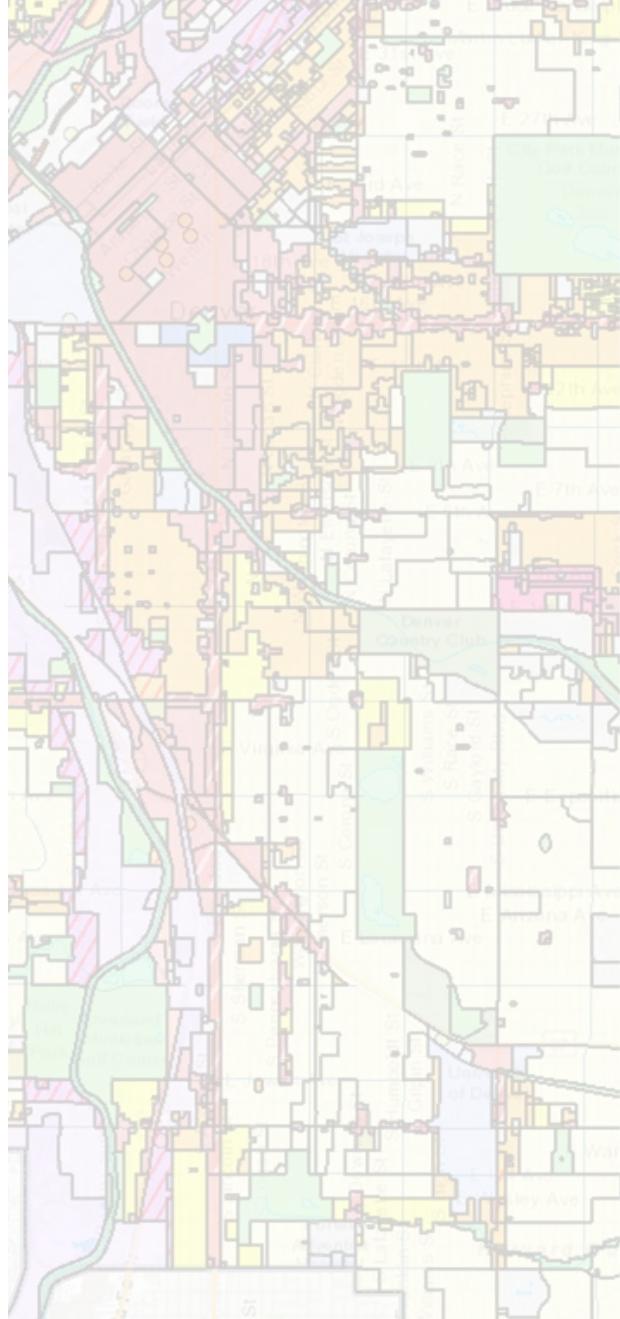
Rezoning Review Criteria Proposal

What we heard:

- Strong request by Councilmembers to retain a criterion separate from plan consistency.
- Council is hesitant to rely solely on adopted plan guidance
- “Public Health, Safety and General Welfare” has a documented history of being used to implement exclusionary and racist zoning policies.

Why “Public Interest”?

- Public Interest is a term used in the Denver Zoning Code
- Public Interest is an understood term in law
 - Defined as the welfare or well-being of the general public
 - Slightly broader than Public Health, Safety, and General Welfare
- Adopted Plans address equity and environmental concerns
(Please see the handout sent in advance of this session)
- A criterion based on adopted plan vision statements or values would be redundant



Denver's adopted plans address equity and environment

Adopted plans call for consideration of equity and climate impacts



Future staff reports and presentations will contain an expanded review of plan guidance pertaining to equity and environmental sustainability

A series of equity and climate questions will be provided to decision makers and community so they can apply these concepts to rezonings

Review Criteria Proposal Summary

Consistency with Adopted Plans

Provision for Unanticipated Need

Uniformity of District Regulations and Restrictions

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

Justifying Circumstances

Public Health, Safety, and General Welfare



Public Interest

Retaining

Clarifying

Removing

Changing

Proposed Review Criteria for All Rezonings

A. Consistency with Adopted Plans

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

1. Exception to Consistency with Adopted Plans

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

B. Public Interest

The proposed official map amendment is in the public interest.

Proposed Review Criteria

Key Question

Can you live with CPD staff moving forward with a public review draft update to the review criteria as written?

