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DENVER
THE MILE HIGH CITY

TO:	Land Use, Transportation and Infrastructure Committee
FROM:	Alek Miller, AICP, Senior City Planner, and Tina Axelrad, Zoning Administrator
DATE:	November 12, 2024
RE:	**Denver Zoning Code Text Amendment – 2024 Bundle of Text Amendments Recommendation**
ATTACHMENTS:	1. Summary of Proposed Text Amendment 2. Proposed Bridge Amendment to Denver Revised Municipal Code (Sec. 59-2) 3. Appendix of Comments Received and Responses 4. LUTI Draft of Proposed Text Amendment to Denver Zoning Code 5. Proposed Revisions Since Planning Board Draft

Staff Report and Recommendation

Based on the review criteria for text amendments stated in the Denver Zoning Code (DZC), Section 12.4.11 (Text Amendment), Community Planning and Development (CPD) staff recommend the Transportation, Land Use and Infrastructure (LUTI) Committee move the 2024 Text Amendment Bundle (the "Bundle") forward for consideration by the full City Council. CPD also recommends that LUTI forward the proposed DRMC amendment for consideration by the full City Council with the following conditions:

1. That the LUTI Review Draft be edited for clarity, correctness to include ensuring use reviews are correct in Articles 3-9, illustrative graphics, section references, and other non-substantive matters as well as any other changes to the LUTI Review Draft made necessary by such edits.
2. That the LUTI Review Draft be edited to incorporate the changes described in Revisions Since Planning Board Review Draft described on page 9 of this report and shown in green markup in the attachments to this staff report.

A marked-up version of the complete Denver Zoning Code with the proposed text amendment is attached to this report and is available on CPD Denver Zoning Code Text Amendment web page (please see link below). A summary of the proposed amendment is also included as an attachment to this staff report. The proposed text amendment to the Denver Zoning Code is sponsored by the Executive Director of Community Planning & Development.

Former Chapter 59 Bridge Amendment

CPD proposes an amendment to the Denver Revised Municipal Code (DRMC) that will align lands that retain the Former Chapter 59 zoning designation with the certain specific proposed changes in the DZC:

- Remove a reference to a number of unrelated adults in compliance with recent state law;
- Correct references in DRMC Sec. 59-2 to sections of the Outdoor Gathering Areas regulations in the DZC which are no longer accurate; and
- Allow planned building group (PBG) and other development plans approved under former Chapter 59 to be amended without 100% owner participation through the new procedure outlined in DZC, Section 12.3.7.2.A.3.

Summary and Purpose

Just like infrastructure needs maintenance to stay in top condition, the Denver Zoning Code also needs regular maintenance to continue to respond to the needs of the city, while remaining modern and flexible. The Bundle is intended to remove barriers to obtaining zoning approval for property owners and applicants, to improve CPD's review processes, and to improve urban design outcomes by reducing or eliminating complex and counterproductive policies. A Planning Board review draft of the proposed text amendment is available on the Community Planning and Development (CPD) website https://denvergov.org/zoningbundle.

The Bundle's primary objectives fall into three categories:

1. **Correct, Clarify, and Align**
   This category includes addressing unintended consequences of past code changes, aligning zoning with the building code where possible, and implementing changes in state law. Recent state laws implemented in the bundle are:

   - HB 21-1222 – Local government authority to regulate access to childcare in family childcare homes. Click here for a link to the bill.
   - HB 24-1007 – Bill prohibiting local governments from regulating occupancy limits by familial relationship. Click here for a link to the bill.
   - HB 23-1233 – For calculating minimum parking requirements, a van-accessible space with EV infrastructure installed shall count as two spaces. Click here for a link to the bill.

2. **Reduce Permitting Times**
   Mayor Mike Johnston has set a goal of reducing permitting times by 30 percent in 2024. The Bundle supports that goal by removing unnecessary process steps, rethinking what *should* be regulated by zoning, and simplifying complex standards.

3. **Advance other City-adopted land use policies**
   The Bundle makes strides toward implementing City land use policies, such as the goals outlined in Blueprint Denver and Comprehensive Plan 2040. One objective is to advance citywide policies by examining whether the urban design outcomes achieved under Denver's zoning rules are in line with our goals. For example, several of the proposed amendments reduce or remove priority given to vehicle parking over more "human" land uses, and discard design standards that do not improve urban or building design outcomes.

In pursuit of these primary objectives, three themes have emerged that underlie and explain the most substantive code changes proposed in the Bundle. The following section discusses these themes and offers examples that have garnered the most public attention.

Equitable Treatment Under the Denver Zoning Code

Barrier-free access. CPD aims to improve equity in the built environment by ensuring that access for people with disabilities is considered on par with access for non-disabled people. Further, there are numerous exceptions currently in the DZC allowing stairs and walkways or providing incentives for them to encroach into zoning setbacks where barrier-free access structures are not allowed. This amendment improves equity by providing the same treatment for ramps and other barrier-free access structures as they relate to setbacks.

Setback Exceptions: In the table of Setback Exceptions in each neighborhood context of the DZC, there is an exception that allows for barrier-free access structures, such as ramps, to encroach into setbacks when providing access to 'existing buildings.' The Bundle deletes the reference to "existing" because it is equally necessary to allow these encroachments to new buildings, as well as existing ones.

