Appendix 1

Red text draft of DZC text amendment
Denver needs more affordable housing not just for those with the lowest incomes, but also for teachers, firefighters, restaurant workers—people who make our city the great place we all love. This is an issue that affects all of us, and as a city we can do more and do better to address the housing needs of all residents. City staff have been working with the community to ensure that **as new homes are built, more affordable homes are built too**. These new requirements are intended to complement existing investments and programs to address Denver’s current and future housing needs. This includes:

- **Requiring affordable housing in all new residential developments** over 10 units and offering means of alternative compliance (fee-in-lieu or negotiated alternatives); financial incentives (permit fee reductions, linkage fee exemptions) and zoning incentives (by-right parking reductions and height increases).
- **Increasing the linkage fee** which funds city investment into future affordable housing across the city. The linkage fee applies to new residential developments of 1 – 9 units and other non-residential uses.

The proposed regulations are planned for consideration by City Council in Spring 2022 and will apply to all new development projects going forward.

This document contains the Denver Zoning Code (DZC) Planning Board Review Draft to implement these proposed regulatory tools detailed in the updated Proposed Policy Approach (dated February 1, 2022). These regulatory changes are paired with a Denver Revised Municipal Code (DRMC) text amendment, and the DRMC Public Review Draft can be found on the project website: [www.denvergov.org/affordabilityincentive](http://www.denvergov.org/affordabilityincentive). This Planning Board Review Draft includes proposed amendments to Denver Zoning Code Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, and 13 that are intended to:

1. Encourage provision of additional affordable housing beyond mandatory requirements by allowing flexibility in height in specific Mixed Use Commercial and Multi Unit zone districts that allow 3 stories or more. Refer to proposed revisions in specific building form tables and a new Division 10.12 (Article 10) for additional details.
2. Simplify and coordinate multiple existing incentive systems that apply in various overlays and Downtown zone districts. Refer specifically to proposed revisions throughout Articles 8 and 9.
3. Encourage on-site compliance with affordable housing requirements through other incentives such as parking reductions or exemptions. Refer to proposed revisions in Article 10, Sections 10.4.5.1 and 10.4.5.2.
4. Correct minor errors and omissions from other recently adopted zoning code text amendments. These appear throughout the draft.

**Review Draft Document Conventions**

- Text in **red underline** is proposed new language.
- Text in **red strikethrough** is proposed deleted language.
- Text in **blue strikethrough** is being moved from one section/location to another.
- Text in **blue, no strikethrough**, has been moved from another section/location.
- Only pages with changes relevant to this text amendment are included in the review file. You may wish to look at other sections for additional context.
- While efforts are made to ensure document quality, cross-referenced section numbers, figure numbers, page numbers, and amendment numbers may appear incorrect since both new and old text appears in a draft. These will be corrected in the final, “clean” version of the text amendment that is filed for adoption by City Council.
- Additionally, please note that coordination will continue throughout the process to ensure consistency of approach and administration with other ongoing text amendments.

Comments may be submitted by April 5 on this version of the proposed amendments to the Denver Zoning Code. In addition to commenting on this version of the proposal, interested individuals and organizations will have the opportunity to comment during public hearings in front of the Denver Planning Board on April 6 and Denver City Council later this year.
b. If the zone lot is divided equally into two zone districts, the applicant may choose to develop the entire zone lot in conformity with the regulations applicable to one of the two zone districts.

2. The entire zone lot may be developed in conformity with the regulations for the zone district applicable to more than 50% of the zone lot area if:
   a. The zone lot will only contain a multi-unit dwelling primary use with no other primary uses; and
   b. The multi-unit dwelling primary use includes moderately priced dwelling units (MPDUs) pursuant to the mandatory or voluntary provisions of DRMC Article IV, Chapter 27 (Affordable Housing) that have been submitted for approval prior to January 1, 2017; and
   c. The zone district applicable to more than 50% of the zone lot area allows more dwelling units to be constructed than in the other zone districts applicable to the zone lot.

This provision shall also apply to multi-family owner-occupied or rental residential developments submitted for approval prior to January 1, 2017 that include a higher percentage of MPDUs than the thresholds established in DRMC Article IV, Chapter 27 (Affordable Housing) and to multi-family residential development submitted for approval prior to January 1, 2017 that includes housing affordable to households at a lower adjusted medium income than the thresholds established in DRMC Article IV, Chapter 27 (Affordable Housing).

C. If for any reason the location of any zone district boundary line is not readily determinable from the official map, the location of the zone district boundary line shall be fixed by the Department of Community Planning and Development in accordance with the following provisions. Where more than one of the following provisions are applicable in any given situation, the first enumerated applicable provision shall prevail over all other provisions:

1. Where a zone district boundary line is located with reference to a fixture or monument, the location of such fixture or monument shall control;
2. Where a zone district boundary line is given a position within a street or alley right-of-way or channelized waterway, the zone district boundary line shall be deemed to be in the center of such street or alley right-of-way or channelized waterway;
3. Where a zone district boundary line is shown as approximately following platted lot lines, the zone district boundary line shall be deemed to coincide with such platted lot lines;
4. Where a zone district boundary line is shown by a specific dimension, such specific dimension shall control;
5. Where a zone district boundary line extends in the direction of the length of a block, the zone district boundary line shall be deemed to coincide with the center line of such block;
6. Where a zone district boundary line divides a platted lot or crosses unsubdivided property, the location of the zone district boundary line shall be fixed from the scale of the official map.

1.3.3.3 Access Across Zone Lots With Different Zone Districts

A. Notwithstanding the provisions of subsections 1.3.3.2.A and 1.3.3.2.B, access across Zone Lots that are in different zone districts shall be governed by this Section 1.3.3.3. In order to promote appropriate development in all zone districts, access across a Zone Lot to another Zone Lot with a different zone district classification is permitted, except that access to a Zone Lot not located in a residential district across a Zone Lot located in a residential district shall not be permitted unless the Zoning Administrator determines that:
DIVISION 1.4 BUILDING FORM STANDARDS - GENERAL PROVISIONS

SECTION 1.4.1 INITIAL ASSIGNMENT OF BUILDING FORM TO A NEW STRUCTURE

1.4.1.1 Intent
To facilitate development of new structures consistent with this Code's purpose and intent, and with Denver's Comprehensive Plan.

1.4.1.2 Applicability
This section shall apply to development of all structures on a zone lot, except for Fences and Walls, in all zone districts except the D-C, D-TD, D-LD, D-GT, D-AS, OS-A, DIA, AIO, and O-1 zone districts.

1.4.1.3 Initial Assignment of Building Form to a New Structure
For each new Structure, the applicant shall select, or assign a building form to apply to govern development, provided:

A. The building form is allowed in the subject zone district; and

B. Where the building form standards include requirements for minimum Zone Lot Size, minimum Zone Lot Width, and/or other siting or geographic limitations, the subject Zone Lot shall comply with all such dimensional, siting, and/or geographic limitations.

C. For structures on a Nonconforming Zone Lot, as defined in Article 13, the building form selected shall also comply with the requirements of Division 12.10, Nonconforming Zone Lots.

D. Fences and Walls shall not be assigned a building form.

1.4.1.4 Compliance with Building Form Standards
Development of a new structure on a Zone Lot other than a Fence or Wall shall comply with all standards in this Code for the building form selected. Development of Fences or Walls shall comply with the standards stated in Division 10.5, Landscaping, Fences, Walls and Screening.

SECTION 1.4.2 INITIAL ASSIGNMENT OF BUILDING FORM TO AN EXISTING STRUCTURE

1.4.2.1 Intent
To facilitate redevelopment and reuse of existing structures consistent with this Code's purpose and intent, and with Denver's Comprehensive Plan.

1.4.2.2 Applicability
This section shall apply to development involving an existing primary or detached accessory structure being modified, enlarged, or altered for the first time under Denver Zoning Code rules, except that Section 1.4.2.3.B, Compliance with Initially Assigned Building Form Standards Not Required, shall not apply to the initial assignment of the Detached Accessory Dwelling Unit building form to an existing detached accessory structure.

1.4.2.3 Initial Assignment of Building Form to Existing Structure
For each existing Structure, the applicant shall select or assign a building form to apply to govern development according to this Section 1.4.2.3.
**DIVISION 2.3 CODE ORGANIZATION**

**SECTION 2.3.1 ARTICLES 3 THROUGH 7: NEIGHBORHOOD CONTEXTS**

The Code is organized such that each Neighborhood Context is a separate Article. The purpose is to provide, to the extent possible, all regulations applicable to that Neighborhood Context in one location of the Code. Each Neighborhood Context Article has the same Division headings to ensure consistency when referencing regulations between Articles. Each of the Division headings are described below.

**2.3.1.1 Neighborhood Context Description**

Each Article provides a description of the Neighborhood Context. The description is organized to describe general character; street, block and access patterns; building placement and location; building height; and mobility. The description provides the basis for the context and form based regulations.

**2.3.1.2 Districts**

A. This Division establishes the menu of zone districts for the Neighborhood Context. There is a list of intent statements for each zone district in the Context.

B. Zone District Naming Convention: The zone districts for the Suburban, Urban Edge, Urban, General Urban and Urban Center Neighborhood Contexts follow a consistent naming convention, as follows:

<table>
<thead>
<tr>
<th>FIRST LETTER</th>
<th>SECOND LETTERS</th>
<th>THIRD LETTER OR THIRD NUMBER</th>
<th>OCCASIONAL LAST NUMBER OR LETTER</th>
<th>EXAMPLES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood Context</td>
<td>Dominant Building Form and Character</td>
<td>Minimum Zone Lot Size in square feet or Maximum Building Height in stories</td>
<td>Special Purpose</td>
<td></td>
</tr>
<tr>
<td>S = Suburban</td>
<td>SU = Single Unit</td>
<td>Minimum Zone Lot Sizes</td>
<td></td>
<td>U-SU-A: Urban Neighborhood Context, allows single units and the minimum zone lot size is 3,000 sf</td>
</tr>
<tr>
<td>E = Urban Edge</td>
<td>TU = Two Unit</td>
<td>A = 3,000</td>
<td></td>
<td>U-SU-A1: Urban Neighborhood Context, allow single units, a minimum lot size of 3,000 sf and allows accessory dwelling units</td>
</tr>
<tr>
<td>U = Urban</td>
<td>RH = Row House</td>
<td>B = 4,500</td>
<td></td>
<td>G-MU-3: General Urban Neighborhood, allows up to multiple family uses with a maximum height of 3 stories</td>
</tr>
<tr>
<td>G = General Urban</td>
<td>MU = Multi Unit</td>
<td>C = 5,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C = Urban Center</td>
<td>RO = Residential Office</td>
<td>D = 6,000</td>
<td></td>
<td>C-MX-5: Urban Center Neighborhood, allows a commercial and residential uses with a maximum height of 5 stories</td>
</tr>
<tr>
<td></td>
<td>RX = Residential Mixed Use</td>
<td>E = 7,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>CC = Commercial Corridor</td>
<td>F = 8,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>MX = Mixed Use</td>
<td>G = 9,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>MS = Main Street</td>
<td>H = 10,000</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>I = 12,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Maximum Building Height may be increased as provided in this Code.
2.3.1.3  **Design Standards**  
The Design Standards Division establishes the intent of all applicable design standards, allowed building forms by zone district, building form standards and any exceptions or alternatives. A summary table provides an overview for easy reference. Each building form has a set of illustrations and a table of standards to ensure clarity in interpretation.

2.3.1.4  **Uses and Required Minimum Parking**  
Uses and Parking provides a listing of all allowed uses by zone district. With each use category, the vehicle and bike parking requirements are listed.

### SECTION 2.3.2  **ARTICLE 8: DOWNTOWN NEIGHBORHOOD CONTEXT**

The Downtown Neighborhood Context is organized differently than Articles 3 through 7 due to the unique nature of the downtown zone districts. This Article contains all the zone districts within the city’s downtown area and applicable regulations. The Downtown Neighborhood Context has a different zone district naming convention. The first letter is "D" to denote the Downtown Neighborhood Context. The second letters are abbreviations for the specific neighborhood within Downtown. For example: D-AS is Downtown Arapahoe Square. After providing the zoning regulations for each downtown zone district, there are Sections on design standards and the uses and minimum parking requirements.

### SECTION 2.3.3  **ARTICLE 9: SPECIAL CONTEXTS AND DISTRICTS**

Article 9 contains regulations for Special Contexts and Districts. Special Contexts and Districts are those that need to be treated differently due to specialized uses, forms, regulations and/or procedures. Special Contexts and Districts have a different zone district naming convention described within each Division. The first letters indicate the type of context or district with subsequent lettering or numbering when there is variation.

- 2.3.3.1 Industrial Context (I-MX, -A, -B): The Industrial Context establishes zone districts that allow varying intensities and types of industrial forms and uses.
- 2.3.3.2 Campus Context (CMP-H, -H2, -EI, -EI2, -ENT, -NWC, -NWC-C, -NWC-G, -NWC-E, -NWC-R): The Campus Context establishes zone districts for larger scale sites offering healthcare, education/institution, entertainment, and the National Western Center.
- 2.3.3.3 Open Space Context (OS-A, -B, -C): The Open Space Context establishes zone districts for various types of park, recreational and open space land.
- 2.3.3.4 Overlay Districts (CO, UO, IO, DO, AIO): Overlay Districts are zone districts that apply in addition to the base zone district. There are Conservation Overlay Districts, Use Overlay Districts, Design Overlay Districts, Incentive Overlay Districts and the Airport Influence Overlay District.
- 2.3.3.5 Denver International Airport District: This district applies to the Denver International Airport.
- 2.3.3.6 O-1 Zone District: O-1 is a zone district that applies to various recreation, institutional, and utilities.
- 2.3.3.7 Planned Unit Development District: The Planned Unit Development District is a unique zone district that provides form, use, parking and other standards tailored to a particular site.
- 2.3.3.8 Master Planned Context: The Master Planned Context is intended for larger scale sites that will develop over a long period of time and in multiple phases. Within the Master Planned Context there is a menu of residential and mixed use zone district.

### SECTION 2.3.4  **ARTICLES 10 THROUGH 13: GENERAL STANDARDS AND PROCEDURES**

Articles 10 through 13 contain regulations that apply throughout the city and are not unique to a Neighborhood Context or Special Context. They are organized together so that common regulations are found in the same place such as use limitations, procedures, definitions and rules of measurement.
### 2.5.1.2 General Urban, Urban Center and Downtown Neighborhood Context:

<table>
<thead>
<tr>
<th>General Urban Neighborhood Context</th>
<th>Urban Center Neighborhood Context</th>
<th>Downtown Neighborhood Context</th>
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<tbody>
<tr>
<td>G-RH-3 Row House 3</td>
<td>C-RX-5 Residential Mixed Use 5</td>
<td>D-C Downtown Core District</td>
</tr>
<tr>
<td>G-MU-3 Multi Unit 3</td>
<td>C-RX-8 Residential Mixed Use 8</td>
<td>D-TD Downtown Theater District</td>
</tr>
<tr>
<td>G-MU-5 Multi Unit 5</td>
<td>C-RX-12 Residential Mixed Use 12</td>
<td>D-LD Lower Downtown District</td>
</tr>
<tr>
<td>G-MU-8 Multi Unit 8</td>
<td>C-MX-3 Mixed Use 3</td>
<td>D-CV Downtown Civic District</td>
</tr>
<tr>
<td>G-MU-12 Multi Unit 12</td>
<td>C-MX-5 Mixed Use 5</td>
<td>D-GT Downtown Golden Triangle</td>
</tr>
<tr>
<td>G-MU-20 Multi Unit 20</td>
<td>C-MX-8 Mixed Use 8</td>
<td>D-AS Downtown Arapahoe Square</td>
</tr>
<tr>
<td>G-RO-3 Residential Office 3</td>
<td>C-MX-12 Mixed Use 12</td>
<td>D-AS-12+ Downtown Arapahoe Square 12+</td>
</tr>
<tr>
<td>G-RO-5 Residential Office 5</td>
<td>C-MX-16 Mixed Use 16</td>
<td>D-AS-20+ Downtown Arapahoe Square 20+</td>
</tr>
<tr>
<td>G-RX-3 Residential Mixed Use 3</td>
<td>C-MX-20 Mixed Use 20</td>
<td>D-CPV-T Downtown Central Platte Valley - Auraria Transition</td>
</tr>
<tr>
<td>G-RX-5 Residential Mixed Use 5</td>
<td>C-MS-5 Main Street 5</td>
<td>D-CPV-R Downtown Central Platte Valley - Auraria River</td>
</tr>
<tr>
<td>G-MX-3 Mixed Use 3</td>
<td>C-MS-8 Main Street 8</td>
<td>D-CPV-C Downtown Central Platte Valley - Auraria Center</td>
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<td>G-MS-3 Main Street 3</td>
<td>C-MS-12 Main Street 12</td>
<td></td>
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<tr>
<td>G-MS-5 Main Street 5</td>
<td>C-CCN-3 Cherry Creek North 3</td>
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<tr>
<td></td>
<td>C-CCN-4 Cherry Creek North 4</td>
<td></td>
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<td></td>
<td>C-CCN-5 Cherry Creek North 5</td>
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<td>C-CCN-7 Cherry Creek North 7</td>
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<tr>
<td></td>
<td>C-CCN-12 Cherry Creek North 12</td>
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### 2.5.1.3 Special Contexts and Zone Districts:

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<th>Industrial Context</th>
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<tbody>
<tr>
<td>I-MX-3 Industrial Mixed Use 3</td>
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<td>I-MX-5 Industrial Mixed Use 5</td>
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<tr>
<td>I-MX-8 Industrial Mixed Use 8</td>
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<td>I-MX-12 Industrial Mixed Use 12</td>
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<tr>
<td>I-A Light Industrial</td>
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<td>I-B General Industrial</td>
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<table>
<thead>
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<th>Campus Context</th>
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<tbody>
<tr>
<td>CMP-H Campus Healthcare</td>
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<tr>
<td>CMP-H2 Campus Healthcare 2</td>
<td></td>
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<tr>
<td>CMP-EI Campus Education Institution</td>
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<td>CMP-EI2 Campus Education Institution 2</td>
<td></td>
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<tr>
<td>CMP-ENT Campus Entertainment</td>
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<tr>
<td>CMP-NWC Campus National Western Center</td>
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<tr>
<td>CMP-NWC-C Campus National Western Center - Core</td>
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</tr>
<tr>
<td>CMP-NWC-G Campus National Western Center - General</td>
<td></td>
</tr>
<tr>
<td>CMP-NWC-F Campus National Western Center - Flex</td>
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</tr>
<tr>
<td>CMP-NWC-R Campus National Western Center - Riverfront</td>
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<table>
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<tr>
<td>OS-A Open Space Public Parks</td>
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<tr>
<td>OS-B Open Space Recreation</td>
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<td>OS-C Open Space Conservation</td>
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<td>MASTER PLANNED CONTEXT</td>
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<td>-------------------------------</td>
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</tr>
<tr>
<td>M-RH-3</td>
<td>Row House 3</td>
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<tr>
<td>M-RX-3</td>
<td>Residential Mixed Use 3</td>
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<td>M-CC-5</td>
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<tr>
<td>M-MX-5</td>
<td>Commercial Mixed Use 5</td>
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<td>M-GMX</td>
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<table>
<thead>
<tr>
<th>OVERLAY DISTRICTS</th>
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<tbody>
<tr>
<td>UO-</td>
<td>Use Overlay District</td>
</tr>
<tr>
<td>CO-</td>
<td>Conservation Overlay District</td>
</tr>
<tr>
<td>DO-</td>
<td>Design Overlay District</td>
</tr>
<tr>
<td>IO-</td>
<td>Incentive Overlay District</td>
</tr>
<tr>
<td>AIO-</td>
<td>Airport Influence Overlay District</td>
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<table>
<thead>
<tr>
<th>OTHER SPECIAL CONTEXTS OR ZONE DISTRICTS</th>
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<tbody>
<tr>
<td>DIA</td>
<td>Denver International Airport</td>
</tr>
<tr>
<td>O-1</td>
<td>Open Zone District</td>
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<table>
<thead>
<tr>
<th>PLANNED UNIT DEVELOPMENT CONTEXT</th>
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<tbody>
<tr>
<td>PUD</td>
<td>Planned Unit Development</td>
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</table>
SECTION 3.2.2 RESIDENTIAL DISTRICTS (S-SU-A,-D, -F, -Fx -F1, -I,-Ix, S-RH-2.5, S-MU-3, 5, 8, 12, 20)

3.2.2.1 General Purpose

A. The intent of the Residential districts is to promote and protect residential neighborhoods within the character of the Suburban Neighborhood Context. These regulations allow for some multi-unit districts, but not to such an extent as to detract from the overall image and character of the residential neighborhood.

