

Advancing Equity in Rezoning

Denver Zoning Code Text Amendment

12/17/2024

Land Use, Transportation & Infrastructure Committee

Presenter: Brandon Shaver, Senior City Planner

Agenda



Project Background/Intent



AEIR Text Amendment



Updates to Standard Operating Procedures



Public Process



Review Criteria



Agenda



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Project Intent

The AEIR Text Amendment to the Denver Zoning Code will make the rezoning process more accessible, transparent, and equitable.

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AEIR Proposed Text Amendment



Revise the Rezoning Review Criteria



Require Posted Notice Upon Receipt of Application



Include Tenants and Occupants in Written Notices



Focus on Properties Within the City Boundary



Important Updates to Standard Operating Procedures



Revise the Review Criteria

12.4.10.7 General Review Criteria Applicable to All Zone Map Amendments

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

CURRENT

12.4.10.8 Additional Review Criteria for Non-Legislative Rezoning

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

12.4.10.7 General Review Criteria Applicable to All Zone Map Amendments

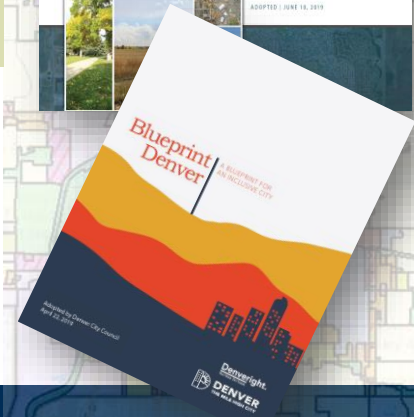
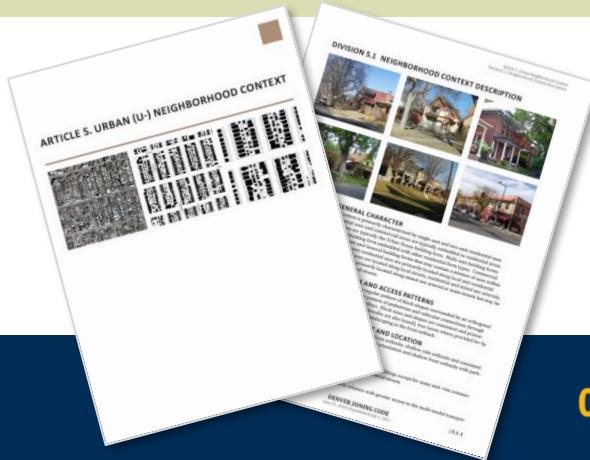
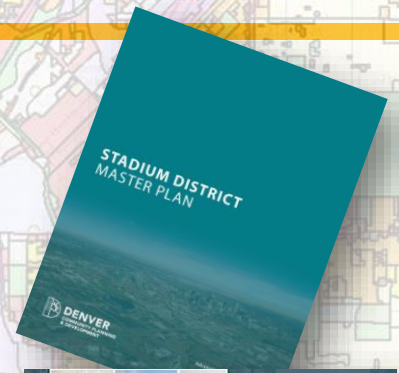
- Consistency with Adopted Plans
 - Exception to Consistency with Adopted Plans (for extraordinary community need)
- Public Interest
- Consistency with Neighborhood Context Description, Zone District Purpose and Intent Statements

PROPOSED

Keeping

Consistency with Adopted Plans

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



Clarifying

Exception for Extraordinary Community Need



What We Heard

- Retain ability to approve a rezoning for an unanticipated need
- Separate provision from the consistency with adopted plans criterion
- Exceptions to plan consistency should be rare in nature and occurrence

Removing

Uniformity of District Regulations and Restrictions

Justifying Circumstances



What We Heard

Uniformity of District Regulations and Restrictions

- Confusing and often misunderstood
- Not helpful for rezoning evaluation

Justifying Circumstances

- Unnecessary for rezonings to meet
- Could be a barrier to plan implementation
- Better fit as the exception to plan consistency to address a community need

Changing

Public Health, Safety, and General Welfare



Public Interest

What We Heard

- Remove historically racist and exclusionary language
- Retain a criterion that allows for a similar analysis and evaluation

- CPD will find a rezoning to be in the public interest if it is consistent with adopted plans
- Planning Board and City Council may apply their own interpretations, just as they do today with Public Health, Safety, and General Welfare





Posted Notice of Application

Proposed Additional Sign Posting

Complete Application Submitted

- Posted for 15 days following submittal



Current Sign Posting Requirements

Planning Board

- Posted 15 days prior to hearing



City Council

- Posted 21 days prior to hearing



Include Tenants and Occupants in Written Notices

In Denver:

~ 50.6% of homes are rented

~ 49.4% are owned

iv. The owners and tenants (if the latter is different from owners) of any real property within the City and County of Denver, located in whole or in part within, or within 200 feet of, the proposed official map amendment (rezoning).



Focus on Properties Within the City Boundary

Align Denver Zoning Code with 2023 voter-approved City Charter Change

Clarify that only property owners within 200 feet of a proposed rezoning and within the City and County of Denver can sign a protest petition.

Update extent of written notices provided by CPD

Provide written notices to tenants and property owners within 200 feet of a proposed rezoning and located within the City and County of Denver.

Maintain current practice for encouraged engagement

For rezonings near other jurisdictions, CPD staff will continue to encourage applicants to engage with communities outside city boundaries. These communities will remain welcome to participate in the process, provide testimony and submit comments.

