

The fee schedule for the Affordable Housing Linkage Fee is available at www.denvergov.org/affordablehousingfee in accordance with City and County of Denver Ordinance 20160625 and Building Code Policy ADMIN 138. This fee is based on the gross floor area (GFA) of your project, as defined by the Denver Zoning Code. With some exceptions, payment of the linkage fee will apply to all new construction and to additions to existing structures in all land use categories within Denver.

New Construction

- Calculate the GFA for your project by use type and apply the fee schedule imposed for that use.

Adding Square Footage to an Existing Building

- Calculate the GFA of the addition by use type and apply the fee schedule imposed for that use. The fee only applies to the new floor area. You may include GFA for the existing building but it must be broken out from the new floor area.
- Converting a space where the fee did not apply into a space where the fee does apply counts as adding square footage to the building. For example, the square footage of a garage is exempt from the fee since parking is not included in the calculation of GFA (see page 2). But if the garage is converted into living space, it is considered an addition to the GFA of the structure, and the fee would apply unless the addition is 400 square feet or less to an existing single-family or duplex building.

If your project is in an existing building and is not adding any new square footage, or if you already know your project will qualify for one of the allowed exceptions from the fee, you must still submit the affordable housing fee application at log-in before receiving a fee waiver. The application is not needed for projects eligible for a same-day, walk-through review.

CALCULATING YOUR GFA BY USE TYPE

The GFA calculation used for the Affordable Housing Linkage Fee is not the same as the GFA calculation for the building code.

- (1) To compute GFA for the Affordable Housing Linkage Fee, first measure the horizontal areas of each floor, including interior balconies and mezzanines, but excluding the areas listed below. Make sure to measure dimensions from the exterior face of the exterior wall of each floor.

Exclude the following floor areas per D.R.M.C. §27-152[h]:

- A. Exterior balconies
- B. Parking garages or any other structures or areas used exclusively for the storage and parking of vehicles
- C. Any partially enclosed or open structures, such as porches, balconies, courtyards and similar

- (2) Sum the gross horizontal areas of all floors of a building by use type, and fill in the table on page 2. Use a separate sheet if necessary. Instructions for how to determine your use classification are below the table. Multi-unit dwellings receiving multiple permits (e.g., townhomes) must provide GFA **per unit**.

Abbreviations

Community Planning and Development **CPD**
Denver Revised Municipal Code **D.R.M.C.**
Denver Zoning Code **DZC**
Gross Floor Area **GFA**

Gross Floor Area - GFA

The sum of the gross horizontal areas of the several floors of a building, including interior balconies and mezzanines, but excluding exterior balconies. All horizontal dimensions of each floor are measured from the exterior faces of the exterior walls of each such floor.

Definition from DZC §13.3 Definitions of Words, Terms and Phrases.

USE CLASSIFICATION TYPE	GROSS FLOOR AREA
Multi-unit dwellings designed and regulated under the International Building Code	
Single-unit, two-unit or multi-unit dwellings designed and regulated under the International Residential Code, or any primary residential use other than multi-unit dwellings regulated under the International Building Code	
Commercial sales, services and repair	
Civic, public or institutional	
Industrial, manufacturing and wholesale	
Agricultural	

How do I determine my use classification type(s)?

The Affordable Housing Linkage Fee is based on the land use classifications used in the DZC (www.denvergov.org/zoning). In the DZC, navigate to the Article that corresponds to your project’s neighborhood context, e.g., Article 3 suburban, Article 8 downtown. Articles 3-9 cover neighborhood contexts. Next, within the Article that applies to your project, navigate to the *Uses and Required Minimum Parking* section and locate the *District-specific Standards* tables. These tables are the last section of each Article. Identify your use based on which use category or specific use type fits your project, and then see which primary use classification your use type falls under. This classification is what will be used to determine the linkage fee rate applied to your project.

For example, if you are building an architect’s office in the general urban neighborhood context (Article 6), the appropriate zoning use category is “office” and the specific use type is “office, all others,” which falls under the “Commercial Sales, Services and Repair” primary use classification.