B. The building form standards, design standards, and uses work together to promote desirable residential areas. The standards of the single unit districts promote a consistent pattern of one to two story suburban houses where the wider part of the building orients to the street and access is provided by front-loaded garages. While lot sizes vary, lot coverage is typically low creating generous setbacks and yard space. The standards of the row house and multi unit districts promote existing and future patterns of multiple buildings on a single Zone Lot. These building forms include duplex, row house and apartments sometimes organized around common open space and parking areas with an internal circulation system.

C. These standards recognize common residential characteristics within the Suburban Neighborhood Context but accommodate variation by providing a range of Residential Zone Districts.

D. The regulations provide certainty to property owners, developers, and neighborhood residents about the limits of what is allowed in a residentially zoned area. These regulations are also intended to reinforce desired development patterns, encourage affordable housing, and accommodate reinvestment in residential districts existing neighborhoods while accommodating reinvestment.

E. These Residential districts capture parts of the city typically platted and developed in the mid-to late 1900s.

3.2.2.2 Specific Intent

A. Single Unit A (S-SU-A)
   S-SU-A is a single unit district allowing suburban houses with a minimum zone lot area of 3,000 square feet. This district requires the shallowest setbacks and highest lot coverage in the Suburban Neighborhood Context. Access may be from the street or from an alley.

B. Single Unit D (S-SU-D)
   S-SU-D is a single unit district allowing suburban houses with a minimum zone lot area of 6,000 square feet.

C. Single Unit F (S-SU-F)
   S-SU-F is a single unit district allowing suburban houses with a minimum zone lot area of 8,500 square feet.

D. Single Unit Fx (S-SU-Fx)
   S-SU-Fx is a single unit district allowing suburban houses with a minimum zone lot area of 8,500 square feet. The primary distinction between this zone district and S-SU-F is there are more limitations on home occupations.

E. Single Unit F1 (S-SU-F1)
   S-SU-F1 is a single unit district allowing suburban houses with a minimum zone lot area of 8,500 square feet. Tandem houses and detached accessory dwelling units are also allowed on lots that are at least 150 feet deep.
F. Single Unit I (S-SU-I)
S-SU-I is a single unit district allowing suburban houses with a minimum zone lot area of 12,000 square feet. This district requires the largest setbacks and lowest lot coverage (more unobstructed open space) in the Suburban Neighborhood Context.

G. Single Unit Ix (S-SU-Ix)
S-SU-Ix is a single unit district allowing suburban houses with a minimum zone lot area of 12,000 square feet. This district requires the largest setbacks and lowest lot coverage in the Suburban Neighborhood Context. The primary distinction between this zone district and S-SU-I is there are more limitations on home occupations.

H. Row House 2.5 (S-RH-2.5)
S-RH-2.5 is a multi unit district and allows suburban house, duplex and Row House building forms up to two and one half stories in height.

I. Multi Unit 3, 5, 8, 12, 20 (S-MU-3, 5, 8, 12, 20)
S-MU- is a multi unit district and allows suburban house, duplex, row house, and apartment building forms up to 3, 5, 8, 12, 20 stories in height.

SECTION 3.2.3 COMMERCIAL CORRIDOR DISTRICTS (S-CC-3, -3x, -5, -5x)

3.2.3.1 General Purpose
A. The Commercial Corridor zone districts are intended to balance the need for safe, active, and pedestrian-scaled, diverse areas with the need for convenient automobile access.
B. The Commercial Corridor zone districts address development opportunities next to the city’s most auto-dominated corridors.
C. Commercial Corridor building form standards have minimum setbacks to allow flexibility in building, circulation and parking lot layout.
D. The Commercial Corridor district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.

3.2.3.2 Specific Intent
A. Commercial Corridor – 3 (S-CC-3)
S-CC-3 applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired.

B. Commercial Corridor – 3x (S-CC-3x)
S-CC-3x applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired with less intense uses than S-CC-3.

C. Commercial Corridor – 5 (S-CC-5)
S-CC-5 applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 5 stories is desired.

D. Commercial Corridor – 5x (S-CC-5x)
S-CC-5x applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 5 stories is desired with less intense uses than S-CC-5.
Article 3. Suburban Neighborhood Context
Division 3.2 Districts

DENVER ZONING CODE
June 25, 2010 | Republished July 1, 2021

SECTION 3.2.4 MIXED USE DISTRICTS (S-MX-2, -2X, -2A, -3, -3A, -5, -5A, -8, -8A, -12, -12A)

3.2.4.1 General Purpose

A. The Mixed Use zone districts are intended to promote safe, active, pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city’s neighborhoods.

B. The Mixed Use districts are appropriate along corridors, for larger sites and at major intersections.

C. The building form standards of the Mixed Use zone districts balance the importance of street presence and provision of adequate parking through build-to requirements, Street Level activation and parking lot screening along the right-of-way. Standards offer predictable flexibility consistent with the variety of mixed use development found in the Suburban Neighborhood Context.

D. The Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.

3.2.4.2 Specific Intent

A. Mixed Use – 2 (S-MX-2)
S-MX-2 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 2 stories is desired.

B. Mixed Use – 2x (S-MX-2x)
S-MX-2x applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses.

C. Mixed Use – 2A (S-MX-2A)
S-MX-2A applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 2 stories is desired. Design standards provide flexibility in building siting while supporting a consistent pattern of buildings placed closer to the street to offer an active street front. Sites are limited to low intensity uses and the low scale General building form to encourage a more pedestrian-oriented environment.

D. Mixed Use – 3 (S-MX-3)
S-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

E. Mixed Use – 3A (S-MX-3A)
S-MX-3A applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired. Design standards provide flexibility in building siting while supporting a consistent pattern of buildings placed closer to the street to offer an active street front. Sites are limited to the General building form to encourage a more pedestrian-oriented environment.

F. Mixed Use – 5 (S-MX-5)
S-MX-5 applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired.

G. Mixed Use – 5A (S-MX-5A)
S-MX-5A applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired. Design standards provide flexibility in building siting.
while supporting a consistent pattern of buildings placed closer to the street to offer an active street front. Sites are limited to the General building form to encourage a more pedestrian-oriented environment.

**H. Mixed Use – 8 (S-MX-8)**
S-MX-8 applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 8 stories is desired.

**I. Mixed Use – 8A (S-MX-8A)**
S-MX-8A applies to areas or intersections served primarily by arterial streets where a building scale of 1 to 8 stories is desired. Design standards provide flexibility in building siting while supporting a consistent pattern of buildings placed closer to the street to offer an active street front. Sites are limited to the General building form to encourage a more pedestrian-oriented environment.

**J. Mixed Use – 12 (S-MX-12)**
S-MX-12 applies to areas or intersections served primarily by major arterial streets where a building scale of 1 to 12 stories is desired.

**K. Mixed Use – 12A (S-MX-12A)**
S-MX-12A applies to areas or intersections served primarily by major arterial streets where a building scale of 1 to 12 stories is desired. Design standards provide flexibility in building siting while supporting a consistent pattern of buildings placed closer to the street to offer an active street front. Sites are limited to the General building form to encourage a more pedestrian-oriented environment.

### SECTION 3.2.5  MAIN STREET DISTRICTS (S-MS-3, -5)

#### 3.2.5.1  General Purpose

A. The Main Street zone districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of shopfront and row house building forms that clearly define and activate the public street edge.

B. The Main Street zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city’s commercial streets.

C. The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Main Street zone districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver) or, less frequently, on single zone lots at the intersection of local/collector streets within a residential neighborhood.

E. In all cases, the Main Street zone districts should be applied where a higher degree of walkability and pedestrian activity is desired than required in a Corridor, Mixed Use, or Residential Mixed Use zone district.

F. In the Suburban Neighborhood Context, the Main Street zone districts may also be embedded within a larger commercial shopping center or mixed-use area to promote a pedestrian-active street front within a larger mixed use or commercial development.

G. The Main Street zone districts are intended to promote an urban, mixed-use, built-to environment regardless of neighborhood context. Main Street buildings have a shallow front setback range. The build-to requirements are high and maximum building coverage is significant.
DIVISION 3.3 DESIGN STANDARDS

The following Intent Statements are intended to provide further information regarding intent and performance expectations for the district, site and building design standards.

SECTION 3.3.1 GENERAL INTENT
The Intent of this Division 3.3 Design Standards are to:

3.3.1.1 Implement the Denver Comprehensive Plan.
3.3.1.2 Implement the zone district's Intent and Purpose
3.3.1.3 To continue Denver’s physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.
3.3.1.4 Improve compatibility with and respect for the existing character and context of Denver and its varied neighborhoods.
3.3.1.5 Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.
3.3.1.6 Give equal prominence to pedestrian realm as a defining element of neighborhood character.
3.3.1.7 Spatially define public streets and their associated open space as positive, usable features around which to organize land use and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.
3.3.1.8 Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials.
3.3.1.9 Provide easily identifiable pedestrian connections between private development, public rights of way and multiple modes of transit.
3.3.1.10 Configure the site so that a clear, safe, and attractive pedestrian system, with the transit facility as a component, is the primary public element to which buildings are oriented.
3.3.1.11 Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.
3.3.1.12 Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

SECTION 3.3.2 BUILDING FORM INTENT

3.3.2.1 Height

A. Encourage buildings whose forms are responsive to opportunities to reinforce evolving nodes of mixed-use, pedestrian and transit activity as well as the existing surrounding context.
B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.
C. **Allow flexibility in height for buildings that provide additional affordable housing.**
### APARTMENT

#### HEIGHT

<table>
<thead>
<tr>
<th>S-MU-3</th>
<th>S-MU-5</th>
<th>S-MU-8</th>
<th>S-MU-12</th>
<th>S-MU-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Stories (max)</td>
<td>3</td>
<td>5</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>A Feet (max)</td>
<td>40'</td>
<td>65'</td>
<td>100'</td>
<td>140'</td>
</tr>
</tbody>
</table>

#### Stories/Feet, with incentives (max)

<table>
<thead>
<tr>
<th>S-MU-3</th>
<th>S-MU-5</th>
<th>S-MU-8</th>
<th>S-MU-12</th>
<th>S-MU-20</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/50'</td>
<td>7/90'</td>
<td>12/140'</td>
<td>16/185'</td>
<td>30/340'</td>
</tr>
</tbody>
</table>

See Section 10.12.1

#### SITING

#### ZONE LOT

<table>
<thead>
<tr>
<th>Zone Lot Size (min)</th>
<th>6,000 sf</th>
<th>6,000 sf</th>
<th>6,000 sf</th>
<th>6,000 sf</th>
<th>6,000 sf</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone Lot Width (min)</td>
<td>50'</td>
<td>50'</td>
<td>50'</td>
<td>50'</td>
<td>50'</td>
</tr>
<tr>
<td>Building Coverage per Zone Lot, including all accessory structures (max)</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>70%</td>
<td>70%</td>
</tr>
</tbody>
</table>

#### REQUIRED BUILD-TO

<table>
<thead>
<tr>
<th>Primary Street (min % within min/max)</th>
<th>50%</th>
<th>50%</th>
<th>50%</th>
<th>50%</th>
<th>50%</th>
</tr>
</thead>
<tbody>
<tr>
<td>0'/80'</td>
<td>0'/80'</td>
<td>0'/80'</td>
<td>0'/80'</td>
<td>0'/80'</td>
<td></td>
</tr>
</tbody>
</table>

#### SETBACKS

<table>
<thead>
<tr>
<th>Primary Street (min)</th>
<th>10'</th>
<th>10'</th>
<th>10'</th>
<th>10'</th>
<th>10'</th>
</tr>
</thead>
<tbody>
<tr>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td></td>
</tr>
<tr>
<td>Side Street (min)</td>
<td>5'</td>
<td>5'</td>
<td>5'</td>
<td>5'</td>
<td>5'</td>
</tr>
<tr>
<td>Side Interior (min)</td>
<td>7.5'</td>
<td>7.5'</td>
<td>7.5'</td>
<td>7.5'</td>
<td>7.5'</td>
</tr>
<tr>
<td>Side Interior adjacent to Protected District (min)</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
</tr>
</tbody>
</table>

#### PARKING

- Surface Parking between building and Primary Street/Side Street
  - Allowed/Allowed
- Vehicle Access, 3 or more Side-by-Side Dwelling Units in One Structure
  - From Alley; or Street access allowed when no Alley present (See Section 3.3.7.6)
- Vehicle Access, all other permitted uses
  - Access determined at Site Development Plan Review

#### DESIGN ELEMENTS

#### BUILDING CONFIGURATION

<table>
<thead>
<tr>
<th>Primary Street-Facing Attached Garage Door Width (max per structure)</th>
<th>20'</th>
<th>20'</th>
<th>20'</th>
<th>20'</th>
<th>20'</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper Story Setback Above 40', Side Interior</td>
<td>na</td>
<td>15'</td>
<td>na</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Upper Story Setback Above 51', Side Interior</td>
<td>na</td>
<td>na</td>
<td>15'</td>
<td>15'</td>
<td>15'</td>
</tr>
<tr>
<td>Upper Story Setback Above 75', Rear, alley/Rear, no alley and Side Interior</td>
<td>na</td>
<td>na</td>
<td>20'/30'</td>
<td>20'/30'</td>
<td>20'/30'</td>
</tr>
<tr>
<td>Upper Story Setback above 27', adjacent to Protected District: Side Interior (min)</td>
<td>25'</td>
<td>25'</td>
<td>25'</td>
<td>25'</td>
<td>25'</td>
</tr>
<tr>
<td>Upper Story Setback above 40', adjacent to Protected District: Rear, alley/no alley</td>
<td>na</td>
<td>30'/40'</td>
<td>30'/40'</td>
<td>30'/40'</td>
<td>30'/40'</td>
</tr>
<tr>
<td>Upper Story Setback above 51', adjacent to Protected District: Side Interior (min)</td>
<td>na</td>
<td>40'</td>
<td>40'</td>
<td>40'</td>
<td>40'</td>
</tr>
</tbody>
</table>

#### STREET LEVEL ACTIVATION

<table>
<thead>
<tr>
<th>Transparency, Primary Street (min)</th>
<th>30%</th>
<th>30%</th>
<th>30%</th>
<th>30%</th>
<th>30%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transparency, Side Street (min)</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
</tr>
</tbody>
</table>

#### N Pedestrian Access, Primary Street

Pedestrian Connection

#### USES

Primary Uses shall be limited to Multi Unit Dwelling and permitted Congregate Living, Residential Care, and Nonresidential uses. See Division 3.4 Uses and Parking

See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions
GENERAL (1 OF 3)

<table>
<thead>
<tr>
<th>HEIGTH</th>
<th>S-CC-3</th>
<th>S-CC-5x</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stories(max)</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Feet (max)</td>
<td>45'</td>
<td>70'</td>
</tr>
<tr>
<td>Stories/Feet, with incentives (max)</td>
<td>4/55'</td>
<td>7/95'</td>
</tr>
<tr>
<td>Feet, within 175' of Protected District (max)</td>
<td>na</td>
<td>na 75'</td>
</tr>
</tbody>
</table>

Height Exceptions See Section 3.3.7.1

SITING

<table>
<thead>
<tr>
<th>SETBACKS</th>
<th>S-CC-3, -3x, -5, -5x</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street (min)</td>
<td>0'</td>
</tr>
<tr>
<td>Side Street (min)</td>
<td>0'</td>
</tr>
<tr>
<td>Side Interior (min)</td>
<td>5'</td>
</tr>
<tr>
<td>Side Interior, adjacent to Protected District (min)</td>
<td>10'</td>
</tr>
<tr>
<td>Rear (min)</td>
<td>0'</td>
</tr>
<tr>
<td>Rear, adjacent to Protected District, alley/no alley (min)</td>
<td>0'/10'</td>
</tr>
</tbody>
</table>

Setback Exceptions and Encroachments See Sections 3.3.7.3 and 3.3.7.4

PARKING

| B Surface Parking between building and Primary Street/ Side Street | Allowed/Allowed |
| C Surface Parking Screening | See Article 10, Division 10.5 |

Vehicle Access, 3 or more side-by-side dwelling units in one structure From Alley; or Street access allowed when no Alley present (See: See Section 3.3.7.6)

Vehicle Access, all other permitted uses Access determined at Site Development Plan Review

DESIGN ELEMENTS

<table>
<thead>
<tr>
<th>BUILDING CONFIGURATION</th>
<th>S-CC-3</th>
<th>S-CC-5x</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper Story setback above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)</td>
<td>15'/25'</td>
<td>20'/25'</td>
</tr>
<tr>
<td>Upper story setback above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)</td>
<td>na</td>
<td>35'/40'</td>
</tr>
</tbody>
</table>

STREET LEVEL ACTIVATION

| F Transparency, Primary Street (min) | 40%* Residential Only Buildings: 30%* |
| G Transparency, Side Street (min) | 25%* |
| Transparency Alternatives | See Section 3.3.6.3 |

H Pedestrian Access, Primary Street Pedestrian Connection

USES

| All S-CC |

All permitted Primary Uses shall be allowed within this building form. See Division 3.4 Uses and Parking

*Applies only to street-facing portions of building facade located within 80' of the Primary and/or Side Street