- *Design Outcome:* This change will allow ramps and other barrier-free access structures when providing access to new buildings. This may result in a reduction in landscaping, but CPD believes that the need to provide equitable access to buildings for people of all ages and abilities outweighs any aesthetic issues with this change.
- *Feedback from the Public:* No comments have been received on this specific proposed change. One comment was submitted in response to a change in the flatwork setback exception, which misunderstood how it will be applied. In the Bundle, the changes to the flatwork and barrier-free access setback exceptions and definitions are part of a comprehensive revision to improve access.

Stop Regulating Land Use by Who Owns, Operates, or Uses it. The DZC currently regulates several land uses by who owns or operates the use or structure, rather than by focusing on potential external effects and the use or structures' appropriateness for its built or planned context. There is a long history in the United States of zoning and land use regulations being used to discriminate indirectly by regulating who is a more worthy landowner, tenant, or business operator, and presuming some groups (like homeowners) are more worthy of operating a land use than others (like renters). The Bundle takes aim at this potential for disparate treatment of Denverites by removing several limiting standards focused on the "who" versus the "what."

Personal to the Applicant. The DZC has several procedures and use limitations that refer to a permit for a use or structure being 'personal to the applicant.' In the past, this construct has been used to allow a particular owner or operator to continue operation of a zoning use while assuring a neighborhood that the use would not be reestablished if that particular operator was no longer involved with it. The DZC currently and objectively regulates how zoning uses and structures may be continued and when they must cease (in the case of a nonconforming use), which can be applied successfully regardless of who is the owner or operator. In the case of a nuisance or operations in violation of the zoning code, enforcement actions are the right tool to remedy zoning use-related issues, rather than assuming (in law) that a particular individual or type of individual can only provide the safeguards desired.[1]

Sec. 12.10.4.2, Ownership of Carriage Lot – Primary Residence on Block. A carriage lot is land that is surrounded on four sides by alleys in the center of a block, and which has no public street frontage. The DZC currently allows development of a carriage lot only by a person who owns the carriage lot AND who resides on the same block surrounding the carriage lot. This provision originated in Former Chapter 59 and was carried into the Denver Zoning Code in 2010. The Bundle proposes removal of this provision because there is no objective or inherent benefit to requiring the carriage lot owner or development applicant to live within a specified geography. That is not something the DZC currently limits for any other type of residential development in

[1] Other sections where the 'personal to the applicant' requirement is proposed for deletion are Sec. 12.5.3, Compliant Uses; 12.7.3.2, Continuance of a Nonconforming Trailer Camp or Court (Mobile Home Park) Use; and 12.10.4.5, Zoning Permit Review Procedure and Conditions (which makes a zoning permit authorized for carriage lot development personal to the applicant).

Denver. In addition, the DZC currently specifies that the zoning permit is personal to the applicant, which means that a change of the carriage lot's ownership or the original applicant's primary residence on the block terminates the zoning rights to any structure and use developed under this section, which may lead to previously active and valuable real estate sitting vacant and unused (not to mention leaving behind a very surprised and frustrated new owner or original applicant). In sum, a single unit dwelling use on a carriage lot does not merit a greater degree of scrutiny or regulation based on who the owner is or where they live compared to a single unit dwelling constructed on one of the lots surrounding it.

- *Design Outcome:* The proposed changes to the Section 12.10.4.2 will not affect the design of any structure proposed for a carriage lot. The Bundle's revised allowance for a primary single-unit dwelling structure and use on a carriage lot will be subject to the same building envelope limits (height, bulk, setbacks) as a currently permitted accessory dwelling unit structure.
- *Feedback from the Public:* This deletion has generated the most public comment of any part of the Bundle. Residents whose properties are located on blocks surrounding Denver's 36 remaining carriage lots have raised concerns about fire, safety, water runoff, and future use of carriage lots in their comments. CPD staff has corresponded with residents to explain that the structure and single unit dwelling use development outcome is substantially unchanged from the current state. CPD staff have also responded that any substantiated potential for adverse impacts on life safety, fire personnel/vehicle access, continued public use of the alleys, are all topics normally reviewed as part of <u>all</u> development proposals for construction of a new one-unit residential building in Denver and nothing in the Bundle revisions would change that. CPD staff hosted a hybrid forum focused solely on the Bundle changes to the carriage lot rules for all interested persons in Northwest Denver on October 7, 2024, to fully explain the changes and dispel misunderstandings about the resulting possible built outcomes. Then, on October 29, CPD staff attended a meeting with residents of the Greater Park Hill community to discuss the proposal. Nonetheless, concerns remain from some Denver residents living near carriage lots whether someone who lives somewhere other than on the surrounding block would be a responsible owner or operator of a single unit dwelling on a carriage lot.

Definition of Household. Since passage of Colorado House Bill HB 24-1007, local governments can no longer regulate occupancy limits by familial relationship. In the DZC, what makes up a 'household' has been defined by how the people living in a dwelling unit relate to one another: "by blood, marriage, civil union, committed partnership, adoption, or documented responsibility…," which excludes relationships between friends and roommates. Compliance with state law supports equity by moving away from assumptions that certain types of relationships between people are more valid or acceptable or have more adverse external effects on neighboring properties than others.