If your project falls under Former Chapter 59 zoning, you should select the use category classification that most appropriately fits the use for the property, or request clarification from the CPD Zoning Administrator or designee.

How are parking structures treated in the GFA calculation?

Drive aisles, ramps, security booths, parking areas, stairs, elevators and any other space typically associated with the parking of vehicles within a parking structure shall be excluded in the GFA calculation. Any floor area within a parking structure that is not exclusively devoted to the parking and storage of vehicles (including bicycles) shall be included within the calculation for GFA.

Is the GFA calculation that I use for building code compliance the same as that used to determine the linkage fee?

No. The DZC measures GFA differently than the building code. For example, the building code measures horizontal dimensions from the interior faces of the walls. The building code also includes exterior balconies, carports, and covered patios in the calculation of GFA, while the DZC does not include these areas.

Is the GFA that I use to determine required parking and off-street loading the same as GFA used to determine the linkage fee?

No. The GFA for purposes of calculating required parking may be different than the GFA figure calculated for application of the Affordable Housing Linkage Fee.

If my project will be applying for an exception from the linkage fee, do I have to include calculations for GFA?

Yes. As of January 1, 2017, all plan submissions must contain detailed GFA calculations sufficient to determine the required linkage fee in accordance with the ordinance, regardless of whether the project is exempt from payment of the linkage fees due to the claiming of a specific exception.

What if my project has some areas that will be exempt from the linkage fee and some uses subject to the fee?

In accordance with D.R.M.C. §27-153(b), the required linkage fee for mixed-use and split properties is determined based upon an apportionment of the GFA in the structure attributable to each of the proposed uses. For split properties (where only part of the property is subject to applicable exceptions), the linkage fee shall be applied only to the GFA of construction that is physically located outside of the portion of the property to which the exception applies. For mixed-use properties, the required linkage fee shall be calculated based on the GFA of each use. For example, a mixed-use structure with retail on the first two floors and multi-family residential on the upper four floors will be assessed the linkage fee rates applicable to commercial sales, services and repair for the GFA of the first two floors and the fee rates applicable to multi-unit dwellings for the GFA of the upper four floors.

What if I don't know how the structure will be used?

For a core and shell building (no known tenant and not authorized for occupancy until there is future work), the linkage fee must still be paid with issuance of the core and shell building permit. The use classification should be assumed based on the base building design for building permitting as well as what was used to calculate parking requirements for the site development plan. If the use is changed upon the initial tenant finish to grant building occupancy, then the applicant/developer may seek a refund or may have to pay additional fees. This only applies to the initial tenant; future tenant changes that result in a different use are not entitled to any refund and will not be subject to additional fees (unless floor area is added in the future). See the Affordable Housing Fee Rules and Regulations for more information (expected to be adopted by the end of January 2017).

What if my project changes after issuance of the building permit?

- **GFA Increase or Use Classification Change During Construction**

If, after the building permit is issued and the applicable linkage fee is collected, but before a Certificate of Occupancy, Temporary Certificate of Occupancy or Certificate of Completion is issued, the GFA of the construction project increases or a decision is made by the applicant to change the use of the structure to a use classification for which a higher linkage fee would be imposed, then the applicant shall be required to pay the difference in the linkage fee between the two uses prior to completion or occupancy. See D.R.M.C. §27-156(b).

- **Refunds**

Linkage fees previously paid by the applicant at building permit issuance may be refunded in event of the following: (1) if it is later determined on appeal or otherwise by the executive director of CPD that such fees were NOT due and owing; (2) if the GFA or the use of the project changes to an amount or use that would lower the required linkage fee; or (3) if the building permits for the project lapse or are relinquished without the project being built. See D.R.M.C. §27-156(d) and the Affordable Housing Linkage Fee Rules and Regulations (expected January 2017) for greater detail on this process.

- **Appeals**

Any dispute over applicability or calculation of the linkage fees may be appealed by the building permit applicant to the executive director of CPD, who shall determine appeals in consultation with the executive director of the Office of Economic Development. See D.R.M.C. §27-156(c) and the Affordable Housing Linkage Fee Rules and Regulations for details.