See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions
## GENERAL (2 OF 3)

### HEIGHT

<table>
<thead>
<tr>
<th>S-MX-2x</th>
<th>S-MX-2</th>
<th>S-MX-3</th>
<th>S-MX-5</th>
<th>S-MX-8</th>
<th>S-MX-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stories (max)</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Feet (max)</td>
<td>30'</td>
<td>30'</td>
<td>45'</td>
<td>70'</td>
<td>110'</td>
</tr>
<tr>
<td>Stories/Feet, with incentives (max)</td>
<td>na</td>
<td>na</td>
<td>4/55'</td>
<td>7/95'</td>
<td>12/150'</td>
</tr>
<tr>
<td>Height Exceptions</td>
<td>See Section 3.3.7.1</td>
<td></td>
<td></td>
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</tr>
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### SITING

<table>
<thead>
<tr>
<th>S-MX Option A</th>
<th>S-MX Option B</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESTRICTION</td>
<td>Allowed only if Street Level GFA is equal or greater than 20,000 sf</td>
</tr>
<tr>
<td>REQUIRED BUILD-TO</td>
<td></td>
</tr>
<tr>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Primary Street (min build-to % within min/max range)</td>
<td>50% 0'/80' 50% 0'/150'</td>
</tr>
<tr>
<td>Build-to Exceptions and Alternatives</td>
<td>See Sections 3.3.7.2 and 3.3.6.1 See Sections 3.3.7.2 and 3.3.6.1</td>
</tr>
<tr>
<td>SETBACKS</td>
<td></td>
</tr>
<tr>
<td>Primary Street (min)</td>
<td>0' 0'</td>
</tr>
<tr>
<td>Side Street (min)</td>
<td>0' 0'</td>
</tr>
<tr>
<td>Side Interior (min)</td>
<td>0' 0'</td>
</tr>
<tr>
<td>B</td>
<td></td>
</tr>
<tr>
<td>Side Interior, adjacent to Protected District (min)</td>
<td>10' 10'</td>
</tr>
<tr>
<td>Rear (min)</td>
<td>0' 0'</td>
</tr>
<tr>
<td>Rear, adjacent to Protected District, alley/no alley (min)</td>
<td>S-MX-2x: 12'/20' All Other Zone Districts: 0/10' S-MX-2x: 12'/20' All Other Zone Districts: 0/10'</td>
</tr>
<tr>
<td>Setback Exceptions and Encroachments</td>
<td>See Sections 3.3.7.3 and 3.3.7.4 See Sections 3.3.7.3 and 3.3.7.4</td>
</tr>
<tr>
<td>PARKING</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Surface Parking between building and Primary Street/ Side Street</td>
<td>Allowed/Allowed Allowed, limited to two double loaded aisles within the Build-To range/Allowed</td>
</tr>
<tr>
<td>D</td>
<td></td>
</tr>
<tr>
<td>Surface Parking Screening</td>
<td>See Article 10, Division 10.5 Garden Wall required within 0'/15' for 100% of the zone lot's Primary and Side Street frontages, excluding access points and portions of buildings within 0'/15', following the standards of Article 10 - Section 10.5.4.4</td>
</tr>
</tbody>
</table>

### DESIGN ELEMENTS

<table>
<thead>
<tr>
<th>BUILDING CONFIGURATION</th>
<th>S-MX-2x</th>
<th>S-MX-2</th>
<th>S-MX-3</th>
<th>S-MX-5</th>
<th>S-MX-8</th>
<th>S-MX-12</th>
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<tbody>
<tr>
<td>E</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper Story setback above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)</td>
<td>na</td>
<td>na</td>
<td>15'/25'</td>
<td>20'/25'</td>
<td>20'/25'</td>
<td>20'/25'</td>
</tr>
<tr>
<td>F</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper story setback above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>35'/40'</td>
<td>35'/40'</td>
<td>35'/40'</td>
</tr>
</tbody>
</table>

### STREET LEVEL ACTIVATION

- 40%* Residential Only Buildings: 30%*
- 25%* Transparency Alternatives See Section 3.3.6.3
- Pedestrian Connection

### USES

- (1) All permitted Primary Uses shall be allowed within this building form See Division 4.4 Uses and Parking; and (2) 40% of the street-facing portions of building façade located within 80' of the Primary Street shall be occupied by Street Level active uses as described in Section 3.3.5.3.

*Applies only to street-facing portions of building facade located within 80' of the Primary and/or Side Street

See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions
GENERAL (3 OF 3)

**HEIGHT**

<table>
<thead>
<tr>
<th>S-MX-2A</th>
<th>S-MX-3A</th>
<th>S-MX-5A</th>
<th>S-MX-8A</th>
<th>S-MX-12A</th>
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<tbody>
<tr>
<td>Stories (max)</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>Feet (max)</td>
<td>30’</td>
<td>45’</td>
<td>70’</td>
<td>110’</td>
</tr>
<tr>
<td>Stories/Feet, with incentives (max)</td>
<td>na</td>
<td>4/55’</td>
<td>7/95’</td>
<td>12/150’</td>
</tr>
<tr>
<td>Feet, within 175’ of Protected District (max)</td>
<td>na</td>
<td>na</td>
<td>75’</td>
<td>75’</td>
</tr>
</tbody>
</table>

**SITING**

**REQUIRED BUILD-TO**

<table>
<thead>
<tr>
<th>S-MX-2A, -3A, -5A, -8A, -12A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street (min build-to % within min/max range)</td>
</tr>
<tr>
<td>Side Street (min build-to % within min/max range)</td>
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</tbody>
</table>

**SETBACKS**

<table>
<thead>
<tr>
<th>S-MX-2A, -3A, -5A, -8A, -12A</th>
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<tbody>
<tr>
<td>Primary Street (min)</td>
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<tr>
<td>Side Street (min)</td>
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<tr>
<td>Side Interior (min)</td>
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<tr>
<td>Side Interior, adjacent to Protected District (min)</td>
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<tr>
<td>Rear (min)</td>
</tr>
<tr>
<td>Rear, adjacent to Protected District, alley/no alley (min)</td>
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</tbody>
</table>

**PARKING**

**C** Surface Parking between building and Primary Street/ Side Street

<table>
<thead>
<tr>
<th>S-MX-2A, -3A, -5A, -8A, -12A</th>
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</thead>
<tbody>
<tr>
<td>Not Allowed/Allowed</td>
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</table>

**D** Surface Parking Screening

<table>
<thead>
<tr>
<th>S-MX-2A, -3A, -5A, -8A, -12A</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Article 10, Division 10.5</td>
</tr>
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</table>

**DESIGN ELEMENTS**

**BUILDING CONFIGURATION**

<table>
<thead>
<tr>
<th>S-MX-2A, -3A, -5A, -8A, -12A</th>
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</thead>
<tbody>
<tr>
<td>Upper Story setback above 27’, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)</td>
</tr>
<tr>
<td>Upper story setback above 51’, adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)</td>
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</tbody>
</table>

**STREET LEVEL ACTIVATION**

<table>
<thead>
<tr>
<th>S-MX-2A, -3A, -5A, -8A, -12A</th>
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</thead>
<tbody>
<tr>
<td>Transparency, Primary Street (min)</td>
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<tr>
<td>Residential Only Buildings: 30%</td>
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<tr>
<td>Transparency, Side Street (min)</td>
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<tr>
<td>Transparency Alternatives</td>
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<tr>
<td>Pedestrian Access, Primary Street</td>
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**USES**

<table>
<thead>
<tr>
<th>S-MX-2A, -3A, -5A, -8A, -12A</th>
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</thead>
<tbody>
<tr>
<td>(1) All permitted Primary Uses shall be allowed within this building form; and (2) 40% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied by Street Level active uses as described in Section 3.3.5.3.</td>
</tr>
</tbody>
</table>

See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions
### Article 3. Suburban Neighborhood Context

#### Division 3.3  Design Standards

<table>
<thead>
<tr>
<th>Shopfront</th>
<th>S-MX-2</th>
<th>S-MX-2x</th>
<th>S-MS-3</th>
<th>S-MS-3x</th>
<th>S-MS-5</th>
<th>S-MS-5x</th>
<th>S-MX-8</th>
<th>S-MX-12</th>
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<tbody>
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<tr>
<td>Feet (min/max)</td>
<td>na/30'</td>
<td>na/45'</td>
<td>24'/70'</td>
<td>24'/110'</td>
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<td>Stories/Feet, with incentives (max)</td>
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<td>Residential Only Buildings: 0'/10'</td>
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<td>Side interior, adjacent to Protected District (min)</td>
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<td>Setback Exceptions and Encroachments</td>
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<tr>
<td>Surface Parking between building and Primary Street/Side Street</td>
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<tr>
<td>Vehicle Access, 3 or more side-by-side dwelling units in one structure</td>
<td>From Alley; or Street access allowed when no Alley present (See Section 3.3.7.6)</td>
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<td>Vehicle Access, all other permitted uses</td>
<td>Access determined at Site Development Plan Review</td>
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<tr>
<td>Primary Street Upper Story Setback above 5 stories or 70' (min) See Section 3.3.6.2 for Alternative</td>
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<td>na</td>
<td>na</td>
<td>20'</td>
<td>20'</td>
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<tr>
<td>Upper Story Setback above 27' adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)</td>
<td>na</td>
<td>15'/25'</td>
<td>20'/25'</td>
<td>20'/25'</td>
<td>20'/25'</td>
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<td>Upper story setback above 51’ adjacent to Protected District: Rear, alley/no alley and Side Interior (min)</td>
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<td>na</td>
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<td>35'/40'</td>
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<td><strong>Street Level Activation</strong></td>
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<td>Transparency, Primary Street (min)</td>
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<td>Residential Only Buildings: 40%</td>
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<td>Transparency, Side Street (min)</td>
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<tr>
<td>(1) All permitted Primary Uses shall be allowed within this building form. See Division 3.4 Uses and Parking, and (2) 100% of the portion of the Street Level building frontage that meets the minimum Primary Street and Side Street build-to requirements shall be occupied by Street Level active uses as described in Section 3.3.5.3.</td>
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**See Sections 3.3.5 - 3.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions**
C. These standards recognize common residential characteristics within the Urban Edge Neighborhood Context but accommodate variation by providing eight Residential Zone Districts.

D. The regulations provide certainty and a consistent framework to property owners, developers, and neighborhood residents about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns, encourage affordable housing, and accommodate reinvestment in existing neighborhoods while accommodating reinvestment.

### 4.2.2.2 Specific Intent

**A. Single Unit A (E-SU-A)**

E-SU-A is a single unit district allowing only urban houses with a minimum zone lot area of 3,000 square feet. This district requires the shallowest setbacks and highest lot coverage in the Urban Edge Neighborhood Context.

**B. Single Unit B (E-SU-B)**

E-SU-B is a single unit district allowing only urban houses with a minimum zone lot area of 4,500 square feet.

**C. Single Unit B1 (E-SU-B1)**

E-SU-B1 is a single unit district allowing only urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet.

**D. Single Unit D (E-SU-D)**

E-SU-D is a single unit district allowing only urban houses with a minimum zone lot area of 6,000 square feet.

**E. Single Unit Dx (E-SU-Dx)**

E-SU-Dx is a single unit district allowing suburban and urban houses with a minimum zone lot area of 6,000 square feet.

**F. Single Unit D1 (E-SU-D1)**

E-SU-D1 is a single unit district allowing only urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet.

**G. Single Unit D1x (E-SU-D1x)**

E-SU-D1x is a single unit district allowing suburban houses, urban houses and detached accessory dwelling units with a minimum zone lot area of 6,000 square feet. Setbacks and lot coverage standards accommodate front and side yards similar to E-SU-Dx and allow a detached accessory dwelling unit in the rear yard.

**H. Single Unit G (E-SU-G)**

E-SU-G is a single unit district allowing suburban and urban houses with a minimum zone lot area of 9,000 square feet. The wider lots result in the largest side setbacks in the Urban Edge Neighborhood Context.

**I. Single Unit G1 (E-SU-G1)**

E-SU-G1 is a single unit district allowing suburban houses, urban houses and detached accessory dwelling units with a minimum lot area of 9,000 square feet. Setbacks accommodate front and side yards similar to E-SU-G and allow an detached accessory dwelling unit in the rear yard.

**J. Two Unit B (E-TU-B)**

E-TU-B allows up to two units on a minimum zone lot area of 4,500 square feet. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms.
K. Two Unit C (E-TU-C)
E-TU-C allows up to two units on a minimum zone lot area of 5,500 square feet. Allowed building forms are the urban house, detached accessory dwelling unit, duplex and tandem house building forms.

L. Row House 2.5 (E-RH-2.5)
E-RH-2.5 is a multi unit district and allows suburban house, urban house, detached accessory dwelling unit, duplex, tandem house and row house building forms up to two and a half stories in height.

M. Multi Unit 2.5 (E-MU-2.5)
E-MU-2.5 is a multi unit district and allows urban house, detached accessory dwelling unit, duplex, tandem house, row house, garden court, town house and apartment building forms up to two and a half stories in height depending on building form.

SECTION 4.2.3 COMMERCIAL CORRIDOR DISTRICTS (E-CC-3, -3x)

4.2.3.1 General Purpose
A. The Commercial Corridor zone districts are intended to balance the need for safe, active, and pedestrian-scaled, diverse areas with the need for convenient automobile access.
B. Commercial Corridor zone districts address development opportunities next to the city’s most auto-dominated corridors.
C. Commercial Corridor buildings generally have a deep build-to requirement to allow for some measure of parking between the building and the street. Predictable flexibility is provided for building and parking location for larger scale buildings.
D. The Commercial Corridor district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.

4.2.3.2 Specific Intent
A. Commercial Corridor – 3 (E-CC-3)
E-CC-3 applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired.
B. Commercial Corridor – 3x (E-CC-3x)
E-CC-3x applies primarily to auto-oriented arterial street corridors where a building scale of 1 to 3 stories is desired with less intense uses than E-CC-3.

SECTION 4.2.4 MIXED USE DISTRICTS (E-MX-2, -2A, -2X, -3, -3A)

4.2.4.1 General Purpose
A. The Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas and enhance the convenience and ease of walking, shopping and public gathering within and around the city’s neighborhoods.
B. There is a diverse menu of Mixed Use zone districts in the Urban Edge Neighborhood Context to recognize the diverse pattern of mixed use places in these neighborhoods.
C. The Mixed Use districts are appropriate along corridors, embedded in neighborhoods and on large sites.
D. The building form standards of the Mixed Use zone districts balance the importance of street presence and provision of parking through build-to requirements, Street Level activation and parking lot screening along the right-of-way. Predictable flexibility in building form options recognizes the varied development pattern of Urban Edge Neighborhoods.

E. The Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.

### 4.2.4.2 Specific Intent

**A. Mixed Use – 2 (E-MX-2)**
E-MX-2 applies to areas or intersections served primarily by local streets embedded within an existing or proposed neighborhood where a building scale of 1 to 2 stories is desired. Design standards provide options for varied building placement while still offering an active street front.

**B. Mixed Use- 2A (E-MX-2A)**
E-MX-2A applies to areas or intersections served primarily by local streets embedded within an existing or proposed neighborhood where a building scale of 1 to 2 stories is desired. Design standards support a consistent pattern of buildings placed at the street to offer an active street front.

**C. Mixed Use - 2x (E-MX-2x)**
E-MX-2x applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses.

**D. Mixed Use – 3 (E-MX-3)**
E-MX-3 applies to areas or intersections served primarily by collector and arterial streets where a building scale of 1 to 3 stories is desired. Design standards provide options for varied building placement while still offering an active street front.

**E. Mixed Use - 3A (E-MX-3A)**
E-MX-3A applies to areas or intersections served primarily by collector and arterial streets where a building scale of 1 to 3 stories is desired. Design standards support a consistent pattern of buildings placed at the street to offer an active street front.

### SECTION 4.2.5 RESIDENTIAL MIXED USE DISTRICTS (E-RX-3, -5)

#### 4.2.5.1 General Purpose

**A.** The Residential Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm.

**B.** The Residential Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s residential neighborhoods.

**C.** The Residential Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.

**D.** Compared to the Mixed Use districts, the Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently
access goods and services within walking distance. Buildings in a Residential Mixed Use district can have non-residential uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 square feet consistent with the district purpose.

4.2.5.2 Specific Intent

A. **Residential Mixed Use – 3 (E-RX-3)**
   E-RX-3 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

B. **Residential Mixed Use – 5 (E-RX-5)**
   E-RX-5 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 2 to 5 stories is desired.

SECTION 4.2.6 MAIN STREET DISTRICTS (E-MS-2, -2X, -3, -5)

4.2.6.1 General Purpose

A. The Main Street zone districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge.

B. The Main Street zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city’s commercial streets.

C. The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Main Street zone districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver) or, less frequently, on single zone lots at the intersection of local/collector streets within a residential neighborhood.

E. In all cases, the Main Street zone districts should be applied where a higher degree of walkability and pedestrian activity is desired than required in a Corridor, Mixed Use, or Residential Mixed Use zone district.

F. In the Urban Edge Neighborhood Context, the Main Street zone districts may also be embedded within a larger commercial shopping center or mixed-use area to promote a pedestrian-active street front within a larger mixed use or commercial development.

G. The Main Street zone districts are intended to promote an urban, mixed-use, built-to environment regardless of neighborhood context. Main Street buildings have a shallow front setback range. The build-to requirements are high and building coverage is significant.

4.2.6.2 Specific Intent

A. **Main Street 2 (E-MS-2)**
   E-MS-2 applies to areas or intersections served primarily by local streets embedded within an existing or proposed neighborhood where a building scale of 1 to 2 stories is desired. The E-MS-2 district is intended to provide for appropriate locations for traditional corner commercial establishments located directly within a residential neighborhood.
DIVISION 4.3 DESIGN STANDARDS

The following Intent Statements are intended to provide further information regarding intent and performance expectations for the district, site and building design standards.

SECTION 4.3.1 GENERAL INTENT

The Intent of this Division 4.3 Design Standards are to:

4.3.1.1 Implement the Denver Comprehensive Plan.

4.3.1.2 Implement the zone district’s Intent and Purpose

4.3.1.3 To continue Denver’s physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.

4.3.1.4 Improve compatibility with and respect for the existing character and context of Denver and its varied neighborhoods.

4.3.1.5 Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.

4.3.1.6 Give prominence to pedestrian realm as a defining element of neighborhood character.

4.3.1.7 Spatially define public streets and their associated open space as positive, usable features around which to organize and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.

4.3.1.8 Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials.

4.3.1.9 Provide easily identifiable pedestrian connections between private development, public rights of way and multiple modes of transit.

4.3.1.10 Configure the site so that a clear, safe, and attractive pedestrian system, with the transit facility as a component, is the primary public element to which buildings are oriented.

4.3.1.11 Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.

4.3.1.12 Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

SECTION 4.3.2 BUILDING FORM INTENT

4.3.2.1 Height

A. Encourage buildings whose forms are responsive to evolving nodes of mixed-use, pedestrian and transit activity as well as the surrounding context.