11.12.2.1.B.2 and 3: Use Definitions of Non-profit Housekeeping Unit and Household. The proposed amendment will combine the definitions of Non-profit Housekeeping Unit and Household, while removing the references to relationships between people living together. Non-profit Housekeeping Unit describes how people in a household function by sharing chores and other responsibilities. This can be combined with the remainder of the Household definition to describe people living together in a dwelling unit.

- *Design Outcome:* This change will not affect the design outcomes for household living uses.

- *Feedback from the Public:* No comments were received on this proposed change. The Public Review Draft showed the changes to Household without integration of the definition of Non-Profit Housekeeping Unit. Staff believes the intent of the current changes was reflected in the Public Draft.

Better Design Outcomes, Less Time in Review

Several changes proposed in the Bundle aim to recalibrate standards where design outcomes do not meet the vision adopted in Denver's land use or comprehensive plans nor do they merit the additional effort and review time/cycles necessary to implement them.

Parking Requirements in D-LD (Downtown – Lower Downtown), Sec. 8.4.1.4. In the Downtown neighborhood context, there are no parking requirements for the following zone districts: D-C, D-TD, D-CV, D-GT, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R and D-CPV-C. The Bundle proposes to remove the minimum parking requirements for the Lower Downtown zone district to bring that district in line with the other zone districts in the Downtown Context, as well as align with plan guidance that recognizes downtown as a transit-rich and pedestrian-focused urban center.

- *Design outcome:* If adopted, this change will allow for new construction in Lower Downtown without requiring valuable, limited space to be devoted to vehicle parking. This requirement has been the subject of variance requests over the past years, which have demonstrated a need to align this requirement with other City goals.
- *Feedback from the Public:* One comment, from the chair of the Downtown Design Advisory Board, was received in support of the removal of minimum parking requirements from the D-LD (LoDo) zone district.

Transparency Alternatives, Sec. 13.1.6.3.A.5.a. – c.: Display Cases, Automated Teller Machines (ATMs), and Wall Design Elements. In many primary building form standards, a certain amount of transparency is necessary to meet the Street Level Activation requirement. The intent of this requirement is, "To provide visual interest to building façades, to activate the street and sidewalk, and to provide a safe pedestrian realm." Windows are generally expected to be the first and preferred method for meeting a transparency requirement, but the DZC offers alternatives that can count toward meeting the required minimum percentage. The Bundle proposes to remove three transparency alternatives: display cases, automated teller machines (ATMs), and wall design elements.

- *Design outcome:* In CPD's professional opinion after observing design outcomes from these alternatives, they simply fail to create more activity at the street level or create a more pedestrian-friendly environment. Display cases and ATMs are movable and temporary. The wall design alternative, which allows several types of treatments that theoretically could create a more interesting visual at the street level, leave much room for interpretation and negotiation between applicant and staff reviewer. In practice, CPD has found that these wall design elements do not provide the same active pedestrian engagement that windows, outdoor gathering areas, or art do. Figure 1 on the following page shows an example of wall design elements on a side street where transparency is required, but which do not contribute to an appealing, safe, or engaging pedestrian environment at street level. Ultimately, these three alternatives undermine the urban design goal of the transparency and street level activation standards because they do not contribute to a pedestrian realm that outlasts turnover in a building's tenants. By contrast, the remaining transparency alternatives – permanent outdoor gathering areas and permanent art – contribute to long-term placemaking that supports

the intent of the street level active use standard. Notably, the DO-8 design overlay for active centers and corridors, adopted in 2023, limits the transparency alternatives to only permanent art, removing the display cases, ATM, and wall design alternatives for the same reason as the change proposed in this Bundle.

- *Feedback from the public*: The removal of wall design elements as a transparency alternative was not included in the July public review draft. Since publication on October 2, one comment has been provided in response to this change, which expresses concern about how this change would affect projects in review. CPD proposes a delayed effective date of February 3, 2025, and a grace period to obtain approval by September 30, 2025 to alleviate challenges posed by changes for projects in the review process.

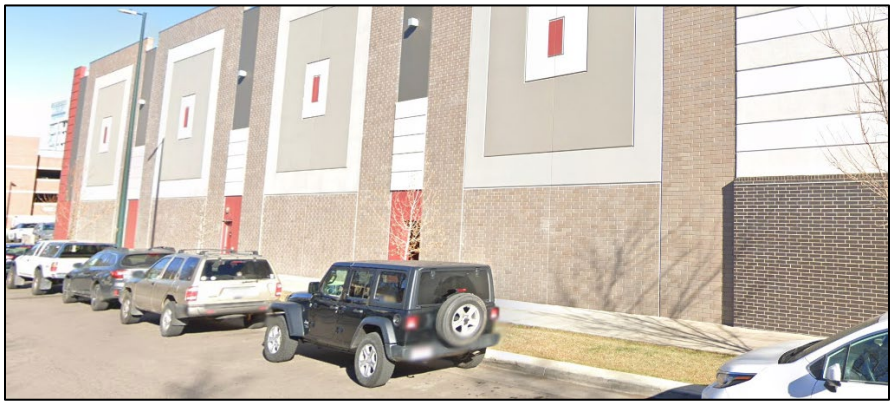

Figure 1Wall Design Elements Used as a Transparency Alternative

Simpler Standards, Quicker Reviews

Toward the Bundle's objective to reduce plan review and permitting times, several proposed changes stand out.