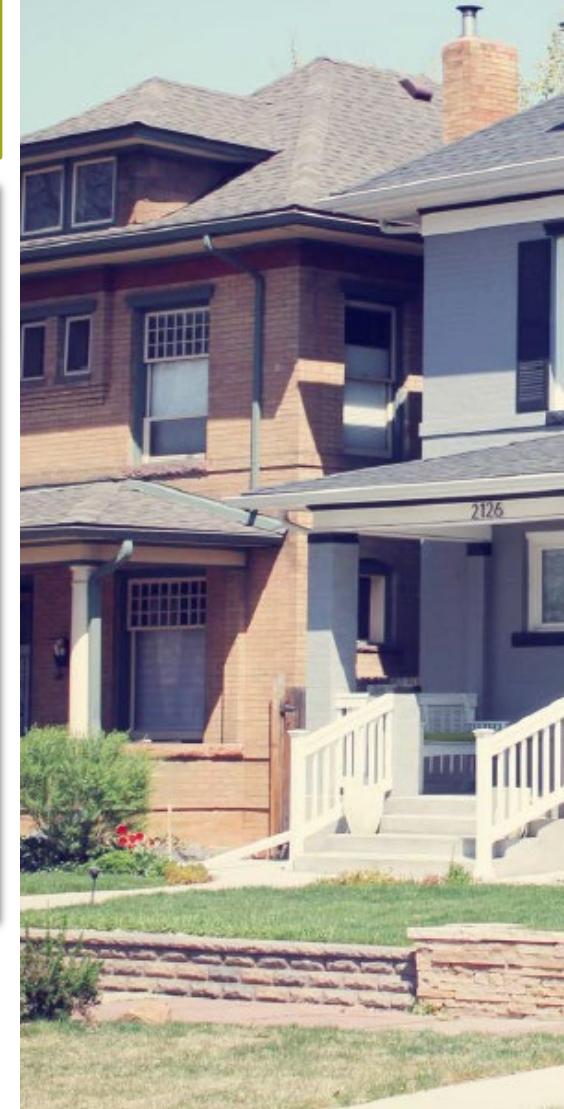
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Ensuring Commitments to Equitable Outcomes

Commitments and engagement improvements will be required from the 10% of rezonings that meet these thresholds:

| Major Development Type Requiring Equitable Commitment | Proposed Threshold |
|---|--|
| 1. Multi-family and mixed-use/commercial developments in vulnerable neighborhoods | 1+ acre in areas vulnerable to displacement requesting MU (Multi Unit) or more intensive zone district |
| 2. Large lots | 5+ acres |
| 3. Industrial areas transitioning to residential | 1+ acre and requesting residential or mixed-use |
| 4. Intense/dense development on smaller lots | 1+ acre and doubling the height |



How big is an acre?

Highland Neighborhood



Speer Neighborhood



1 Acre  5 Acres 

Ensuring Commitments to Equitable Outcomes

The “Enhanced Equity” rezonings meeting these thresholds will require more public engagement:

1. Increase the radius for mailing a public notice from 200 feet to 400 feet.
2. Require a community engagement plan and community meeting during pre-application phase. Community input will inform equitable development commitments.

An updated equity analysis tool and community feedback will inform which equity issues need to be addressed by the rezoning.



Menu of Equitable Rezoning Commitments

- The menu of equitable commitments was developed by representatives of the responsible departments.
- They only include commitment types that can be administered with existing staff and resources.
- The menu can expand to include more tools in the future when more resources become available.



Examples of Rezoning Commitments

Community Planning and Development

- Cool roofs and materials for smaller buildings

Denver Parks and Recreation

- Additional open space and features above current requirements

Department of Transportation and Infrastructure

- Transportation demand management strategies, such as free EcoPasses

Neighborhood Equity and Stabilization

- Below market commercial space and community-serving uses

Department of Housing Stability

- Additional affordable units dedicated to prioritization program



Approach to Rezoning Commitments

Use Templates for Commitments at Time of Rezoning:

- Working with City Attorney's Office and other agencies to develop templates to make it easy for an applicant to select a commitment that will run with the property
- Reduces need to negotiate details separately for every application
- Improves consistency of administration over time

Allow Flexibility to Amend Commitments if Necessary:

- Projects can change after rezoning due to market conditions
- Sometimes, more community engagement could be warranted
- Amendments would be administrative, unless City Council action is required (Charter)



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Next Steps

- AEIR Task Force meetings on July 11 and 12
- Joint City Council/Planning Board session on July 23
- Public engagement and community meeting in late summer/early fall
- Final council member briefings in fall
- Public review draft of text amendment in fall
- Planning Board public hearing in fall
- Council Committee info items
- City Council public hearing and final adoption in late fall
- Rules and Regulations and updated supporting materials in early winter



Discussion

Do you support these two major improvements proposed by the Advancing Equity in Rezoning Project?

1. Updating the rezoning review criteria
2. Requiring equity commitments and additional public engagement for 10% of rezonings (1% of major development)