B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.

C. Allow flexibility in height for buildings that provide additional affordable housing.

4.3.2.2 Siting

A. Required Build-To

1. Provide a more consistent street edge to enhance the character, quality and accessibility of the context.
### General (1 of 2)

#### Height

<table>
<thead>
<tr>
<th>E-CC-3, -3x</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Stories (max)</td>
<td>3</td>
</tr>
<tr>
<td>Feet (max)</td>
<td>45’</td>
</tr>
<tr>
<td>Stories/Feet, with incentives (max)</td>
<td>4/55’</td>
</tr>
</tbody>
</table>

See Section 10.12.1

Height Exceptions

#### Siting

<table>
<thead>
<tr>
<th>Option A</th>
<th>Option B</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESTRICTION</td>
<td>na</td>
</tr>
<tr>
<td>Required Build-To</td>
<td>Allowed only if Street Level GFA is greater than 20,000 sf</td>
</tr>
</tbody>
</table>

A

Primary Street (min build-to % within min/max range) | 50% 0’/80’ |

Build-to Exceptions and Alternatives

See Sections 4.3.7.2 and 4.3.6.1

#### Setbacks

<table>
<thead>
<tr>
<th>Option A</th>
<th>Option B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street (min)</td>
<td>0’</td>
</tr>
<tr>
<td>Side Street (min)</td>
<td>0’</td>
</tr>
<tr>
<td>Side Interior (min)</td>
<td>0’</td>
</tr>
</tbody>
</table>

B

Side Interior, adjacent to Protected District (min) | 10’ |

Rear (min) | 0’ |

Rear, adjacent to Protected District, alley/no alley (min) | 0’/10’ |

Setback Exceptions and Encroachments

See Sections 4.3.7.3 and 4.3.7.4

#### Parking

C

Surface Parking between building and Primary Street/ Side Street | Allowed/Allowed |

D

Surface Parking Screening

See Article 10, Division 10.5

Vehicle Access, 3 or more side-by-side dwelling units in one structure | From Alley; or Street access allowed when no Alley present (See: See Section 4.3.7.6) |

Vehicle Access, all other permitted uses | Access determined at Site Development Plan |

### Design Elements

#### Building Configuration

<table>
<thead>
<tr>
<th>Option A</th>
<th>Option B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper Story Setback Above 27’, adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min)</td>
<td>15’/25’</td>
</tr>
</tbody>
</table>

#### Street Level Activation

<table>
<thead>
<tr>
<th>E-CC-3, -3x</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Transparency, Primary Street (min)</td>
<td>40%</td>
</tr>
<tr>
<td>Residential Only Buildings:</td>
<td>30%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E-CC-3, -3x</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Transparency, Side Street (min)</td>
<td>25%</td>
</tr>
</tbody>
</table>

#### Transparency Alternatives

See Section 4.3.6.2

#### Pedestrian Access, Primary Street

Pedestrian Connection

#### Uses

<table>
<thead>
<tr>
<th>E-CC-3, -3x</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>All permitted Primary Uses shall be allowed within this building form.</td>
<td>See Division 4.4</td>
</tr>
</tbody>
</table>

*Applies only to street-facing portions of building facade located within 80’ of the Primary and/or Side Street

See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions
GENERAL (2 OF 2)

<table>
<thead>
<tr>
<th>HEIGHT</th>
<th>E-MX-2, -2A, -2x</th>
<th>E-MX-3, -3A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stories (max)</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Feet (max)</td>
<td>30’</td>
<td>45’</td>
</tr>
<tr>
<td>Stories/Feet, with incentives (max)</td>
<td>na</td>
<td>4/5/5’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SITING</th>
<th>E-MX-2, -2A, -2x</th>
<th>E-MX-3, -3A</th>
<th>E-MX-2, -2x</th>
<th>E-MX-3, -3A</th>
<th>E-MX-2, -2x -3</th>
</tr>
</thead>
<tbody>
<tr>
<td>REQUIRED BUILD-TO</td>
<td>Option A</td>
<td>Option B</td>
<td>Option C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>Primary Street (min build-to % within min/max range)</td>
<td>70% 0’/15’</td>
<td>70% 0’/15’</td>
<td>70% 0’/80’</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>Side Street (min build-to % within min/max range)</td>
<td>na</td>
<td>na</td>
<td>25% 0’/15’</td>
<td></td>
</tr>
<tr>
<td>SETBACKS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Street (min)</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side Street (min)</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side Interior (min)</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side Interior, adjacent to Protected District (min)</td>
<td>E-MX-2x: 5’ 10’</td>
<td>10’</td>
<td>10’</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear (min)</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear, adjacent to Protected District, alley/no alley (min)</td>
<td>E-MX-2x, E-MS-2x: 12'/20’</td>
<td>All Other Zone Districts: 0'/10’</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PARKING</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>Surface Parking between building and Primary Street/Side Street</td>
<td>Not Allowed/Allowed</td>
<td>Not Allowed/Allowed</td>
<td>Allowed/Not Allowed</td>
<td></td>
</tr>
<tr>
<td>E</td>
<td>Surface Parking Screening</td>
<td>See Article 10, Division 10.5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Access</td>
<td>Access determined at Site Development Plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>BUILDING CONFIGURATION</td>
<td>Option A</td>
<td>Option B</td>
<td>Option C</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling Unit Configuration</td>
<td>Structure may contain Side-by-Side Dwelling Units Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure’s GFA</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F</td>
<td>Overall Structure Length, Primary Street (max)</td>
<td>na</td>
<td>150’</td>
<td>na</td>
<td></td>
</tr>
<tr>
<td>G</td>
<td>Upper Story Setback Above 27’, adjacent to Protected District: Rear, alley/ Rear, no alley and Side interior (min)</td>
<td>MX-3, -3A Only: 15’/25’</td>
<td>MX-3, -3A Only: 15’/25’</td>
<td>MX-3 Only: 15’/25’</td>
<td></td>
</tr>
<tr>
<td>STREET LEVEL ACTIVATION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H</td>
<td>Transparency, Primary Street (min)</td>
<td>40%</td>
<td>40%</td>
<td>60%</td>
<td></td>
</tr>
<tr>
<td>I</td>
<td>Transparency, Side Street (min)</td>
<td>25%</td>
<td>25%</td>
<td>25%</td>
<td></td>
</tr>
<tr>
<td>J</td>
<td>Pedestrian Access, Primary Street</td>
<td>Entrance</td>
<td>Entrance or Pedestrian Connection</td>
<td>Pedestrian Connection</td>
<td></td>
</tr>
</tbody>
</table>

USES

(1) All permitted Primary Uses shall be allowed within this building form See Division 4.4 Uses and Parking; and (2) 40% of the street-facing portions of building façade located within 80’ of the Primary Street shall be occupied by Street Level active uses as described in Section 4.3.5.4.

See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions.
### Design Standards

#### E-MS-2x
- E-MS-2
- E-MX-2x
- E-MX-2A
- E-MS-3
- E-MX-3A

#### E-MS-3
- E-MS-5

<table>
<thead>
<tr>
<th>Height</th>
<th>E-RX-3</th>
<th>E-RX-5</th>
<th>E-MX-2</th>
<th>E-MX-2A</th>
<th>E-MX-3</th>
<th>E-MX-3A</th>
<th>E-MS-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stories (max)</td>
<td>3</td>
<td>5</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Feet (min/max)</td>
<td>na/45'</td>
<td>na/70'</td>
<td>na/30'</td>
<td>na/45'</td>
<td>24'/70'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stories/Feet, with incentives (max)</td>
<td>4/55'</td>
<td>7/95'</td>
<td>na</td>
<td>4/55'</td>
<td>7/95'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Feet, within 175' of Protected District (max)</td>
<td>na</td>
<td>75'</td>
<td>na</td>
<td>na</td>
<td>75'</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Siting

<table>
<thead>
<tr>
<th>REQUIRED BUILD-TO</th>
<th>E-RX-3</th>
<th>E-RX-5</th>
<th>All E-MS and E-MX districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>B Primary Street (min build-to % within min/max range)</td>
<td>70% 0'/15'</td>
<td>70% 0'/15'</td>
<td>75% 0'/15'</td>
</tr>
<tr>
<td>C Side Street (min build-to % within min/max range)</td>
<td>na</td>
<td>na</td>
<td>25% 0'/5' Residential Only Buildings: 0'/10'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street (min)</td>
</tr>
<tr>
<td>Side Street (min)</td>
</tr>
<tr>
<td>Side Interior (min)</td>
</tr>
<tr>
<td>D Side Interior, adjacent to Protected District (min)</td>
</tr>
<tr>
<td>Rear (min)</td>
</tr>
<tr>
<td>Rear, adjacent to Protected District, alley/no alley (min)</td>
</tr>
</tbody>
</table>

#### Parking
- Surface Parking between building and Primary Street/Side Street: Not Allowed /Not Allowed
- Vehicle Access: Shall be determined as part of Site Development Plan Review

### Design Elements

<table>
<thead>
<tr>
<th>Building Configuration</th>
<th>E-RX-3</th>
<th>E-RX-5</th>
<th>E-MX-2</th>
<th>E-MX-2A</th>
<th>E-MX-3</th>
<th>E-MX-3A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling Unit Configuration</td>
<td>Structure may contain Side-by-Side Dwelling Units Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/ Rear, no alley and Side Interior (min)</td>
<td>15'/25'</td>
<td>20'/25'</td>
<td>na</td>
<td>15'/25'</td>
<td>20'/25'</td>
<td></td>
</tr>
<tr>
<td>G Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/ Rear, no alley and Side Interior (min)</td>
<td>na</td>
<td>35'/40'</td>
<td>na</td>
<td>na</td>
<td>35'/40'</td>
<td></td>
</tr>
</tbody>
</table>

#### Street Level Activation

| Transparency, Primary Street (min) | 60% Residential Only Buildings: 40% |
| Transparency, Side Street (min) | 25% |

#### Uses

<table>
<thead>
<tr>
<th>All E-RX Districts</th>
<th>All E-MS and E-MX Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Level Active Uses</td>
<td>na</td>
</tr>
<tr>
<td>Permitted Primary Uses</td>
<td>100%</td>
</tr>
<tr>
<td>All permitted Primary Uses shall be allowed within this building form; however: (1) Second Story and Above: Residential or Lodging Accommodations Uses Only; and (2) Buildings with No Residential or Lodging Accommodation Uses: 10,000 sf GFA max</td>
<td></td>
</tr>
</tbody>
</table>

See Sections 4.3.5 - 4.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions
### Article 4. Urban Edge Neighborhood Context

#### Division 4.4. Uses and Required Minimum Parking

**DENVER ZONING CODE**  
June 25, 2010 | Republished July 1, 2021

**KEY:**  
* = Need Not be Enclosed  
P = Permitted Use without Limitations  
L = Permitted Use with Limitations  
NP = Not Permitted Use  
ZP = Zoning Permit Review  
ZPCIM = Subject to Zoning Permit Review with Community Information Meeting  
ZPIN = Subject to Zoning Permit Review with Informational Notice  
ZPSE = Subject to Zoning Permit with Special Exception Review  
When no ZP, ZPCIM, ZPIN, ZPSE listed = No Zoning Permit required

|--------------|-------------------|--------|--------|---------|--------|---------|---------|--------|--------|--------|---------|---------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|----------|
| Accessory to Primary Residential Uses  
(Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Accessory Dwelling Unit | E-SU-B1, E-SU-D1, E-SU-D1x, E-SU-G | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP | L-ZP |
| Domestic Employee | L | L | L | L | L | L | L | L | L | L | § 11.7, § 11.8.2 |
| Garden* | L | L | L | L | L | L | L | L | L |
| Keeping of Household Animals* | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN | L/L-ZPIN |
| Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers & Recreational Vehicles* | L | L | L | L | L | L | L | L | L |
| Kennel or Exercise Run* | L | L | L | L | L | L | L | L | L | § 11.7; § 10.9 |
| Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use | NP | NP | NP | L-ZP | Not Applicable - See Permitted Primary Uses | § 11.7; § 11.8.7 |
| Outdoor Storage, Residential* | L | L | L | L | L | L | L | L | L | § 11.7, § 11.8.8 |
| Second Kitchen Accessory to Single Unit Dwelling Use | L-ZP | L-ZP | L-ZP | NP | L-ZP | L-ZP | L-ZP | NP | NP | § 11.7; § 11.8.9 |
| Short-term Rental | L | L | L | L | L | L | L | L | L | § 11.7; § 11.8.10 |
| Vehicle Storage, Repair and Maintenance* | L | L | L | L | L | L | L | L | L | § 11.7; § 10.9 |
| Yard or Garage Sales* | L | L | L | L | L | L | L | L | L | § 11.7; § 11.8.11 |

**HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION**

| Home Occupations  
(Parking is Not Required for Home Occupations Unless Specifically Stated in this Table or in an Applicable Use Limitation) | Child Care Home, Large | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN | L-ZPIN |
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>All Other Types</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unlisted Home Occupations</td>
<td>L-ZPIN - Applicable to all Zone Districts</td>
<td>§ 11.9; § 11.9.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
promote existing and future patterns of lower scale multi unit building forms that address the street in the same manner as an urban house building form.

C. These standards recognize common residential characteristics within the Urban Neighborhood Context but accommodate variation by providing eleven Residential Zone Districts.

D. The regulations provide certainty to property owners, developers, and neighborhood residents about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns, encourage affordable housing, and accommodate reinvestment in residential districts existing neighborhoods while accommodating reinvestment.

### Specific Intent

A. **Single Unit A (U-SU-A)**

U-SU-A is a single unit district allowing urban houses with a minimum zone lot area of 3,000 square feet. Blocks typically have a pattern of 25 foot wide lots. This district requires the shallowest setbacks and allows the highest lot coverage in the Urban Neighborhood Context.

B. **Single Unit A1 (U-SU-A1)**

U-SU-A1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 3,000 square feet. Blocks typically have a pattern of 25 foot wide lots. This district requires the shallowest setbacks and allows the highest lot coverage in the Urban Neighborhood Context. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-A but allowing a detached accessory dwelling unit building form in the rear yard.

C. **Single Unit A2 (U-SU-A2)**

U-SU-A2 is a single unit district allowing urban houses with a minimum zone lot area of 3,000 square feet. Detached accessory dwelling units, duplexes and tandem houses are also allowed on certain corner lots only. Blocks typically have a pattern of 25 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-A.

D. **Single Unit B (U-SU-B)**

U-SU-B is a single unit district allowing urban houses with a minimum zone lot area of 4,500 square feet. Blocks typically have a pattern of 37.5 foot wide lots.

E. **Single Unit B1 (U-SU-B1)**

U-SU-B1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 4,500 square feet. Blocks typically have a pattern of 37.5 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B but allowing a detached accessory dwelling unit building form in the rear yard.

F. **Single Unit B2 (U-SU-B2)**

U-SU-B2 is a single unit district allowing urban houses with a minimum zone lot area of 4,500 square feet. Detached accessory dwelling units, duplexes and tandem houses are also allowed on certain corner lots. Blocks typically have a pattern of 37.5 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-B.

G. **Single Unit C (U-SU-C)**

U-SU-C is a single unit district allowing urban houses with a minimum zone lot area of 5,500 square feet. Blocks typically have a consistent pattern of 50 foot wide lots.

H. **Single Unit C1 (U-SU-C1)**

U-SU-C1 is a single unit district allowing urban houses and detached accessory dwelling units with a minimum zone lot area of 5,500 square feet. Blocks typically have a consistent pattern of 50 foot wide lots. Setbacks and lot coverage standards accommodate front and side yards similar to U-SU-C but allowing a detached accessory dwelling unit building form in the rear yard.
SECTION 5.2.3  MIXED USE DISTRICTS (U-MX-2, -2X, -3)

5.2.3.1 General Purpose

A. The Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge.

B. The Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods.

C. The Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. The Mixed Use districts are intended for corridors, embedded neighborhood business areas and larger sites.

E. In the Urban Neighborhood Context, the Mixed Use zone districts promote a pedestrian-active street front. Buildings are pulled up to the street with parking at the side or rear of the building; however, the front setback range is deeper than the front setback range for the Main Street districts. The required percentage of building facade that must be located in the front setback is less than the percentage for the Main Street districts.

5.2.3.2 Specific Intent

A. Mixed Use – 2 (U-MX-2)
   U-MX-2 applies to areas or intersections served primarily by local streets embedded within an existing or proposed neighborhood where a building scale of 1 to 2 stories is desired.

B. Mixed Use - 2x (U-MX-2x)
   U-MX-2x applies to small sites served primarily by local streets embedded within an existing or proposed neighborhood. These are typically one or two parcels and are limited to low scale building forms and low intensity uses.

C. Mixed Use – 3 (U-MX-3)
   U-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

SECTION 5.2.4  RESIDENTIAL MIXED USE DISTRICTS (U-RX-3, -5)

5.2.4.1 General Purpose

A. The Residential Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm.

B. The Residential Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s residential neighborhoods.

C. The Residential Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.
D. Compared to the Mixed Use districts, the Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed Use district can have commercial uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 square feet consistent with the district purpose.

5.2.4.2 Specific Intent

A. Residential Mixed Use – 3 (U-RX-3)
U-RX-3 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

B. Residential Mixed Use – 5 (U-RX-5)
U-RX-5 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 1 to 5 stories is desired.

SECTION 5.2.5 MAIN STREET DISTRICTS (U-MS-2, -2X, -3, -5)

5.2.5.1 General Purpose

A. The Main Street zone districts are intended to promote safe, active, and pedestrian-scaled commercial streets through building forms that clearly define and activate the public street edge.

B. The Main Street zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city’s commercial streets.

C. The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Main Street zone districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver) or, less frequently, on single zone lots at the intersection of local/collector streets within a residential neighborhood.

E. In all cases, the Main Street zone districts should be applied where a higher degree of walk ability and pedestrian activity is desired than required in a Corridor, Mixed Use, or Residential Mixed Use zone district.

F. In the Urban Neighborhood Context, the Main Street zone districts may also be embedded within a larger commercial shopping center or mixed-use area to promote a pedestrian-active street front within a larger mixed use or commercial development.

G. The Main Street zone districts are intended to promote an urban, mixed-use, built-to environment regardless of neighborhood context. Main Street buildings have a shallow front setback range. The build-to requirements are high and the maximum building coverage is significant.

5.2.5.2 Specific Intent

A. Main Street 2 (U-MS-2)
U-MS-2 applies to areas or intersections served primarily by local streets embedded within an existing or proposed neighborhood where a building scale of 1 to 2 stories is desired. The U-MS-2 district is intended to provide for appropriate locations for traditional corner commercial establishments located within a residential neighborhood.
DIVISION 5.3 DESIGN STANDARDS

The following Intent Statements are intended to provide further information regarding intent and performance expectations for the district, site and building design standards.