Zoning Permit Requirements.

Revisit when zoning permits are necessary. Section 12.4.1, Zoning Permit, lays out when zoning permits are required in Denver. In the Bundle, this section will evolve from enumerating every instance when a zoning permit *is* required to stating that all structures and uses require a zoning permit unless an exception applies. This will allow the DZC to better target minor development projects, which might still have a few basic zoning rules attached, but where there is low risk of public harm if a zoning permit is not required prior to their construction, expansion, or change. For example, Figure 2 below is from plans submitted by an applicant for the city's review of a children's swing set and tree house. Under the Bundle if adopted, neither play structure would require a zoning permit or take staff time to review, which also aligns with similar building permit exemptions.

- *Design Outcome:* CPD does not anticipate any major impacts on urban design or current projects due to this change. The purpose is primarily to create greater efficiencies in CPD's permitting business practice and improve clarity in the Code for what development requires a zoning permit.
- *Feedback from the Public:* No comments were received on this section. However, Section 12.4.1 was substantially revised after the release of the public draft.

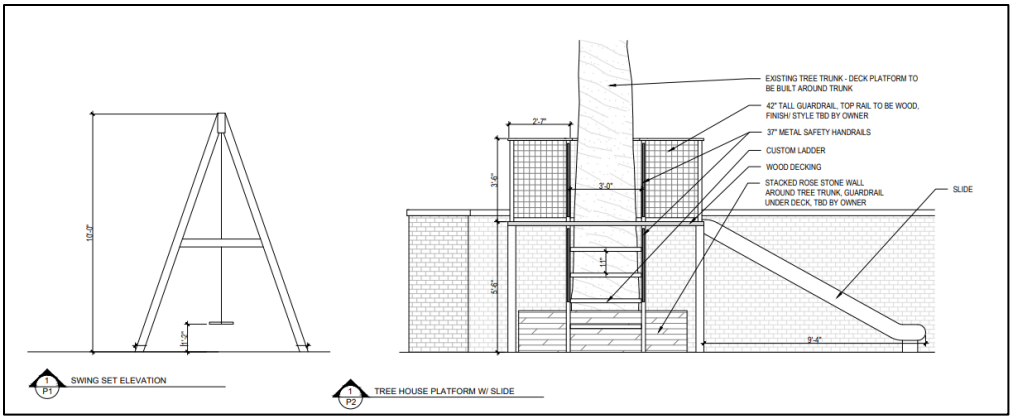

Figure 2 Swing set and Treehouse Plans

Combine Detached Accessory Structure Building Forms. The Bundle proposes to simplify how Denver regulates detached accessory structure building forms by creating a new building form for minor structures, which do not require a permit, and reducing the number of accessory building forms.

New Minor Detached Structure Building Form. The Denver Building Code waives permitting requirements for structures that are less than 200 square feet in area and under 14 feet in height. The Bundle proposes a new building form called "Minor Detached Structures," which aligns with the Building Code exemption for minor structures and will similarly not require a zoning permit. By excluding the smallest and least impactful structures from requiring a zoning permit, this change will save staff and applicants time and effort, as well as focus zoning plan review time on development projects of a scale and type that matters more.

Reduction in Number of Accessory Building Forms. In addition, the Bundle proposes to combine the Detached Garage building form and the Detached Accessory Structure building form. These two building forms dealt with similar structures: The Detached Garage form was used for residential zone districts and the Detached Accessory Structure was used for nonresidential zone districts. In the LUTI Review Draft, the few differences are dealt with in columns for specific zone districts within the building form table and special regulations for nonresidential structures are explained in the Design Standards and footnotes to the building form table.

- *Design Outcome:* Generally, CPD does not expect that these changes will affect urban design or the design of projects. Minor Detached Structures today tend to be found in the form of sheds, planters, arbors – the type of small weekend projects that homeowners might take on without considering that a zoning permit is necessary. This proposal will generally reduce the review processes and simplify enforcement actions. Similarly, this reduction of zoning permit requirements will also apply to small-scale utility equipment structures that can fit within the parameters of the new minor detached structure building form, such as transformers and some types of transmission equipment. Finally, the reduction in the number of building forms is intended to reduce confusion about which building form should be applicable without changing the substantive standards.
- *Feedback from the Public:* Many of the comments on the public draft raised questions about how these structures would be regulated in the future and made suggestions for changes. In response, the Revised Public Draft, considered by the Planning Board removes a previous proposed limit on the number of these minor detached structures per zone lot or dwelling. Further, comments from staff on the public review draft highlighted a need to better

distinguish between some structures that could have noise or other aesthetic impacts, such as ground-mounted mechanical equipment and utility equipment, and other minor detached structures. A separate row for these items has been added to the building form table with more prescriptive standards on location to mitigate for such impacts. These changes are reflected in the LUTI Review Draft.