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Updates to Standard Operating Procedures



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Review Criteria



+ Proposed Standard Operating Procedures

Require Community Outreach at Pre-application Phase

Update Posted, Mailed, and Emailed Notice Materials

Create Guides for Applicants and Community Members

Expand Staff Analysis, Presentations, and Reports with a Focus on Equity and Climate

Refine and Update Equity Analysis Pilot

Develop Templates for Voluntary Commitments to Equitable Outcomes





What this means for rezonings in progress

- After Planning Board recommended City Council approve the proposed AEIR Text Amendment, on-going and active rezoning applications will be reviewed using the following strategy:



What this means for rezonings in progress

AEIR Proposed Effective Date: 2/25/25

1. For rezonings with PB and CC hearing dates before the effective date, applications will be evaluated with the current review criteria.

If City Council approves the AEIR project:

2. For rezonings with PB hearing dates before 2/25/25 and CC hearing dates after 2/25/25, applications and staff reports will evaluate both sets of criteria. The CC Staff report will only address the updated review criteria.
3. For rezonings with PB hearing dates after 2/25/25, the applications and staff reports will be evaluated with the updated review criteria.

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AEIR Text Amendment



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»»» Process

- Planning Board Info Item: **10/2/2024**
- Planning Board Notice: **11/19/2024**
- Planning Board Public Hearing (voted 8-0 in favor):
12/4/2024
- LUTI Committee: **12/17/2024**
- City Council First Reading: **1/6/2025***
- City Council Public Hearing: **2/3/2025***

* Anticipated dates are confirmed during the legislative review process

Public Comments

- Open Houses
- Task Force Meetings
- Public Review Draft
- 6 comments received through the webform and email

Related Ongoing/Upcoming Efforts

NEW: Address equitable outcomes in all development through an Unlocking Housing Choices (e.g. missing middle) project that includes affordability

- CPD 2025 work program to prioritize starting a missing middle housing project. This project aims to implement adopted plan recommendations like:
 - Allowing missing middle housing types, like duplexes and small multi-unit developments, in appropriate locations in low-density residential zone districts
 - Incentivizing adaptation of existing structures to create missing middle housing
 - Creating onsite affordable housing requirements for projects fewer than 10 units

Continue proactive legislative rezonings following the adoption of area plans

- Harness the extensive outreach and engagement conducted during the NPI planning process to implement the neighborhood changes recommended by the plans, such as rezoning for less auto-oriented commercial development

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Denver Zoning Code Review Criteria

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



Denver Zoning Code Review Criteria

A. Consistency with Adopted Plans

- *Comprehensive Plan 2040*
- *Blueprint Denver*

B. Further Public Health, Safety and Welfare

C. Uniformity of District Regulations and Restrictions



Comprehensive Plan 2040



Equitable, Affordable, and Inclusive vision element:

- ***Equitable, Affordable and Inclusive Goal 1, Strategy D*** to “Improve equitable access to city resources and city meetings through proactive and transparent communications, easy-to-access information and materials available in more than one language” (p. 28).
- ***Equitable, Affordable and Inclusive Goal 5, Strategy C*** to “Evaluate city plans, projects and major regulatory changes for the potential to contribute to involuntary displacement; identify and implement strategies to mitigate anticipated impacts to residents and businesses” (p. 28).
- ***Equitable, Affordable and Inclusive Goal 6, Strategy A*** to “Adopt strategies to ensure that city plans and processes, including budget decisions, incorporate equity” (p. 30).
- ***Equitable, Affordable and Inclusive Goal 6, Strategy B*** to “Track the information and measure the data needed to understand disparities and to evaluate the equity impacts of public programs and projects (p. 30).



Comprehensive Plan 2040



Strong and Authentic Neighborhoods vision element:

- ***Strong and Authentic Neighborhoods Goal 6, Strategy A*** to “Continue to strengthen trust and communication between the city and all neighborhoods.” (p.14)
- ***Strong and Authentic Neighborhoods Goal 6, Strategy B*** to “Provide proactive communication and transparency about city policies, public safety, processes and plans.” (p. 14)
- ***Strong and Authentic Neighborhoods Goal 6, Strategy C*** to “Improve the engagement and representation of all Denverites, including communities of color, in neighborhood groups and city processes” (p. 14)



Blueprint Denver

- **Land Use and Built Form Policy 4:** Ensure equitable planning processes and include underrepresented residents in plan and plan implementation (p. 74).
 - *Strategy F. Create tools to increase access to the rezoning process, especially for underrepresented communities.*
- **Land Use and Built Form Policy 11:** Implement plan recommendations through city-led legislative rezonings and text amendments. (p. 79)
 - *Strategy B. Use text amendments combined with map amendments to apply strategies recommended by Blueprint Denver at the effective, area appropriate scale. Text amendments and large legislative rezonings should be guided by the equity concepts and maps in Chapter 2.*
 - *Strategy C. Use a robust and inclusive community input process to inform city-led rezonings and zoning code text amendments.*



Blueprint Denver

Blueprint Denver Contains Three Major Equity Concepts

Integrating these concepts into planning and implementation will help to create a more equitable Denver.





Denver Zoning Code Review Criteria

A. Consistency with Adopted Plans

- *Comprehensive Plan 2040*
- *Blueprint Denver*

B. Further Public Health, Safety and Welfare

C. Uniformity of District Regulations and Restrictions



CPD Recommendation

Based on the criteria for review in the Denver Zoning Code, CPD staff recommends that the Land Use, Transportation, and Infrastructure Committee move this text amendment forward for consideration by the full City Council.

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