SECTION 5.3.1 GENERAL INTENT
The Intent of this Division 5.3 Design Standards are to:

5.3.1.1 Implement the Denver Comprehensive Plan.
5.3.1.2 Implement the zone district’s Intent and Purpose
5.3.1.3 To continue Denver’s physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.
5.3.1.4 Improve compatibility with and respect for the existing character and context of Denver and its neighborhoods.
5.3.1.5 Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.
5.3.1.6 Give prominence to the pedestrian realm as a defining element of neighborhood character.
5.3.1.7 Spatially define public streets and their associated open space as positive, usable features around which to organize and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.
5.3.1.8 Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials.
5.3.1.9 Provide easily identifiable pedestrian connections between private development, public rights of way and multiple modes of transit.
5.3.1.10 Configure the site so that a clear, safe, and attractive pedestrian system, with the transit facility as a component, is the primary public element to which buildings are oriented.
5.3.1.11 Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.
5.3.1.12 Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

SECTION 5.3.2 BUILDING FORM INTENT

5.3.2.1 Height

A. Encourage buildings whose forms are responsive to the surrounding context, including opportunities to reinforce existing and evolving nodes of mixed-use, pedestrian and transit activities
B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.
C. Allow flexibility in height for buildings that provide additional affordable housing.

5.3.2.2 Siting

A. Required Build-To
   1. Provide a consistent street edge to enhance character of the urban context.
   2. Define streets to promote pedestrian activity and sense of place.
DZC TEXT AMENDMENT – EXPANDING HOUSING AFFORDABILITY
PLANNING BOARD DRAFT – 03/22/2022

GENERAL

<table>
<thead>
<tr>
<th>HEIGHT</th>
<th>U-MX-2, -2x</th>
<th>U-MX-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stories (max)</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Feet (max)</td>
<td>30'</td>
<td>45'</td>
</tr>
<tr>
<td>Stories/Feet, with incentives (max)</td>
<td>na</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>SITING</th>
<th>U-MX-2, -2x</th>
<th>U-MX-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>REQUIRED BUILD-TO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Street (min build-to % within min/max range)</td>
<td>70% 0'/15'</td>
<td>70% 0'/15'</td>
</tr>
<tr>
<td>Side Street (min build-to % within min/max range)</td>
<td>na</td>
<td>na</td>
</tr>
</tbody>
</table>

| SETBACKS | | |
| Primary Street (min) | 0' | 0' |
| Side Street (min) | 0' | 0' |
| Side Interior (min) | 0' | 0' |

| | U-MX-2x: 5’ | 10’ |
| Primary Street, adjacent to Protected District (min) | | |
| Side Interior, adjacent to Protected District (min) | U-MX-2x: 12'/20’ | |
| Rear, alley and no alley (min) | 0' | 0' |
| Rear, adjacent to Protected District, alley/no alley (min) | U-MX-2x: 0'/10’ | 0'/10’ |
| PARKING | | |
| Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed |
| Surface Parking Screening | See Article 10, Division 10.5 |
| Parking Screening | Shall be determined as part of Site Development Plan Review |

| DESIGN ELEMENTS | U-MX-2, -2x | U-MX-3 |
| BUILDING CONFIGURATION | | |
| Dwelling Unit Configuration | | |
| Upper Story Setback Above 27’ adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min) | na | 15'/25’ |

| STREET LEVEL ACTIVATION | | |
| Transparency, Primary Street (min) | 40% | 40% |
| Transparency, Side Street (min) | 25% | 25% |
| Transparency Alternatives | See Section 5.3.6.2 |

| Pedestrian Access, Primary Street | Entrance |

| USES | All U-MX |
| Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement) | 40% |
| Permitted Primary Uses | All permitted Primary Uses shall be allowed within this building form. See Division 5.4 Uses and Parking. |

See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions
**Article 5. Urban Neighborhood Context**

**Division 5.3 Design Standards**

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**SHOPFRONT**

### HEIGHT

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<tr>
<th></th>
<th>U-RX-3</th>
<th>U-RX-5</th>
<th>U-MS-2</th>
<th>U-MS-2x</th>
<th>U-MX-2</th>
<th>U-MS-3</th>
<th>U-MX-3</th>
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<td>5</td>
<td>2</td>
<td>3</td>
<td>5</td>
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<tr>
<td>Feet (min/max)</td>
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<td>na/70'</td>
<td>na/30'</td>
<td>na/45'</td>
<td>24'/70'</td>
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<tr>
<td>Stories/Feet, with incentives (max)</td>
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<td>7/95'</td>
<td>4/55'</td>
<td>7/95'</td>
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<td></td>
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<tr>
<td>Feet, within 175' of Protected District (max)</td>
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<td>75'</td>
<td>na</td>
<td>na</td>
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### SITING

<table>
<thead>
<tr>
<th></th>
<th>U-RX-3</th>
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<th>U-MS-2</th>
<th>U-MS-2x</th>
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<th>U-MX-3</th>
<th>U-MS-5</th>
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<tbody>
<tr>
<td>REQUIRED BUILD-TO</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Street (min build-to % within min/max range)</td>
<td>70% 0'/15'</td>
<td>70% 0'/15'</td>
<td>0'/5' Residential Only Buildings: 0'/10'</td>
<td>75%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side Street (min build-to % within min/max range)</td>
<td>na</td>
<td>na</td>
<td>0'/5' Residential Only Buildings: 0'/10'</td>
<td>25%</td>
<td></td>
<td></td>
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<td></td>
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</tbody>
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### SETBACKS

<table>
<thead>
<tr>
<th></th>
<th>U-RX-3</th>
<th>U-RX-5</th>
<th>U-MS-2</th>
<th>U-MS-2x</th>
<th>U-MX-2</th>
<th>U-MS-3</th>
<th>U-MX-3</th>
<th>U-MS-5</th>
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<tbody>
<tr>
<td>Primary Street (min)</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side Street (min)</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side Interior (min)</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Side Interior, adjacent to Protected District (min)</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear, alley and no alley (min)</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear, adjacent to Protected District, alley/no alley (min)</td>
<td>0'/10'</td>
<td>0'/10'</td>
<td>0'/10'</td>
<td>0'/10'</td>
<td>0'/10'</td>
<td></td>
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<td></td>
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</tbody>
</table>

### PARKING

Surface Parking between building and Primary Street/ Side Street: Not Allowed/Not Allowed

### DESIGN ELEMENTS

<table>
<thead>
<tr>
<th></th>
<th>U-RX-3</th>
<th>U-RX-5</th>
<th>U-MS-2</th>
<th>U-MS-2x</th>
<th>U-MX-2</th>
<th>U-MS-3</th>
<th>U-MX-3</th>
<th>U-MS-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling Unit Configuration</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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### STREET LEVEL ACTIVATION

<table>
<thead>
<tr>
<th></th>
<th>All U-RX Zone Districts</th>
<th>All U-MS and U-MX Zone Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transparency, Primary Street (min)</td>
<td>60%, Residential Only Buildings: 40%</td>
<td></td>
</tr>
<tr>
<td>Transparency, Side Street (min)</td>
<td>25%</td>
<td></td>
</tr>
<tr>
<td>Pedestrian Access, Primary Street</td>
<td>Entrance</td>
<td></td>
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</tbody>
</table>

### USES

<table>
<thead>
<tr>
<th></th>
<th>All U-RX Zone Districts</th>
<th>All U-MS and U-MX Zone Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement)</td>
<td>na</td>
<td>100%</td>
</tr>
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</table>

---

See Sections 5.3.5 - 5.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions
DIVISION 6.2  DISTRICTS (G-RH-, G-MU-, G-RO-, G-MX-, G-RX-, G-MS-)

SECTION 6.2.1  DISTRICTS ESTABLISHED
To carry out the provisions of this Article, the following zone districts have been established in the General Urban Neighborhood Context and are applied to property as set forth on the Official Map.

General Urban Neighborhood Context
G-RH-3  Row House 3
G-MU-3  Multi Unit 3
G-MU-5  Multi Unit 5
G-MU-8  Multi Unit 8
G-MU-12 Multi Unit 12
G-MU-20 Multi Unit 20
G-RO-3  Residential Office 3
G-RO-5  Residential Office 5
G-MX-3  Mixed Use 3
G-RX-3  Residential Mixed Use 3
G-RX-5  Residential Mixed Use 5
G-MS-3  Main Street 3
G-MS-5  Main Street 5

SECTION 6.2.2  RESIDENTIAL DISTRICTS (G-RH-3, G-MU-3 TO -20, G-RO-3, G-RO-5)

6.2.2.1  General Purpose

A. The intent of the Residential districts is to promote and protect higher density residential neighborhoods within the character of the General Urban Neighborhood Context. These regulations allow for multi-unit districts with a variety of residential building forms.

B. The building form standards, design standards, and uses work together to promote safe, active, pedestrian-scaled residential areas. The standards accommodate the pattern of urban house, duplex, row house, garden court, and apartment. Buildings orient to the street and access is from the alley. Lot coverage is typically high accommodating a consistent, shallow front yard.

C. These standards recognize the variation within the General Urban Neighborhood Context and provide eight Residential Zone Districts. The lowest-scale districts with a maximum height of three stories provide a transition to Urban and Urban Edge Neighborhood Contexts. The highest-scale districts with a maximum height of 12 and 20 stories promote a dense, urban residential character where appropriate. The Residential Office (RO) districts provide opportunities for residential and offices uses in low to moderate scale residential building forms.

D. The regulations provide certainty, a consistent framework to property owners, developers, and neighborhoods residents about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns, encourage affordable housing, and accommodate reinvestment in residential districts existing neighborhoods while accommodating reinvestment.
Specific Intent

A. Row House 3 (G-RH-3)
   G-RH-3 is a multi unit district allowing urban house, duplex, and row house building forms. Row houses are not taller than three stories.

B. Multi-Unit 3 (G-MU-3)
   G-MU-3 is a multi unit district allowing urban house, duplex, garden court, town house, and apartment building forms. The tallest building form has a maximum height of three stories.

C. Multi-Unit 5 (G-MU-5)
   G-MU-5 is a multi unit district allowing urban house, duplex, row house, garden court, town house, and apartment building forms. The tallest building form has a maximum height of five stories.

D. Multi-Unit 8 (G-MU-8)
   G-MU-8 is a multi unit district allowing urban house, duplex, row house, town house, and apartment building forms. The tallest building form has a maximum height of eight stories.

E. Multi-Unit 12 (G-MU-12)
   G-MU-12 is a multi unit district allowing urban house, duplex, row house, town house, and apartment building forms. The tallest building form has a maximum height of twelve stories.

F. Multi-Unit 20 (G-MU-20)
   G-MU-20 is a multi unit district allowing urban house, duplex, row house, town house, and apartment building forms. The tallest building form has a maximum height of twenty stories.

G. Residential Office 3 (G-RO-3)
   G-RO-3 is a multi unit and office district allowing urban house, duplex, row house, town house, and apartment building forms. The tallest building form has a maximum height of three stories.

H. Residential Office - 5 (G-RO-5)
   G-RO-5 is a multi unit and office district allowing urban house, duplex, row house, town house, and apartment building forms. The tallest building form has a maximum height of five stories.

SECTION 6.2.3  MIXED USE DISTRICTS (G-MX-3)

General Purpose

A. The Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of town house, row house, apartment, and shopfront building forms that clearly define and activate the public street edge.

B. The Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods.

C. The Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. Where Main Street districts are applied to key corridors and retail streets within a neighborhood, the Mixed Use districts are intended for broader application at the neighborhood scale.

E. In the General Urban Neighborhood Context, the Mixed Use zone districts promote a pedestrian-active street front. Buildings are pulled up to the street with parking tucked behind; however, the front setback range is slightly deeper than the front setback range for the Main Street
Article 6. General Urban Neighborhood Context
Division 6.2 Districts

DENVER ZONING CODE
June 25, 2010 | Republished July 1, 2021

6.2-3

6.2.3.2 Specific Intent

A. Mixed Use – 3 (G-MX-3)

G-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

SECTION 6.2.4 RESIDENTIAL MIXED USE DISTRICTS (G-RX-3, -5)

6.2.4.1 General Purpose

A. The Residential Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm.

B. The Residential Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s residential neighborhoods.

C. The Residential Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Compared to the Mixed Use districts, the Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed Use district can have commercial uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 square feet consistent with the district purpose.

6.2.4.2 Specific Intent

A. Residential Mixed Use 3 (G-RX-3)

G-RX-3 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

B. Residential Mixed Use 5 (G-RX-5)

G-RX-5 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 2 to 5 stories is desired.

SECTION 6.2.5 MAIN STREET DISTRICTS (G-MS-3, -5)

6.2.5.1 General Purpose

A. The Main Street zone districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge.

B. The Main Street zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city’s commercial streets.
C. The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encouraging affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Main Street zone districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver) or, less frequently, on single zone lots at the intersection of local/collector streets within a residential neighborhood.

E. In all cases, the Main Street zone districts should be applied where a higher degree of walkability and pedestrian activity is desired than required in a Corridor, Mixed Use, or Residential Mixed Use zone district.

F. In the General Urban Neighborhood Context, the Main Street zone districts may also be embedded within a larger commercial shopping center or mixed-use area to promote a pedestrian-active street front within a larger mixed use or commercial development.

G. The Main Street zone districts are intended to promote an urban, mixed-use, built-to environment regardless of neighborhood context. Main Street buildings have a shallow front setback range. The build-to requirements are high and the maximum building coverage is significant.

6.2.5.2 Specific Intent

A. **Main Street 3 (G-MS-3)**
   G-MS-3 applies primarily to local or collector street corridors, or may be embedded within a commercial shopping center or mixed-use area, where a building scale of 1 to 3 stories is desired.

B. **Main Street 5 (G-MS-5)**
   G-MS-5 applies primarily to collector or arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 5 stories is desired.
DIVISION 6.3 DESIGN STANDARDS
The following Intent Statements are intended to provide further information regarding intent and performance expectations for the district, site and building design standards.

SECTION 6.3.1 GENERAL INTENT
The Intent of this Division 6.3 Design Standards are to:

6.3.1.1 Implement the Denver Comprehensive Plan.
6.3.1.2 Implement the zone district’s Intent and Purpose
6.3.1.3 To continue Denver’s physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.
6.3.1.4 Improve compatibility with and respect for the existing character and context of Denver and its neighborhoods.
6.3.1.5 Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.
6.3.1.6 Give prominence to pedestrian realm as a defining element of neighborhood character.
6.3.1.7 Spatially define public streets and their associated open space as positive, usable features around which to organize and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.
6.3.1.8 Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials.
6.3.1.9 Provide easily identifiable pedestrian connections between private development, public rights of way and multiple modes of transit.
6.3.1.10 Configure the site so that a clear, safe, and attractive pedestrian system, with the transit facility as a component, is the primary public element to which buildings are oriented.
6.3.1.11 Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.
6.3.1.12 Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

SECTION 6.3.2 BUILDING FORM INTENT
The intent of the Building Form Design Standards are to:

6.3.2.1 Height
   A. Encourage buildings whose forms are responsive to the surrounding context, including opportunities to reinforce existing and evolving nodes of mixed-use, pedestrian and transit activities.
   B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.
   C. Allow flexibility in height for buildings that provide additional affordable housing.

6.3.2.2 Siting
   A. Required Build-To
      1. Provide a consistent street edge to enhance character of the context.
      2. Define streets to promote pedestrian activity and sense of place.
### APARTMENT

#### HEIGHT

<table>
<thead>
<tr>
<th></th>
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<td>3</td>
<td>5</td>
<td>5</td>
<td>8</td>
<td>12</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Feet (max)</td>
<td>40'</td>
<td>65'</td>
<td>65'</td>
<td>100'</td>
<td>140'</td>
<td>230'</td>
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</tr>
<tr>
<td>Stories/Feet, with incentives (max)</td>
<td>4/50'</td>
<td>7/90'</td>
<td>7/90'</td>
<td>12/140'</td>
<td>16/185'</td>
<td>30/340'</td>
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</tr>
<tr>
<td>Feet, within 175' of Protected District (max)</td>
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<td>na</td>
<td>75'</td>
<td>na</td>
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#### SITING

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<tbody>
<tr>
<td>Zone Lot Size (min)</td>
<td>6,000 sf</td>
<td>6,000 sf</td>
<td>6,000 sf</td>
<td>6,000 sf</td>
<td>6,000 sf</td>
<td>6,000 sf</td>
<td></td>
</tr>
<tr>
<td>Zone Lot Width (min)</td>
<td>50'</td>
<td>50'</td>
<td>50'</td>
<td>50'</td>
<td>50'</td>
<td>50'</td>
<td></td>
</tr>
</tbody>
</table>

#### REQUIRED BUILD-TO

- **B Primary Street (min % within min/max)**: 60% 10'/20' 60% 10'/20' 60% 10'/20' 60% 10'/20' 60% 10'/20'
- **Exception from required Build-to**: See Section 6.3.7.2

#### SETBACKS

- **C Primary Street (min)**: Calculated per See Section 13.1.5.9 or 20', whichever is less
- **D Side Street (min)**: 5' 5' 5' 5' 5' 5' 5'
- **E Side Interior (min)**: 7.5' 7.5' 7.5' 7.5' 7.5' 7.5' 7.5'
- **F Rear, alley/no alley (min)**: 10'/20' 10'/20' 10'/20' 10'/20' 10'/20' 10'/20' 10'/20'

#### PARKING

- Surface Parking between Building and Primary Street/Side Street: Not Allowed/Allowed
- Vehicle Access, all other permitted uses: Shall be determined as part of Site Development Plan Review

#### DESIGN ELEMENTS

##### BUILDING CONFIGURATION

- **Dwelling Unit Configuration**: Structure may contain Side-by-Side Dwelling Units, Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure’s GFA
- **Street-facing Garage Door Width per Primary Structure (max)**: 20' 20' 20' 20' 20' 20'
- **Upper Story Setback Above 40', Side Interior (min)**: na 15' na na na na
- **Upper Story Setback Above 51', Side Interior (min)**: na na 15' 15' 15' 15' 15'
- **Upper Story Setback Above 75', Rear, alley/Rear, no alley and Side Interior (min)**: na na na 20'/30' 20'/30' 20'/30'
- **Upper Story Setback Above 27', adjacent to Protected District: Side Interior (min)**: 25' 25' 25' 25' 25' 25'
- **Upper Story Setback Above 51', adjacent to Protected District: Side Interior (min)**: na 40' 40' 40' 40' 40'
- **Upper Story Setback Above 40', adjacent to Protected District: Rear, alley/Rear, no alley (min)**: na 30'/40' 30'/40' 30'/40' 30'/40' 30'/40' 30'/40'

##### STREET LEVEL ACTIVATION

- **K Transparency, Primary Street (min)**: 40% 40% 40% 40% 40% 40% 40%
- **L Transparency, Side Street (min)**: 25% 25% 25% 25% 25% 25% 25%
- **M Pedestrian Access, Primary Street Entrance**

##### USES

- **All G-MU and G-RO**: Primary Uses shall be limited to Multi Unit Dwelling (3+) and permitted Congregate Living, Residential Care, and Nonresidential uses. See Division 6.4 Uses and Parking