Simplify Building Coverage Allowance. Today, the DZC sets a specific maximum percentage of a zone lot that can be covered by residential development, which varies by the primary one- or two-unit building form applied. However, most of the different neighborhood contexts offer exceptions from maximum building coverage for provision of front porches as well as detached structures for ADUs or vehicle parking. These exceptions have the net effect of increasing the overall building coverage allowed on a residential zone lot, but they also add complexity to applications and reviews and obscure the as-built outcomes that most residential development get from the coverage rules. Rather than applying a single percentage standard to a lot, the current scheme requires a multi-step calculation of a percentage, plus addition of a limited amount of coverage for a porch and a limited amount of coverage for certain detached accessory structures. These exceptions also can only be applied after staff evaluates whether the limits stated in the exceptions are met, which takes more time than applying a single percentage.

To reduce the complexity and align the coverage standards with the actual outcomes allowed in all cases, the Bundle removes the ADU and vehicle-parking structure exceptions and revises the maximum building coverage percentage allowed to generally account for taking the existing exceptions. This will add between 2.5 and 10 percentage points to the current building coverage percentage. In a few cases, such as on very large zone lots, no change, or a decrease of up to 10 percentage points are proposed in the maximum building coverage allowed to match current entitlements.

- *Design Outcome:* This change simplifies applying the standards with less complexity and fewer exceptions, while not drastically changing what is allowed in terms of maximum building coverage for residential development. CPD does not expect a major change in building design resulting from this change. The building coverage exception for unenclosed front porches is retained and provides an additional 400 square foot credit to the allowed coverage.
- *Feedback from the Public*: Two comments on the public draft were submitted that recommended modifications in the proposed building coverage percentages. One commenter suggested allowing higher percentages for smaller zone lots, which is what is shown in the LUTI Review Draft of the Bundle. These percentages have since been updated for consistency across building forms and zone districts. In addition, after the Planning Board hearing, the Curtis Park Neighbors group submitted a comment highlighting that the proposed move to a new building coverage percentage would result in a net loss of building coverage in their neighborhood. Staff reviewed the issue and modeled building coverage for the typical lot sizes in older Denver neighborhoods like Curtis Park with coverage meeting the maximum allowed today. These lot sizes are typically between 25 and 30 feet wide by 125 feet in depth.
    - After applying a related standard that accessory structures be in the rear 35 percent (or 50 percent in the case of Curtis Park), staff found it would be difficult to reach the maximum building coverage allowed today after considering setbacks and building separation. Figure 3 below shows a comparison of the two common lot sizes and their building coverage today and as proposed with the Bundle. In both cases, the maximum coverage allowed today is 52 percent, while under the proposed limit, 57 percent coverage could be reached. The Bundle changes to building coverage result in greater flexibility to locate detached accessory structures by removing the minimum 15-foot

separation and recalibrating the percentage of building coverage by eliminating the exceptions.

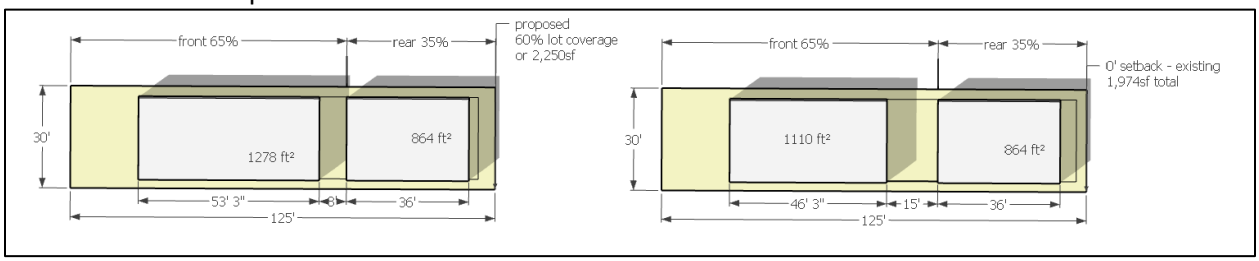

Figure 3 Comparison between proposed (left) and existing (right) allowed building coverage on 30'x125' zone lot.

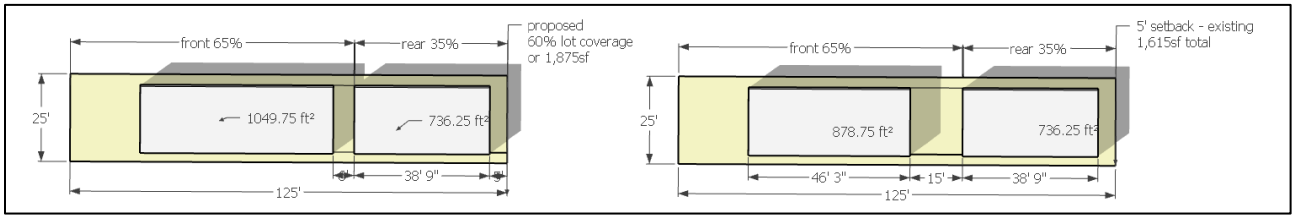

Figure 4 Comparison between proposed (left) and existing (right) allowed building coverage on 25'x125' zone lot