---

See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions
## Article 6. General Urban Neighborhood Context
### Division 6.3 Design Standards

#### GENERAL

<table>
<thead>
<tr>
<th><strong>HEIGHT</strong></th>
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<tr>
<td>Stories (max)</td>
<td>3</td>
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<tr>
<td>Feet (max)</td>
<td>45'</td>
</tr>
<tr>
<td>Stories/Feet, with incentives (max)</td>
<td>4/55'</td>
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#### SITING

<table>
<thead>
<tr>
<th><strong>REQUIRED BUILD-TO</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street (min build-to % within min/max range)</td>
<td>70% 0'/10'</td>
</tr>
</tbody>
</table>

#### SETBACKS

| **Primary Street (min)** | 0' |
| **Side Street (min)** | 0' |
| **Side Interior (min)** | 0' |

#### B

| **Side Interior, adjacent to Protected District (min)** | 10' |
| **Rear, alley and no alley (min)** | 0' |
| **Rear, adjacent to Protected District, alley/no alley (min)** | 0'/10' |

#### PARKING

| **C** | Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed |
| **D** | Surface Parking Screening | See Article 10, Division 10.5 |
| Vehicle Access, all other permitted uses | Shall be determined as part of Site Development Plan Review |

#### DESIGN ELEMENTS

<table>
<thead>
<tr>
<th><strong>BUILDING CONFIGURATION</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling Unit Configuration</td>
<td>Structure may contain Side-by-Side Dwelling Units Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA</td>
</tr>
</tbody>
</table>

#### E

| **Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)** | 15'/25' |

#### STREET LEVEL ACTIVATION

| **F** | Transparency, Primary Street (min) | 40% |
| **G** | Transparency, Side Street (min) | 25% |
| **H** | Pedestrian Access, Primary Street | Entrance |

#### USES

| **Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement)** | 40% |
| **Permitted Primary Uses** | All permitted Primary Uses shall be allowed within this building form. See Division 6.4 Uses and Parking |

See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions
### SHOPFRONT

<table>
<thead>
<tr>
<th><strong>HEIGHT</strong></th>
<th>G-RX-3</th>
<th>G-RX-5</th>
<th>G-MX-3</th>
<th>G-MS-5</th>
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</thead>
<tbody>
<tr>
<td>Stories (max)</td>
<td>3</td>
<td>5</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Feet (min/max)</td>
<td>na/45'</td>
<td>na/70'</td>
<td>na/45'</td>
<td>24'/70'</td>
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<td>Stories/Feet, with incentives (max)</td>
<td>4/55'</td>
<td>7/95'</td>
<td>4/55'</td>
<td>7/95'</td>
</tr>
<tr>
<td>Feet, within 175' of Protected District (max)</td>
<td>na</td>
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<td>na</td>
<td>75'</td>
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### SITING

<table>
<thead>
<tr>
<th>Required Build-To</th>
<th>G-RX-3</th>
<th>G-RX-5</th>
<th>G-MX-3</th>
<th>G-MS-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street (min build-to % within min/max range)</td>
<td>75% 0'/10'</td>
<td>75% 0'/10'</td>
<td>0'/5' Residential Only Buildings: 0'/10'</td>
<td></td>
</tr>
<tr>
<td>Side Street (min build-to % within min/max range)</td>
<td>na</td>
<td>na</td>
<td>0'/5' Residential Only Buildings: 0'/10'</td>
<td></td>
</tr>
</tbody>
</table>

### SETBACKS

| Primary Street (min) | 0' | 0' | 0' | 0' |
| Side Street (min) | 0' | 0' | 0' | 0' |
| Side Interior (min) | 0' | 0' | 0' | 0' |
| Side Interior, adjacent to Protected District (min) | 10' | 10' | 10' | 10' |
| Rear (min) | 0' | 0' | 0' | 0' |
| Rear, adjacent to Protected District, alley/no alley (min) | 0'/10' | 0'/10' | 0'/10' | 0'/10' |

### PARKING

| Surface Parking between building and Primary Street/Side Street | Not Allowed/Not Allowed |

### DESIGN ELEMENTS

<table>
<thead>
<tr>
<th>Building Configuration</th>
<th>G-RX-3</th>
<th>G-RX-5</th>
<th>G-MX-3</th>
<th>G-MS-5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling Unit Configuration</td>
<td>Structure may contain Side-by-Side Dwelling Units Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)</td>
<td>15'/25'</td>
<td>20'/25'</td>
<td>15'/25'</td>
<td>20'/25'</td>
</tr>
<tr>
<td>Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)</td>
<td>na</td>
<td>35'/40'</td>
<td>na</td>
<td>35'/40'</td>
</tr>
</tbody>
</table>

### STREET LEVEL ACTIVATION

| Transparency, Primary Street (min) | 60% Residential Only Buildings: 40% |
| Transparency, Side Street (min) | 25% |
| Pedestrian Access, Primary Street Entrance | |

### USES

<table>
<thead>
<tr>
<th>All G-RX Districts</th>
<th>G-MS-3, -5 and G-MX-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement)</td>
<td>na</td>
</tr>
</tbody>
</table>

Permitted Primary Uses

All permitted Primary Uses shall be allowed within this building form; however: (1) Second Story and Above: Residential or Lodging Accommodations Uses Only; and (2) Buildings with No Residential or Lodging Accommodation Uses: 10,000 sf GFA max

All permitted Primary Uses shall be allowed within this building form. See Division 6.4 Uses and Parking

See Sections 6.3.5 - 6.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

DRAFT
DIVISION 7.2 DISTRICTS (C-MX, C-RX, C-MS, C-CCN)

SECTION 7.2.1 DISTRICTS ESTABLISHED

To carry out the provisions of this Article, the following zone districts have been established in the Urban Center Neighborhood Context and are applied to property as set forth on the Official Map.

Urban Center Neighborhood Context
C-MX-3 Mixed Use 3
C-MX-5 Mixed Use 5
C-MX-8 Mixed Use 8
C-MX-12 Mixed Use 12
C-MX-16 Mixed Use 16
C-MX-20 Mixed Use 20
C-RX-5 Residential Mixed Use 5
C-RX-8 Residential Mixed Use 8
C-RX-12 Residential Mixed Use 12
C-MS-5 Main Street 5
C-MS-8 Main Street 8
C-MS-12 Main Street 12
C-CCN-3 Cherry Creek North 3
C-CCN-4 Cherry Creek North 4
C-CCN-5 Cherry Creek North 5
C-CCN-7 Cherry Creek North 7
C-CCN-8 Cherry Creek North 8
C-CCN-12 Cherry Creek North 12

SECTION 7.2.2 MIXED USE DISTRICTS (C-MX-3, -5, -8, -12, -16, -20)

7.2.2.1 General Purpose

A. The Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public street edge.

B. The Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s neighborhoods.

C. The Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Compared to the Main Street districts, the Mixed Use districts are focused on creating mixed, diverse neighborhoods. Where Main Street districts are applied to key corridors and retail streets within a neighborhood, the Mixed Use districts are intended for broader application at the neighborhood scale.

E. In the Urban Center Neighborhood Context, the Mixed Use zone districts require the same level of pedestrian enhancements as the Main Street zone districts. In the Urban Center Neighborhood Context, the primary difference between the Mixed Use zone districts and the Main Street zone districts is Main Street districts mandate shopfront buildings at the street edge.

F. Mixed use buildings have a shallow front setback range. The build-to requirements are high.
7.2.2.2 Specific Intent

A. Mixed Use – 3 (C-MX-3)
C-MX-3 applies to areas or intersections served primarily by local or collector streets where a building scale of 1 to 3 stories is desired.

B. Mixed Use – 5 (C-MX-5)
C-MX-5 applies to areas or intersections served primarily by collector or arterial streets where a building scale of 1 to 5 stories is desired.

C. Mixed Use – 8 (C-MX-8)
C-MX-8 applies to areas or intersections served primarily by arterial streets where a building scale of 2 to 8 stories is desired.

D. Mixed Use – 12 (C-MX-12)
C-MX-12 applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 12 stories is desired.

E. Mixed Use – 16 (C-MX-16)
C-MX-16 applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 16 stories is desired.

F. Mixed Use – 20 (C-MX-20)
C-MX-20 applies to areas or intersections served primarily by major arterial streets where a building scale of 3 to 20 stories is desired.

SECTION 7.2.3 RESIDENTIAL MIXED USE DISTRICTS (C-RX-5, -8, -12)

7.2.3.1 General Purpose

A. The Residential Mixed Use zone districts are intended to promote safe, active, and pedestrian-scaled, diverse areas through the use of building forms that clearly define and activate the public realm.

B. The Residential Mixed Use zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering within and around the city’s residential neighborhoods.

C. The Residential Mixed Use zone district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Compared to the Mixed Use districts, the Residential Mixed Use districts are primarily intended to accommodate residential uses. Commercial uses are secondary to the primary residential use of the district, and provide neighborhood-scaled shops and offices for residents to conveniently access goods and services within walking distance. Buildings in a Residential Mixed Use district can have Street Level retail uses, but upper stories are reserved exclusively for housing or lodging accommodation uses. A building can be solely residential or solely commercial; however, buildings containing only commercial uses are limited in total gross floor area to 10,000 square feet consistent with the district purpose.

7.2.3.2 Specific Intent

A. Residential Mixed Use 5 (C-RX-5)
C-RX-5 applies to residentially-dominated areas served primarily by local or collector streets where a building scale of 2 to 5 stories is desired.
Section 7.2.4  Main Street Districts (C-MS-5, -8 -12)

7.2.4.1 General Purpose

A. The Main Street zone districts are intended to promote safe, active, and pedestrian-scaled commercial streets through the use of building forms that clearly define and activate the public street edge.

B. The Main Street zone districts are intended to enhance the convenience, ease and enjoyment of transit, walking, shopping and public gathering along the city’s commercial streets.

C. The Main Street district standards are also intended to ensure new development contributes positively to established residential neighborhoods and character, encourages affordable housing, and improves the transition between commercial development and adjacent residential neighborhoods.

D. Main Street zone districts are typically applied linearly along entire block faces of commercial, industrial, main, mixed-use and residential arterial streets (as designated in Blueprint Denver) or, less frequently, on single zone lots at the intersection of local/collector streets within a residential neighborhood.

E. In the Urban Center Neighborhood Context, the Main Street zone districts should be applied where active Street Level retail is desired.

F. In the Urban Center Neighborhood Context, the Main Street zone districts may also be embedded within a larger commercial shopping center or mixed-use area to promote Street Level retail activity.

G. Main Street buildings have a shallow front setback range. The build-to requirements are high.

7.2.4.2 Specific Intent

A.  Main Street 5 (C-MS-5)
C-MS-5 applies primarily to collector or arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 5 stories is desired.

B.  Main Street 8 (C-MS-8)
C-MS-8 applies primarily to arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 8 stories is desired.

C.  Main Street 12 (C-MS-12)
C-MS-12 applies primarily to arterial street corridors, or may be embedded within a larger commercial shopping center or mixed-use area, where a building scale of 2 to 12 stories is desired.
DIVISION 7.3 DESIGN STANDARDS

The following Intent Statements are intended to provide further information regarding intent and performance expectations for the district, site and building design standards.

SECTION 7.3.1 GENERAL INTENT

The Intent of this Division 7.3 Design Standards are to:

7.3.1.1 Implement the Denver Comprehensive Plan.
7.3.1.2 Implement the zone district’s Intent and Purpose
7.3.1.3 To continue Denver’s physical character, including access to parks and parkways, tree lined streets, detached sidewalks, interconnected street networks, and convenient access to parks, open space, and transit.
7.3.1.4 Improve compatibility with and respect for the existing character and context of Denver and its neighborhoods.
7.3.1.5 Arrange building density, uses, heights, and scaling devices to reinforce the public transit centers and corridors, and to transition to adjoining areas.
7.3.1.6 Give prominence to pedestrian realm as a defining element of neighborhood character.
7.3.1.7 Spatially define public streets and their associated open space as positive, usable features around which to organize and orient buildings in a manner that promotes pedestrian activity, a sense of security and community.
7.3.1.8 Provide human scale in buildings through use of detail, contrast, form, window and door placement, color and materials.
7.3.1.9 Provide easily identifiable pedestrian connections between private development, public rights of way and multiple modes of transit.
7.3.1.10 Configure the site so that a clear, safe, and attractive pedestrian system, with the transit facility as a component, is the primary public element to which buildings are oriented.
7.3.1.11 Arrange residential, employment, retail, service, and open space uses to be convenient to and compatible with each other and with transit.
7.3.1.12 Maximize pedestrian amenities near transit facilities and along the primary pedestrian connections to transit facilities.

SECTION 7.3.2 BUILDING FORM INTENT

7.3.2.1 Height

A. Encourage buildings whose forms are responsive to the surrounding context, including opportunities to reinforce existing and evolving nodes of mixed-use, pedestrian and transit activities.
B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.
C. Allow flexibility in height for buildings that provide additional affordable housing.

7.3.2.2 Siting

A. Required Build-To
   
   1. Provide a consistent street edge to enhance character of the context.
### GENERAL

<table>
<thead>
<tr>
<th>Height</th>
<th>C-MX-3</th>
<th>C-MX-5</th>
<th>C-MX-8</th>
<th>C-MX-12</th>
<th>C-MX-16</th>
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<td>Stories (max)</td>
<td>3</td>
<td>5</td>
<td>8</td>
<td>12</td>
<td>16</td>
<td>20</td>
</tr>
<tr>
<td>Feet (max)</td>
<td>45'</td>
<td>70'</td>
<td>110'</td>
<td>150'</td>
<td>200'</td>
<td>250'</td>
</tr>
<tr>
<td>Stories/Feet, with incentives (max)</td>
<td>4/55'</td>
<td>7/95'</td>
<td>12/150'</td>
<td>16/200'</td>
<td>22/275'</td>
<td>30/375'</td>
</tr>
</tbody>
</table>

**Feet, within 175' of Protected District (max)**
- na
- na
- 75'
- 75'
- 75'
- 75'
- 75'

### Siting

**REQUIRED BUILD-TO**

**A**
- Primary Street (min build-to % within min/max range)
  - 70% 0'/10'
  - Residential Only Buildings: 0'/15'

### Setbacks

- Primary Street (min)
  - 0'
- Side Street (min)
  - 0'
- Side Interior (min)
  - 0'
- Side Interior, adjacent to Protected District (min)
  - 10'
- Rear, alley and no alley (min)
  - 0'
- Rear, adjacent to Protected District, alley/no alley (min)
  - 0'/10'

### Parking

- Surface Parking between building and Primary Street/Side Street
  - Not Allowed/Not Allowed
- Surface Parking Screening Required
  - See Article 10, Division 10.5
  - Vehicle Access
  - Shall be determined as part of Site Development Plan Review

### Design Elements

**Building Configuration**

- Dwelling Unit Configuration
  - Structure may contain Side-by-Side Dwelling Units
  - Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA

**Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)**
- 15'/25'
- 20'/25'
- 20'/25'
- 20'/25'
- 20'/25'

**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'

### Street Level Activation

- Transparency, Primary Street (min)
  - 40%
- Transparency, Side Street (min)
  - 25%
- Pedestrian Access, Primary Street
  - Entrance

### Uses

- **All C-MX**
  - Street Level Active Uses (min % of Primary Street front-age meeting Build-To requirement)
    - 100%

- **All C-RX**
  - Permitted Primary Uses
    - All permitted Primary Uses shall be allowed within this building form; however: (1) Second Story and Above: Residential or Lodging Accommodations uses only; and (2) Buildings with No Residential or Lodging Accommodation Uses: 10,000 sf GFA max

See Sections 7.3.5 - 7.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions
## SHOPFRONT

### HEIGHT

<table>
<thead>
<tr>
<th>Stories (max)</th>
<th>C-MX-3</th>
<th>C-MX-5</th>
<th>C-MX-8</th>
<th>C-MX-12</th>
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<td></td>
</tr>
</tbody>
</table>

A

<table>
<thead>
<tr>
<th>Feet (min/max)</th>
<th>na/45'</th>
<th>24'/70'</th>
<th>24'/110'</th>
<th>24'/150'</th>
<th>24'/200'</th>
<th>24'/250'</th>
</tr>
</thead>
</table>

| Stories/Feet, with incentives (max) | 4/55' | 7/95' | 12/150' | 16/200' | 22/275' | 30/375' |

See Section 10.12.1

| Feet, within 175' of Protected District (max) | na | 75' | na | na | na | na |

### SITING

#### REQUIRED BUILD-TO

<table>
<thead>
<tr>
<th>Primary Street (min build-to % within min/max range)</th>
<th>75% 0'/5' Residential Only Buildings: 0'/10'</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Street (min build-to % within min/max range)</td>
<td>25% 0'/5' Residential Only Buildings: 0'/10'</td>
</tr>
</tbody>
</table>

#### SETBACKS

<table>
<thead>
<tr>
<th>Primary Street (min)</th>
<th>0'</th>
<th>0'</th>
<th>0'</th>
<th>0'</th>
<th>0'</th>
<th>0'</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Street (min)</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
<td>0'</td>
</tr>
<tr>
<td>Side Interior (min)</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
</tr>
<tr>
<td>Rear, alley and no alley (min)</td>
<td>60'</td>
<td>60'</td>
<td>60'</td>
<td>60'</td>
<td>60'</td>
<td>60'</td>
</tr>
<tr>
<td>Rear, adjacent to Protected District, alley/no alley (min)</td>
<td>0'/10'</td>
<td>0'/10'</td>
<td>0'/10'</td>
<td>0'/10'</td>
<td>0'/10'</td>
<td>0'/10'</td>
</tr>
</tbody>
</table>

#### PARKING

<table>
<thead>
<tr>
<th>Surface Parking between building and Primary Street/Side Street</th>
<th>Not Allowed/Not Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surface Parking Screening Required</td>
<td>See Article 10, Division 10.5</td>
</tr>
<tr>
<td>Vehicle Access</td>
<td>Shall be determined as part of Site Development Plan Review</td>
</tr>
</tbody>
</table>

### DESIGN ELEMENTS

#### BUILDING CONFIGURATION

<table>
<thead>
<tr>
<th>Dwelling Unit Configuration</th>
<th>Structure may contain Side-by-Side Dwelling Units Residential Only Structure: Side-by-Side Dwelling Units shall not exceed 50% of the Structure's GFA</th>
</tr>
</thead>
</table>

F

<table>
<thead>
<tr>
<th>Primary Street Upper Story Setback above 5 stories or 70' (min) See Section 7.3.6.2 for Alternative</th>
<th>na</th>
<th>na</th>
<th>20'</th>
<th>20'</th>
<th>20'</th>
<th>20'</th>
</tr>
</thead>
</table>

G

<table>
<thead>
<tr>
<th>Upper Story Setback Above 27', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)</th>
<th>15'/25'</th>
<th>20'/25'</th>
<th>20'/25'</th>
<th>20'/25'</th>
<th>20'/25'</th>
<th>20'/25'</th>
</tr>
</thead>
</table>

H

<table>
<thead>
<tr>
<th>Upper Story Setback Above 51', adjacent to Protected District: Rear, alley/Rear, no alley and Side Interior (min)</th>
<th>na</th>
<th>35'/40'</th>
<th>35'/40'</th>
<th>35'/40'</th>
<th>35'/40'</th>
<th>35'/40'</th>
</tr>
</thead>
</table>

#### STREET LEVEL ACTIVATION

<table>
<thead>
<tr>
<th>Transparency, Primary Street (min)</th>
<th>60% Residential Only Buildings: 40%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transparency, Side Street (min)</td>
<td>25% 25% 30% 30% 30% 30%</td>
</tr>
<tr>
<td>Pedestrian Access, Primary Street</td>
<td>Entrance</td>
</tr>
</tbody>
</table>

#### USES

<table>
<thead>
<tr>
<th>All C-MS and C-MX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement)</td>
</tr>
<tr>
<td>Permitted Primary Uses</td>
</tr>
</tbody>
</table>

See Sections 7.3.5 - 7.3.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions
b. **Additional sunlight premium**

Such structures or multiple structure projects may receive additional floor area premiums based on the amount of sunlight preserved at the test time. The amount of the additional sunlight premium shall be calculated for each project zone of influence based on the following formula:

\[ Y = 6 - (0.06 \times X) \]

- **Y**: is the amount of additional sunlight premium, measured as a fraction or multiple of the size of the project zone lot; and
- **X**: is the area of additional shadow to be cast by the proposed structure or project within the project zone of influence.

where:

- **A** is the area of additional shadow to be cast by the proposed structure or project within the project zone of influence;
- **B** is 0.70 where the project zone lot is more than 12,500 square feet; and 0.80 where the project zone lot is 12,500 square feet or less;
- **C** is the area of the project zone of influence;
- **D** is the area of preexisting shadows in the project zone of influence.

c. **Exceptions**

Notwithstanding Subsections a. and b. above, no such floor area premiums shall be available for any proposed structure or project whose project zone of influence is an excluded zone of influence.

D. **Maximum Gross Floor Area in Structures**

1. **Basic Maximum Gross Floor Area Ratio**

The sum total of the gross floor area ratio of all existing and proposed structures on a Zone Lot shall not be greater than 10.0 FAR times the area of the zone lot on which the structures are located (FAR = 10.0) unless eligible for one or more floor area premiums under Section 8.3.1.4.D.

2. **Floor Area Premiums**

In addition to the basic maximum gross floor area ratio permitted under paragraph D.1. above, a premium of additional floor area may be constructed under the following circumstances, provided, however, that: (i) no use of the premiums described in those Subsections c. through f. below, either alone or in combination with one another, shall cause the maximum gross floor area on any zone lot to be increased by more than 2 times the size of such zone lot; and (ii) any area for which a premium has been granted pursuant to Subsections a. or c. below shall continue to be occupied by the use which originally earned the premium, or by other uses that would earn at least an equal amount of premium space using one or more of the following floor area premiums, or transfers of undeveloped floor area as described in Section 8.3.1.4.D.3 below.

a. **Allowance**

Floor area premiums and transfers of undeveloped floor area shall not:

i. Increase the floor area ratio on any Zone Lot by more than the maximum amount shown in the following table; or

ii. Cause the total floor area ratio allowed on any Zone Lot to exceed the maximum floor area ratio with premiums and transfers stated in Section 8.3.1.4.D.4 below.
### Premium for Housing Enhanced Affordable Housing

Two square feet for each square foot of housing constructed in a new building or through conversion of all or a part of an existing building from other uses. An increase in floor area ratio up to 10.0 FAR is permitted if a structure qualifies for the incentives 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.

#### i.
In addition, applicants may receive floor area premiums in return for cash contributions to the housing special revenue fund (Fund/Org. No. 1150-6330) to be used to create additional housing units within the Downtown Core or Downtown Theater zone districts. Such cash-in-lieu fee or fees shall be based on the standard that a floor area premium of 2 square feet shall be available in return for each contribution equal to the average cost of creating one additional square foot of downtown housing. Community Planning and Development is hereby granted authority:

a) To adopt and to revise rules and regulations setting a cash-in-lieu fee or fees which, if contributed to such fund, would earn floor area premiums; and

b) To determine whether such fee or fees shall be based on the average cost of constructing new housing units or the average cost of creating a new housing unit through conversion of an existing building from nonresidential uses; and

c) To determine whether such fee or fees shall be based on the cost of creating new market rate housing units or new affordable housing units; and

d) To determine whether such fee or fees shall be based on a per square foot or per unit basis.

#### ii.
Such cash-in-lieu fee or fees shall be reviewed, and if necessary revised, at least once every three years following their initial adoption. No such rule or regulation shall be effective unless and until adopted pursuant to article VI, chapter 2 of the Revised Municipal Code.

### SUMMARY OF FLOOR AREA PREMIUMS AND TRANSFERS OF UNDEVELOPED FLOOR AREA ALLOWED IN D-C/D-TD ZONE DISTRICTS

<table>
<thead>
<tr>
<th>FLOOR AREA PREMIUM/TRANSFER</th>
<th>ADDITIONAL FLOOR AREA AVAILABLE WITH PREMIUM/TRANSFER</th>
<th>MAXIMUM FLOOR AREA INCREASE ALLOWED ON A ZONE LOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enhanced Affordable Housing</td>
<td>10.0 FAR</td>
<td>10.0 FAR</td>
</tr>
<tr>
<td>Enhanced Linkage Fees</td>
<td>7.0 FAR</td>
<td>7.0 FAR</td>
</tr>
<tr>
<td>Rehabilitation of Historic Structure</td>
<td>4 sf premium per 1 sf rehabilitation</td>
<td>No maximum</td>
</tr>
<tr>
<td>Public Art</td>
<td>0.25 FAR</td>
<td>2.0 FAR total between public art and underground parking</td>
</tr>
<tr>
<td>Underground Parking</td>
<td>1.5 sf premium per 1 sf underground parking</td>
<td></td>
</tr>
<tr>
<td>Transfer of Undeveloped Floor Area from Historic Structure</td>
<td>6.0 FAR</td>
<td>6.0 FAR</td>
</tr>
</tbody>
</table>
c. **Premium for Enhanced Linkage Fees**
   An increase in floor area ratio up to 7.0 FAR is permitted if a Structure is primarily nonresidential and provides payment of a linkage fee, as set forth in D.R.M.C. Chapter 27, Article V Dedicated Funding for Affordable Housing and any applicable Rules and Regulations, that is equal to two (2) times the current applicable rate. For the purposes of this section, a Structure that is primarily nonresidential shall mean that Primary Residential Uses comprise 50% or less of the total gross floor area excluding parking.

d. **Premium for Rehabilitation of Historic Structure**
   A floor area premium equal to four square feet for each square foot of the street-facing-exposed exterior of an Historic Structure that is rehabilitated to the U.S. Secretary of the Interior’s standards for Treatment of Historic Properties, or to the design review standards, policies and guidelines of the Landmark Preservation Commission.

e. **Premium for Downtown Ground Floor Active Uses or Residential Support Facilities**
   Four square feet for each square foot of space to be occupied by one of the following constructed in a new building, or through conversion of all or a part of an existing building from other uses:
   
   i. Ground floor area constructed as a Downtown Ground Floor Active Use, as defined in Article 13 of this Code, so long as this floor area has not been excluded in Section 0.31.4.D.3.4.b (Floor area excluded from calculations) below.
   
   ii. Ground floor or second floor area to be occupied by a food sales or market use or elementary or secondary school meeting all requirements of the compulsory education laws of the state, or day care center for children constructed to at least the minimum licensing standards of the Department of Environmental Health.

f. **Premium for Supporting Mass Transit Facilities**
   Three square feet for each square foot of land dedicated for a light rail station integrated into a new or existing building. An integrated station is one in which the building extends over all or part of a light rail facility and the station is constructed as part of the new building or a renovation of the existing building.

g. **Premium for Outdoor Public Art**
   A floor area premium equal to 25 percent of the zone lot area (0.25 FAR) if, in connection with the construction of a new building or the renovation of an existing building, Public Art costing at least (i) one percent of the cost of the new building or one percent of the cost of the building renovation, as reflected in approved building permits, or (ii) $500,000.00, whichever is smaller, is placed outside or on the exterior surface of such new or renovated building where it is visible from at least one public street.

h. **Premium for Underground Parking**
   A floor area premium equal to one and one-half square feet for each square foot of underground parking provided under a new building, provided, however, that no premium shall be earned for the first level of underground parking.

i. **Premium for Moderately Priced Dwelling Units**
   A floor area premium equal to the zone lot area if the structure qualifies under the provisions of D.R.M.C., Article IV, Chapter 27 (affordable housing), provided all of said floor area premium is dedicated to residential uses and was submitted for approval prior to January 1, 2017.
3. **Transfer of Undeveloped Floor Area**

In addition to the two types of floor area premiums permitted by Sections 8.3.1.4.D.1-2 above, a certain amount of additional floor area may be constructed by using a transfer of undeveloped floor area. Undeveloped floor area shall be created, transferred and administered as set forth herein. Undeveloped floor area may be certified for transfer at any time and any undeveloped floor area certified prior to June 25, 2010 shall remain valid; however, any such certified floor area may be amended.

a. **Types of Undeveloped Floor Area**

   The following types of undeveloped floor area may be transferred between zone lots after certification by the Zoning Administrator:

   i. Undeveloped floor area from an Historic Structure:

      a) Where such designation or inclusion in a district occurred after October 10, 1994; or
      b) Where such designation or inclusion in a district occurred before October 10, 1994, and certificates of undeveloped floor area were issued before October 10, 1994; or
      c) Where such designation or inclusion in a district occurred before October 10, 1994, and certificates of undeveloped floor area were not issued before October 10, 1994.

   ii. Undeveloped floor area from a structure that (a) has received a floor area premium pursuant to Section 8.3.1.4.D.2.b or (b) would have received such a floor area premium if such premium had existed at the time of the rehabilitation.

b. **Calculation of Undeveloped Floor Area**

   In the case of undeveloped floor area defined in Section 8.3.1.4.D.3.a above, the amount of undeveloped floor area available for transfer from each structure shall be equal to one times the size of the zone lot on which such structure is located, plus the difference between a) the gross floor area in the structure, and b) the maximum gross floor area permitted on the zone lot containing the structure pursuant to Sections 8.3.1.4.D.1-2 above.

c. **Evidence of Title**

   The Zoning Administrator shall not issue a zoning permit with respect to the property on which floor area is to be constructed using undeveloped floor area (“receiving property”) unless the owners of the receiving property furnish evidence to the Zoning Administrator of their title to the undeveloped floor area acquired. Such evidence may be a current title commitment, a current endorsement to a prior title policy or other acceptable evidence of title including an opinion of counsel.

d. **Limitation On Use**

   No receiving property Zone Lot shall be enlarged by more than increase its total floor area ratio by more than 6.0 FAR times the area of the zone lot through one or more applications of this procedure.

e. **Procedures**

   Undeveloped floor area shall be administered according to the following procedures:

   i. Applications for certification of undeveloped floor area shall be submitted for a contiguous Zone Lot in common ownership, by or with the written consent of the owners of the included property, in triplicate, and shall include:

      a) The names and signatures of all owners and security interest holders of the property included in the application;
iv. The original certificate of undeveloped floor area shall be recorded by the Zoning Administrator in the office of the clerk and recorder of the City and County of Denver and State of Colorado. When the certificate has been recorded, it shall be filed with the Zoning Administrator. A copy of the certificate shall be given to the applicant.

v. Upon the issuance of a certificate of undeveloped floor area by the Zoning Administrator, undeveloped floor area shall be created and shall be an independent right in the owner to whom the certificate is issued and may be transferred. Such transfer need not be made appurtenant to another zone lot until a permit is requested using the undeveloped floor area.

vi. If the structure is partially or completely destroyed after a certificate of undeveloped floor area has been issued, no new structure shall be built exceeding the floor area of the former structure unless undeveloped floor area is acquired or through a combining of zone lots or other transfer procedures.

g. **Replacement Certificate**

   i. Until such time as undeveloped floor area is made appurtenant to another zone lot, and upon the payment of a $75.00 fee, the holder of one or more certificates of undeveloped floor area may surrender such certificate or certificates to the Zoning Administrator and request the issuance of one or more replacement certificates reflecting the division of such undeveloped floor area into smaller units for transfer or the combination of such undeveloped floor area into larger units for transfer, provided that the total amount of all undeveloped floor area represented by the applicant’s replacement certificates does not exceed the total amount of undeveloped floor area represented by the surrendered certificate(s).

   ii. Any such replacement certificate(s) shall be recorded in the same manner as the surrendered certificate(s). Each replacement certificate must document all previous certificates and issuances of replacements. Such documentation shall include (1) previous total undeveloped floor area of each certificate to be replaced, and (2) total floor area for each replacement certificate.

h. **Transfer Requirements**

   Undeveloped floor area shall be transferred to and made appurtenant to another zone lot according to the following requirements:

   i. The instrument of conveyance shall identify the undeveloped floor area transferred by amount, the zone lot creating the undeveloped floor area and certification date, and be signed by both the transferrer and the transferees, and be documented in the Site Development Plan of the receiving Zone Lot.

   ii. The instrument of conveyance shall legally describe the receiving property which shall be in the Downtown Core or Downtown Theater zone districts.

   iii. No subsequent transfer of undeveloped floor area made appurtenant to another zone lot shall become effective until approved by the Zoning Administrator upon a finding that no construction using the undeveloped floor area has occurred, and any permit authorizing the use of undeveloped floor area has been canceled. Such approval shall be applied for by the owners of the receiving property by written application accompanied by a filing fee of $1,500.00 and supported by all information necessary to justify approval by the Zoning Administrator.
4. **Final maximum gross floor area ratio with premiums and transfers**
   
a. **Limits for designated areas:**

   Notwithstanding Sections 8.3.1.4.D.1-3 above, the final maximum gross total floor area ratio of all existing and proposed structures on a Zone Lot, including any premiums and transfers allowed by Sections 8.3.1.4.D.2-3 above, that may be constructed on zone lots shall be limited as follows:

   - **i.** For structures located within the area bounded by 14th Street, Colfax Avenue, Broadway Street, 18th Street, and the Market Street-Larimer Street alley: (i) the maximum floor area ratio with premiums and transfers shall be **17.0 FAR**; or (ii) if structures contain over 50 percent of their gross floor area in housing primary residential uses, then the maximum floor area ratio with premiums and transfers shall be **20.0 FAR**.

   - **ii.** For structures located in all other areas zoned D-C and D-TD:

     - **a)** The maximum floor area ratio with premiums and transfers shall be **12.0 FAR**;

     - **b)** If structures contain over 50 percent of their gross floor area in housing primary residential uses, then the maximum floor area ratio with premiums and transfers shall be **17.0 FAR**.

Exhibit 8.2 Maximum Gross Floor Area Ratio with Premiums and Transfers
b. **Floor area excluded from calculations.**

Gross floor area occupied by Downtown Ground Floor Active Uses (i) which would qualify for a floor area premium pursuant to Section 8.3.1.4.D.2.c, but (ii) for which a floor area premium is not granted because of the restrictions in Section 8.3.1.4.D.2 above limiting the total amount of floor area premiums that may be granted, shall be excluded from the calculation of the gross floor area of a structure or project. Any floor area so excluded from the calculation of gross floor area shall continue to be occupied by Downtown Ground Floor Active Uses.

### 8.3.1.5 Off-Street Parking Requirements

**A. Applicable Standards**

The general off-street parking standards in Division 10.4 of this Code shall apply in the D-C and D-TD and D-CV zone districts, except where the standards stated in this Section 8.3.1.5 conflict, in which case the standards in this Section 8.3.1.5 shall apply.

**B. Amount of Parking Spaces Required**

1. There shall be no minimum off-street parking requirement for any use in the D-C or D-TD or D-CV zone districts.

2. Parking spaces provided in a parking structure to serve office uses in the D-C or D-TD or D-CV zone districts shall comply with the use limitations applicable to a “parking, garage” use stated in Section 11.4.7.1.

**C. Accessible Parking**

Whenever off-street parking spaces are provided, a minimum number of accessible parking spaces shall be provided according to the requirements of the Denver Building Code and the federal Americans with Disabilities Act.

**D. Bicycle Parking**

The following standard shall apply instead of the general bicycle parking standards in Article 10, Division 10.4, Parking and Loading.

1. All new parking structures shall contain at least 1 designated bicycle parking space for each 20 automobile parking spaces, provided, however, that in no event shall any new parking structure be required to contain more than 50 bicycle parking spaces.

### 8.3.1.6 Design Requirements

**A. Downtown Ground Floor Active Use Street Frontages**

1. New buildings or renovations of existing buildings in which the renovation includes all or part of the leasable ground floor areas of the building shall be designed and constructed to accommodate Downtown Ground Floor Active Uses for at least 65 percent of the linear frontage along the following streets: 16th Street pedestrian and transit mall, Larimer Street, Curtis Street, Tremont Place, Cleveland Place, and any light rail line operating in a street or fixed-guideway transit line operating in a street.

2. Street-facing ground floors of new buildings on named or numbered streets not included in the paragraph above shall provide 60 to 90 percent transparency as measured from floor to floor for at least 65 percent of the linear frontage of the building.