Revisions Since Planning Board Draft

In addition to the changes authorized by the Planning Board as a condition of their recommendation of approval, the following change is proposed in the LUTI draft of the Bundle for the Committee's consideration:

1. Adjustments to allow use of the detached accessory dwelling unit building form in all Suburban Neighborhood Context (S-) zone districts where accessory dwelling unit uses are already allowed. This proposal fixes an oversight from the 2023 ADUs in Denver text amendment which led to inconsistent allowances for use of the detached accessory dwelling unit building form across zoning code neighborhood contexts. The proposed changes are highlighted with green markup on pages 3.3-41 and 3.3-43 of the attached text amendment, shown in the file titled "2024_Text_Amendment_Bundle_LUTI_11-8-24_reduced_UPDATED.pdf." Notably, the proposal has been part of the overall summary of the Bundle since the release of the Public Draft in July 2024. The proposed change will match the permissions for this building form in the Suburban neighborhood context with other contexts.

Public Process

Below is a summary of the public process for the 2024 Text Amendment Bundle.

Date	Public Process Step
June 5, 2024	Presentation of the pending Text Amendment Bundle as an Informational Item to the Denver Planning Board
July 9, 2024	CPD updated Text Amendment website with a summary of the amendment and a complete Public Review Draft of all the amendments, providing direction on how to submit comments/questions during the public review period (ended on August 9, 2024)
October 3, 2024	Summary of text amendment and strikethrough "Revised Public Draft" of text amendment posted to CPD website including revisions in response to public comments; available for additional public review.

Date	Public Process Step
October 3, 2024	CPD sends written notice of the Planning Board public hearing to all members of City Council and registered neighborhood organizations.
October 7, 2024	CPD holds discussion forum on carriage lots with interested residents. Notice provided to Councilmembers and RNOs with carriage lots in their districts or neighborhoods on September 25, 2024.
October 8, 2024	CPD posts responses to comments provided on the public draft to the Text Amendments website.
October 16, 2024	Planning Board Public Hearing on Revised Public Draft of proposed amendments
October 22, 2024	Informational Item for Land Use, Transportation and Infrastructure Committee of City Council
October 29, 2024	Informational meeting with Greater Park Hill Community group about the carriage lot change
October 30, 2024	Informational meeting with members of Curtis Park Neighbors about building coverage change
November 12, 2024	Committee meeting for Land Use, Transportation and Infrastructure Committee of City Council
November 13, 2024	Release of final adoption draft for City Council
November 18, 2024	City Council First Reading
December 16, 2024	City Council Public Hearing
February 3, 2025	Proposed Effective Date of Text Amendment

Comments Received

CPD received comments on the public draft in two ways: Eleven direct email comments (which are provided as an attachment to this report) were received and 111 comments were made directly on the public review draft through the public review webpage. After the comment review period closed, members of the public concerned about the changes to carriage lots provided written comments to the Planning Board and provided verbal comments at several Planning Board meetings during the time dedicated to items not on the agenda. Two additional comments were received by Planning Board after the Planning Board hearing, and one emailed comment from Curtis Park neighbors regarding building coverage was sent to LUTI before the informational item. CPD carefully considered comments provided by members of the public, as well as internal comments from reviewers and other City agencies. The LUTI Review Draft reflects those changes. A table of the comments received on the public draft and CPD's responses to them, as well as individual emails received, are provided as an attachment to this report.

Changes Made in Response to Public Comments

After posting the public draft, CPD reevaluated changes that garnered the most public comments, as well as internal concerns about how to implement them. The following changes proposed in the public draft have been removed or significantly modified. Revisions to these standards may be considered in a future text amendment with a greater extent of outreach to the public and applicants:

Height in Stories – Mezzanines and Parking Structure Stories

Height in Stories, Sec. 13.1.3.B. In the DZC, height is measured by both feet and stories. This rule of measurement allows mezzanines and one story of parking structures that meet certain criteria to be exempt from counting toward the maximum height in stories for the building. In

both examples below, applicants raised concerns about timing and financial impacts on projects in the review pipeline.

Exception for Mezzanines, Sec. 13.1.3.B.4. The proposed changes in the July Public Review Draft would have allowed mezzanines to be built and will count the mezzanine story as a "story." Notably, when mezzanines are proposed, CPD staff estimate an average of 3 additional rounds of plan review are needed to get to final approval.

Exception for Parking Structure Stories, Sec. 13.1.3.B.5. This rule of measurement incentivizes construction of parking structures above street level active uses by allowing a greater number of stories of parking than would otherwise be allowed in the zone district. This exception prioritizes vehicle parking above active or human uses in the building by, for example, allowing six stories of parking in maximum five-story zone districts, contrary to Denver's adopted land use goals and objectives to move toward a more multi-modal reliant and human-scaled urban form.

Attached Garages Using Detached Garage Setbacks

Currently, some zone districts allow vehicle parking areas that are located inside a primary residential structure (an "attached garage") to use the considerably smaller side interior and rear zoning setback standards applicable to a detached garage. Given that detached garages are smaller by right than the primary structure and often served by an abutting alley, this allows a much larger primary structure where it houses vehicle parking to benefit from more permissive setbacks specifically calibrated for smaller, one-story detached garage structures. Having two different sets of setback standards apply to the same primary structure also overly complicates application of the code, increasing the potential for longer review times and cycles of review. Instead of removing this allowance, the building form tables for primary structures now refer to the new General Detached Structure building form, rather than the Detached Garage form. The Detached Garage standards were renamed and combined with the Detached Accessory Structure to create the new General Detached Structure building form.

Site Development Plan and Planned Building Group Bridge Amendment

As noted early in this draft, CPD proposes a bridge amendment to allow lands with Former Chapter 59 zoning to access a new procedure in Section 12.3.7.2, Amendments to Approved Applications, Plans, and Permits, which would allow amendments to a previously approved site development plan without requiring participation of 100% of the property owners subject to the site development plan. The newly added subsection 12.3.7.2.A.3. provides an exception from the general rule that the entire land area and all owners must be included in the decision to amend the plan. The exception allows for less than 100 percent of owners to make an amendment to a previously approved plan after a mandatory pre-application meeting with affected city agencies and public notice to the non-participating owners. The multi-agency Development Review Committee will review and make a final decision after evaluating public comments and possible adverse impacts if less than 100% owners participate. One written comment was submitted and one verbal comment was made at the Planning Board hearing on October 16 that advocated for extending this procedure to those properties still zoned under Former Chapter 59.

Planning Board Review and Recommendation

At its hearing on October 16, the Planning Board heard comments from residents and applicants. Comments included possible impacts caused by changes in carriage lot regulations and additional

changes to provisions related to zone lot amendments. The Planning Board discussion included deliberation about whether the Bundle was ready to move forward to committee in light of the comments provided, and the Board unanimously agreed that it was. The Planning Board recommended approval to the City Council by a vote of 6 to 0.

Proposed Effective Date and Implementation Strategy

CPD received many public comments stating concern that projects currently pending in the SDP or permit design or review process would get caught between the current Denver Zoning Code and the adopted changes in the bundle. CPD is sensitive to those concerns and knows that applicants, as well as staff, will need time to learn and understand the many changes in this amendment. Accordingly, CPD proposes the following schedule to allow a limited "grace period" for pending projects and establish deadlines for final approvals under the current DZC (pre-amendment version):

	2024 Bundle – Delayed Effective Date and Grace Period
Targeted Adoption Date	December 16, 2024
Delayed Effective Date	Monday, February 3, 2025
Cut-off for Submittals to Use Previous Code Version	SDPs: Concept plan submittal by August 9, 2024 Zoning Permits: Friday, January 31, 2025
Deadline to Get Approval	SDP approval: February 27, 2026 (Friday) (~25 months from effective date) Zoning Permit approval: September 30, 2025 (Monday) (8 months from effective date) Modifications to ZPs allowed until: August 31, 2026 (19 months from effective date)

Review Criteria and CPD Staff Evaluation

The criteria for review of a proposed text amendment are found in Section 12.4.11.4 of the DZC. CPD analyzed the proposed text amendment for compliance with the review criteria stated below and finds that the proposed text amendment satisfies each of the review criteria:

1. The Text Amendment is Consistent with the City's Adopted Plans

The following adopted plans apply to consideration of this text amendment:

- Denver Comprehensive Plan 2040
- Blueprint Denver (2019)

Denver Comprehensive Plan 2040

The proposed text amendment is consistent with the following Comprehensive Plan 2040 policies:

- Implementation Strategy 2: "Coordinate implementation actions across departments for effective and collective impact. Improve the integration of regulations—such as design

standards for streets and the public realm—across multiple disciplines and departments." (p. 23).

- Equitable, Affordable and Inclusive, Goal 7: Make neighborhoods accessible to people of all ages and abilities. (p. 30)
- Strong and Authentic Neighborhoods, Goal 1: Create a city of complete neighborhoods.
    - Strategy C: Ensure neighborhoods are safe, accessible and well-connected for all modes. (p. 34)
- Strong and Authentic Neighborhoods, Goal 2: Enhance Denver's neighborhoods through high-quality urban design.
    - Strategy C: Create people-oriented places that embrace community character with thoughtful transitions, aspirational design and an engaging public realm. (p. 34)
- Connected, Safe and Accessible Places, Goal 9, Strategy C: "Balance the demand for on- and off-street parking with other community goals including affordability and sustainability." (p. 42)

The 2024 Bundle of Text Amendments presents a comprehensive, coordinated set of text amendments that responds to recommendations from plan review and planning staff across multiple city agencies, and from a wide range of design professionals and zoning permit applicants. This text amendment strives to make the DZC rules and regulations clearer and more consistently applied so that staff can review and process zoning permit applications as efficiently and accurately as possible. Clear and consistent zoning rules contribute to a better regulatory environment for businesses, developers, and Denver homeowners wanting to reinvest in their properties.

Blueprint Denver (2019)

The proposed text amendment is consistent with numerous policies in Blueprint Denver (2019) in three overarching categories.

Process

The following Blueprint Denver policy provides guidance for the text amendment process:

- Land Use and Built Form: General, Policy 11: *"Implement plan recommendations through city-led legislative rezonings and text amendments."*

Content

The 2024 Bundle of Text Amendments is part of CPD's regulatory work program to ensure the city's zoning code is regularly maintained and updated or revised as needed. This comprehensive code maintenance effort means CPD proposes a wide-ranging "bundle" of text amendments for adoption about every 3 years. This ensures the Denver Zoning Code is a "living document" that keeps up with growth, change, and evolving business trends and development practices in the Denver community. While often highly technical in content and detail, CPD still ensures that all text amendment bundles go through a public review process, with multiple opportunities for public and other stakeholder (both internal and external) input and comment.

Policy Guidance

The following Blueprint Denver policies provide guidance specific to the content of the 2024 Text Amendment Bundle:

- Land Use and Built Form: General, Policy 3: Ensure the Denver Zoning Code continues to respond to the needs of the city, while remaining modern and flexible.

- Land Use and Built Form: General, Policy 11: Implement plan recommendations through city-led legislative rezonings and text amendments.
- Land Use and Built Form: Economics, Policy 1, Strategy B: Promote the development and redevelopment of regional centers, including downtown, to meet the land use and transportation needs of targeted industries. This means encouraging regional centers to have strong connections to transportation options, especially passenger rail and transit priority streets, and fostering the mix of uses needed to attract businesses with a wide variety of jobs.

The 2024 Bundle of Text Amendments includes over 130 changes and corrections that address challenges identified by city staff and development customers in administering and applying the zoning code to projects at all scales and in all parts of the city. These types of comprehensive changes, clarifications, and corrections are necessary to ensure the Denver Zoning Code remains relevant, responsive, and effective in implementing the city's adopted plans. To a lesser degree, the Bundle of Text Amendments also includes changes to specific standards identified as out of sync or out of date with clear policy directives from the city's adopted plans, such as standards that prioritize vehicle parking over space for people.

Blueprint Equity Concepts
Blueprint Denver recommends that text amendments to the zoning code should be guided by the three equity concepts and maps in Chapter 2. The following analyzes the proposed text amendments considering those equity concepts:

- Improving Access to Opportunity: This concept is based on the vision for every Denver resident—regardless of income, race, ethnicity, age, or ability—to live in a complete neighborhood of their choice with basic services and amenities.
- Reducing Vulnerability to Displacement: This concept seeks to stabilize residents and businesses who are vulnerable to involuntary displacement due to increasing property values and rents.
- Expanding Housing and Jobs Diversity: This concept seeks to provide a better and more inclusive range of housing and employment options in all neighborhoods.

This Bundle of Text Amendments, with its primary focus on providing greater clarity and fixing errors in the city's existing zoning rules, does not substantially improve or decrease access to opportunity for services or amenities, nor does it substantially worsen vulnerability to displacement. On the first equity concept, certain changes to how the City and County of Denver reviews barrier-free access structures, such as ramps, will improve the likelihood of them being built and removes a preference for stairs over ramps. This improves access to complete neighborhoods and buildings for people of all ages and abilities.

While more neutral in its impacts on the second and third Blueprint Denver equity concepts, there are several substantive changes in the 2024 Bundle that remove barriers to reuse of existing buildings, such as changes to reduce minimum parking requirements triggered by an expansion or change of use. Removal of barriers to the reuse of existing buildings helps to both preserve the structures and to maintain structures for commercial uses in the City.

2. Text Amendment Furthers the Public Health, Safety and General Welfare

This text amendment furthers the general public health, safety, and welfare of Denver residents, landowners, and businesses by providing clarity and predictability in the zoning regulations, by removing regulatory barriers to planned and desired private enterprise and redevelopment, and by continuing to

implement the city's adopted comprehensive, land use, and transportation plans through regulatory changes.

3. Text Amendment Results in Regulations that are Uniform within Each Zone District

The 2024 Bundle of Text Amendments results in zoning regulations that are uniform in their application to buildings and land uses within each zone district. Moreover, the 2024 Bundle of Text Amendments includes improvements to ensure consistency in zoning regulations, and removes conflicting provisions with other City, state, and federal regulations, all of which will improve the City's ability to administer and enforce the Code uniformly.

Recommended Conditions of Approval

Community Planning and Development recommends that the Land Use, Transportation and Infrastructure committee advance the 2024 Bundle of Text Amendments to the full City Council for consideration. CPD also recommends that LUTI forward the proposed DRMC amendment for consideration by the full City Council with the following conditions:

1. That the LUTI Review Draft be edited for clarity, correctness to include ensuring use reviews are correct in Articles 3-9, illustrative graphics, section references, and other non-substantive matters as well as any other changes to the LUTI Review Draft made necessary by such edits.
2. That the LUTI Review Draft be edited to incorporate the changes described in Revisions Since Planning Board Review Draft described on page 9 of this report and shown in green markup in the attachments to this staff report.

ATTACHMENTS:

1. Summary of Proposed Text Amendment
2. Proposed Bridge Amendment to Denver Revised Municipal Code (Sec. 59-2)
3. Appendix of Comments Received and Responses
4. LUTI Draft of Proposed Text Amendment to Denver Zoning Code (post-Planning Board proposals are shown in green markup)
5. Proposed Revisions Since Planning Board Draft