3. In all cases, transparent glass shall possess a minimum .65 light transmission factor.

**B. Minimum Build-to Requirements**

1. **Within the area bounded by the centerlines of 14th Street, 18th Street, Broadway and Colfax and the Larimer/Market Street alley:** Buildings shall be built-to or within 10 feet of the property line adjoining the street for no less than 65% of each separately owned zone lot.
### HEIGHT AND FLOOR AREA

<table>
<thead>
<tr>
<th></th>
<th>Zone Lot width 75' or less</th>
<th>Zone Lot width more than 75' and up to 150'</th>
<th>Zone Lot width more than 150'</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FLOOR AREA RATIO (FAR)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Base / Incentive FAR per Zone Lot/FAR with incentives per Zone Lot- including all accessory structures (max)</td>
<td>8.0 / 15.0</td>
<td>8.0 / 15.0</td>
<td>8.0 / 15.0</td>
</tr>
<tr>
<td><strong>HEIGHT</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A</td>
<td></td>
<td>200' / 250'</td>
<td>200' / 250'</td>
</tr>
</tbody>
</table>

### SITING

<table>
<thead>
<tr>
<th></th>
<th>Zone Lot width 75' or less</th>
<th>Zone Lot width more than 75' and up to 150'</th>
<th>Zone Lot width more than 150'</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REQUIRED BUILD-TO BY STREET</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B Primary Street (min build-to %)</td>
<td>70%</td>
<td>70%</td>
<td>70%</td>
</tr>
<tr>
<td>C Primary Street (min/max build-to range) - Speer Blvd, Colfax Ave, 14th Ave.</td>
<td>10' / 20'</td>
<td>10' / 20'</td>
<td>10' / 20'</td>
</tr>
<tr>
<td>C Primary Street (min/max build-to range) - All Others</td>
<td>0' / 10'</td>
<td>0' / 10'</td>
<td>0' / 10'</td>
</tr>
</tbody>
</table>

### SETBACKS

<table>
<thead>
<tr>
<th></th>
<th>Zone Lot width 75' or less</th>
<th>Zone Lot width more than 75' and up to 150'</th>
<th>Zone Lot width more than 150'</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL SETBACKS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D Primary Street (min) - Speer Blvd, Colfax Ave, 14th Ave.</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
</tr>
<tr>
<td>D Primary Street (min) - All Others</td>
<td>7'</td>
<td>7'</td>
<td>7'</td>
</tr>
</tbody>
</table>

### OPEN SPACE

<table>
<thead>
<tr>
<th></th>
<th>Zone Lot width 75' or less</th>
<th>Zone Lot width more than 75' and up to 150'</th>
<th>Zone Lot width more than 150'</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PARKING</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surface Parking between Building and Primary Street</td>
<td>Not Allowed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surface Parking Screening Required</td>
<td>See Section 8.10.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Access</td>
<td>Shall be determined as part of Site Development Plan Review</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### DESIGN ELEMENTS

<table>
<thead>
<tr>
<th></th>
<th>Zone Lot width 75' or less</th>
<th>Zone Lot width more than 75' and up to 150'</th>
<th>Zone Lot width more than 150'</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BUILDING CONFIGURATION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F Upper Story Setback - Broadway, Lincoln St, Colfax Ave</td>
<td>No Upper Story Setback Required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>F Upper Story Setback above 8 stories or 110' - Speer Blvd (min % of zone lot width/min setback)</td>
<td>100% / 20'</td>
<td>100% / 20'</td>
<td>100% / 20'</td>
</tr>
<tr>
<td>F Upper Story Setback above 5 stories or 70' - All Others (min % of zone lot width/min setback)</td>
<td>na</td>
<td>Applies only to Structures more than 8 stories or 110': 65%/15'</td>
<td>65% / 15'</td>
</tr>
<tr>
<td>G Limitation on Visible Parking Above Street Level for Structures over 5 stories or 70' in Height (min % of Primary Street-facing Zone Lot Width)</td>
<td>na</td>
<td>70%</td>
<td>See Section 8.6.5.4</td>
</tr>
<tr>
<td>G Limitation on Visible Parking Above Street Level Alternative</td>
<td>na</td>
<td>See Section 8.6.6.4</td>
<td>See Section 8.6.6.4</td>
</tr>
</tbody>
</table>

### INCREMENTAL MASS REDUCTION

<table>
<thead>
<tr>
<th></th>
<th>Zone Lot width 75' or less</th>
<th>Zone Lot width more than 75' and up to 150'</th>
<th>Zone Lot width more than 150'</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STREET LEVEL ACTIVATION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I Street Level Transparency, Primary Street (min for non-residential/min for residential-only buildings)</td>
<td>60% / 40%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I Pedestrian Access, Primary Street</td>
<td>Entrance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I Additional Pedestrian Access, Primary Street (min required for each Street Level Dwelling Unit)</td>
<td>Dwelling Unit Entrance with Entry Feature</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### USES

<table>
<thead>
<tr>
<th></th>
<th>Zone Lot width 75' or less</th>
<th>Zone Lot width more than 75' and up to 150'</th>
<th>Zone Lot width more than 150'</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Permitted Primary Uses</strong></td>
<td>All permitted Primary Uses shall be allowed within this building form</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Level Active Uses (min Primary Street % within Build-To min/max range and with Street Level Active Uses)</td>
<td>70% - See Section 8.6.5.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Level Nonresidential Active Uses on Specific Streets (min Primary Street % within Build-To min/max range and with Street Level Nonresidential Active Uses)</td>
<td>na</td>
<td>na</td>
<td>50%</td>
</tr>
</tbody>
</table>

See Sections 8.6.5, 8.6.6, and 8.10.1 for Supplemental Design Standards, Design Standard Alternatives, and Design Standard Exceptions

Amendment: 1
## POINT TOWER

### HEIGHT AND FLOOR AREA

<table>
<thead>
<tr>
<th>Base / Incentive FAR per Zone Lot</th>
<th>FAR with incentives per Zone Lot, including all accessory structures (max)</th>
<th>D-GT</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.0 / 15.0</td>
<td>See Section 8.6.5.1</td>
<td></td>
</tr>
</tbody>
</table>

### HEIGHT

<table>
<thead>
<tr>
<th>FAR per Zone Lot with FAR of 8.0 or less</th>
<th>FAR per Zone Lot with FAR more than 8.0 (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>250’ / 325’</td>
<td></td>
</tr>
</tbody>
</table>

### SITING

<table>
<thead>
<tr>
<th>REQUIRED BUILD-TO BY STREET</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone Lot Width (min)</td>
</tr>
<tr>
<td>150’</td>
</tr>
</tbody>
</table>

### SETBACKS

<table>
<thead>
<tr>
<th>Primary Street (min)</th>
<th>Speer Blvd, Colfax Ave, 14th Ave</th>
<th>10’</th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>10’</td>
<td></td>
</tr>
</tbody>
</table>

### RESIDENTIAL SETBACKS

<table>
<thead>
<tr>
<th>Primary Street (min)</th>
<th>Speer Blvd, Colfax Ave, 14th Ave</th>
<th>0’</th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>0’</td>
<td></td>
</tr>
</tbody>
</table>

### OPEN SPACE

<table>
<thead>
<tr>
<th>Private Open Space (min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5%</td>
</tr>
</tbody>
</table>

### PARKING

<table>
<thead>
<tr>
<th>Surface Parking between Building and Primary Street</th>
<th>Not allowed</th>
</tr>
</thead>
</table>

### DESIGN ELEMENTS

#### BUILDING CONFIGURATION

<table>
<thead>
<tr>
<th>Tower Floor Plate above 5 stories and 70’ (max area / max linear dimension)</th>
</tr>
</thead>
<tbody>
<tr>
<td>12,500 square feet / 180’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tower Floor Plate Linear Dimension Alternative (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>200’ - See Section 8.6.6.3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tower Floor Plate Separation above 5 stories and 70’ (min) (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>120’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Upper Story Setback above 5 stories or 70’ - Speer (min % of zone lot width/min setback)</th>
</tr>
</thead>
<tbody>
<tr>
<td>100% / 20’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Upper Story Setback above 5 stories or 70’ - All Others (min % of zone lot width/min setback)</th>
</tr>
</thead>
<tbody>
<tr>
<td>100% / 15’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Limitation on Visible Parking Above Street Level for Structures over 5 stories or 70’ in Height (min % of Primary Street-facing Zone Lot Width)</th>
</tr>
</thead>
<tbody>
<tr>
<td>70% - See Section 8.6.5.4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Limitation on Visible Parking Above Street Level Alternative</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Section 8.6.6.4</td>
</tr>
</tbody>
</table>

### STREET LEVEL ACTIVATION

<table>
<thead>
<tr>
<th>Street Level Transparency, Primary Street (min for non-residential/min for residential-only buildings)</th>
</tr>
</thead>
<tbody>
<tr>
<td>60% / 40%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pedestrian Access, Primary Street Entrance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling Unit Entrance with Entry Feature</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Additional Pedestrian Access, Primary Street (min required for each Street Level Dwelling Unit)</th>
</tr>
</thead>
</table>

## USES

### D-GT

<table>
<thead>
<tr>
<th>Permitted Primary Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>All permitted Primary Uses shall be allowed within this building form</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Level Active Uses (min Primary Street % within Build-To min/max range and with Street Level Active Uses)</th>
</tr>
</thead>
<tbody>
<tr>
<td>70% - See Section 8.6.5.2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Level Nonresidential Active Uses on Specific Streets (min Primary Street % within Build-To min/max range and with Street Level Nonresidential Active Uses)</th>
</tr>
</thead>
<tbody>
<tr>
<td>50% - See Section 8.6.5.3</td>
</tr>
</tbody>
</table>
SECTION 8.6.5 SUPPLEMENTAL DESIGN STANDARDS FOR DOWNTOWN GOLDEN TRIANGLE DISTRICT

8.6.5.1 Base and Incentive Floor Area Ratio with Incentives and Transfers in D-GT Zone District

A. Intent
To implement specific adopted plan policies for the Golden Triangle area to support affordable housing, historic preservation, and underground parking.

B. Applicability
This Section 8.6.5.1 applies to all development in the D-GT zone district.

C. Base Floor Area Ratio
1. Maximum Base Floor Area Ratio shall be the maximum Base Floor Area Ratio set forth in the building form tables.

2. The total gross floor area of all existing and proposed Structures on a Zone Lot, measured per the rules stated in Section 13.1.5.17 Floor Area Ratio, divided by the area of the Zone Lot on which the Structures are located shall not exceed the maximum Base Floor Area Ratio without meeting the requirements in this Section 8.6.5.1.

D. Incentive Floor Area Ratio
1. Maximum Incentive Floor Area Ratio shall be the maximum Incentive Floor Area Ratio set forth in the building form tables.

2. The total gross floor area of all existing and proposed Structures on a Zone Lot, measured per the rules stated in Section 13.1.5.17 Floor Area Ratio, divided by the area of the Zone Lot on which the Structures are located may exceed the maximum Base Floor Area Ratio and be developed up to the maximum Incentive Floor Area Ratio by meeting the requirements in this Section 8.6.5.1.

E. Requirements for Zone Lots with Structures that Exceed Maximum Base Floor Area Ratio
1. Allowance
The following requirements may be used to exceed the maximum Base Floor Area Ratio and develop up to the maximum Incentive Floor Area Ratio as described in the table below.

<table>
<thead>
<tr>
<th>TOTAL FLOOR AREA RATIO</th>
<th>AFFORDABLE HOUSING</th>
<th>HISTORIC PRESERVATION ALTERNATIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.0 FAR or less</td>
<td>Allowed</td>
<td>na</td>
</tr>
<tr>
<td>More than 12.0 FAR</td>
<td>Allowed</td>
<td>Allowed</td>
</tr>
</tbody>
</table>

2. Affordable Housing
No building permit shall be issued if the total gross floor area of all existing and proposed Structures on a Zone Lot divided by the area of the Zone Lot on which the Structures are located exceeds the maximum Base Floor Area Ratio unless the specific incentive requirements set forth in D.R.M.C. Chapter 27, Article VI Incentives for Affordable Housing and any applicable approved Rules and Regulations adopted by the Department of Housing Stability are met.
Article 8. Downtown Neighborhood Context
Division 8.6 Downtown Golden Triangle District

F. Standards

1. Maximum Floor Area Ratio with Incentives and Transfers
   The total floor area ratio of all existing and proposed Structures on a Zone Lot may be developed to the maximum floor area ratio with incentives set forth in the building form tables by meeting the requirements of this Section 8.6.5.1. Floor area incentives and transfers of undeveloped floor area shall not:
   a. Increase the floor area ratio on any Zone Lot by more than the maximum amount shown in the following table; or
   b. Cause the total floor area ratio on any Zone Lot to exceed the maximum floor area ratio with incentives set forth in the building form tables.

   SUMMARY OF FLOOR AREA INCENTIVES AND TRANSFERS OF UNDEVELOPED FLOOR AREA ALLOWED IN THE D-GT ZONE DISTRICT

<table>
<thead>
<tr>
<th>FLOOR AREA INCENTIVE/TRANSFER</th>
<th>ADDITIONAL FLOOR AREA AVAILABLE WITH INCENTIVE/TRANSFER</th>
<th>MAXIMUM FLOOR AREA INCREASE ALLOWED ON A ZONE LOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enhanced Affordable Housing</td>
<td>7.0 FAR</td>
<td>7.0 FAR</td>
</tr>
<tr>
<td>Enhanced Linkage Fees</td>
<td>7.0 FAR</td>
<td>7.0 FAR</td>
</tr>
<tr>
<td>Historic Preservation – Rehabilitation of Historic Structure</td>
<td>4 sf premium per 1 sf rehabilitation</td>
<td>No maximum</td>
</tr>
<tr>
<td>Historic Preservation – Transfer of Undeveloped Floor Area</td>
<td>5.0 FAR</td>
<td>5.0 FAR</td>
</tr>
<tr>
<td>from Historic Structure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Underground Parking</td>
<td>1.5 sf premium per 1 sf underground parking</td>
<td>2.0 FAR</td>
</tr>
</tbody>
</table>

2. Enhanced Affordable Housing
   An increase in floor area ratio up to 7.0 FAR is permitted if a Structure qualifies for the incentives 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.

3. Enhanced Linkage Fees
   An increase in floor area ratio up to 7.0 FAR is permitted if a Structure is primarily nonresidential and provides payment of a linkage fee, as set forth in D.R.M.C. Chapter 27, Article V Dedicated Funding for Affordable Housing and any applicable Rules and Regulations, that is equal to two (2) times the current applicable rate. For the purposes of this section, a Structure that is primarily nonresidential shall mean that Primary Residential Uses comprise 50% or less of the total gross floor area excluding parking.

4. Historic Preservation Alternative for Zone Lots with Structures that Exceed a Floor Area Ratio of 12.0
   For the portion of the total gross floor area that exceeds 12.0 times the area of the Zone Lot (12.0 FAR), undeveloped floor area from a Historic Structure or floor area for the rehabilitation of a Historic Structure that is either from the same Zone Lot or has been transferred to the subject Zone Lot may be applied in lieu of the requirements set forth in D.R.M.C. Chapter 27, VI Incentives for Affordable Housing
   a. Undeveloped Floor Area from a Historic Structure
      The amount of undeveloped floor area from each Historic Structure in the D-GT zone district shall be equal to the difference between the gross floor area in the Historic Structure and the maximum gross floor area permitted on the Zone Lot containing the Historic Structure. For the purposes of this calculation, the maximum gross floor area permitted on the Zone Lot shall be the area of the Zone Lot multiplied by the maximum Base Floor Area Ratio without incentives set forth
in the building form tables. For example, a Zone Lot of 10,000 square feet with a **Maximum Base Floor Area Ratio without incentives** of 8.0 and a Historic Structure containing 30,000 square feet of gross floor area would result in 50,000 square feet of undeveloped floor area.

**b. Floor Area for the Rehabilitation of a Historic Structure**

Four (4) square feet of gross floor area shall be awarded for each square foot of the exposed exterior of a Historic Structure located within the D-GT zone district that has been rehabilitated to the policies, standards, and guidelines established by the Landmark Preservation Commission or to the U.S. Secretary of the Interior’s standards for Treatment of Historic Properties. The Landmark Preservation Commission shall approve the rehabilitation. For example, a Historic Structure with 10,000 square feet of exposed exterior would result in 40,000 square feet of floor area for the rehabilitation of a Historic Structure once the rehabilitated exterior was approved by the Landmark Preservation Commission.

**c. Use of Floor Area from a Historic Structure**

i. Undeveloped floor area from a Historic Structure and floor area for the rehabilitation of a Historic Structure located within the D-GT zone district may be **certified and transferred** to another Zone Lot within the D-GT zone district pursuant to the procedures in Section 8.3.1.4.D.3 Transfer of Undeveloped Floor Area. Any undeveloped floor area from a Historic Structure or floor area for the rehabilitation of a Historic Structure certified prior to July 1, 2021 shall remain valid and may be amended per this Section 8.6.5.1.

ii. A Zone Lot within the D-GT zone district may receive multiple transfers of undeveloped floor area or floor area for the rehabilitation of a Historic Structure from one or more Historic Structures within the D-GT zone district provided the following:

   a) The sum total of the transfers shall not exceed **3 times the area of the receiving Zone Lot 5.0 FAR**.

   b) The sum total of gross floor area ratio of all existing and proposed Structures on the receiving Zone Lot plus the total of all transfers divided by the area of the receiving Zone Lot does not exceed the **maximum Incentive Floor Area Ratio with incentives** set forth in the building form tables.

**5. Underground Parking**

A floor area premium equal to one and one-half square feet for each square foot of underground parking provided under a new building, provided, however, that no premium shall be earned for the first level of underground parking.

**8.6.5.2 Street Level Active Uses in D-GT Zone District**

**A. Intent**

To promote activity on the street and sidewalk and encourage a vibrant urban environment.

**B. Applicability**

This Section 8.6.5.2 applies to all primary building forms in the D-GT zone district.

**C. Street Level Active Uses**

1. Street Level active uses include all permitted primary uses except the following:
   a. Automobile Services, Light;
   b. Mini-storage Facility; or
   c. Wholesale Trade or Storage, Light.
8.6.6.3 Tower Floor Plate Linear Dimension Alternative in D-GT Zone District

A. Intent
To allow a flexible alternative in special circumstances for creative designs that do not meet the specific Tower Floor Plate Linear Dimension requirement set forth in the Point Tower building form table.

B. Applicability
This Section 8.6.6.3 applies to the Point Tower building form in the D-GT zone district.

C. Allowance
The Zoning Administrator may approve an alternative Tower Floor Plate Linear Dimension, up to the maximum dimension set forth in the Point Tower building form table, where the design meets or exceeds the design standards and guidelines for Tower Floor Plate Linear Dimension in the Downtown Urban Design Standards and Guidelines.

8.6.6.4 Limitation on Visible Parking Above Street Level Alternative in D-GT Zone District

A. Intent
To ensure structured parking designs are compatible with the character and quality of the overall building facade where structured parking is not wrapped by other uses.

B. Applicability
This Section 8.6.6.4 applies above 2 stories or 30 feet in primary building forms in the D-GT zone district on Zone Lots that meet the following criteria:

1. Zone Lots that are more than 75 feet wide and up to 150 feet wide; or
2. Zone Lots that are more than 150 feet wide and up to 250 feet wide that are also less than 140 feet deep.

C. Allowance
The Zoning Administrator may approve an alternative Limitation on Visible Parking Above Street Level if the design meets the standards set forth below.

1. 100% of the Street-facing building facades above 2 stories or 30 feet that contain structured parking are integrated facade designs that meet or exceed the design standards and guidelines for structured parking facades in the Downtown Urban Design Standards and Guidelines.
2. Where the alternative is used, Section 10.4.6.5 Parking Structure Design Standards shall apply in addition to the Standards set forth in this Section 8.6.6.4.

8.6.6.5 Incremental Mass Reduction Alternative in D-GT Zone District

A. Intent
To encourage provision of active, publicly-accessible, pedestrian-oriented courtyards, plazas and open space while allowing maximum flexibility for creative building massing.

B. Allowance
Where the minimum percentage of the gross area of a Zone Lot set forth below is provided as Private Open Space meeting the rules of measurement set forth in Section 13.1.6.1.B, all Structures on the Zone Lot are not required to meet Incremental Mass Reduction standards.

1. Structures that are up to 150 feet or 12 stories in height (excluding permitted height exceptions): 15% Private Open Space
2. Structures that are greater than 150 feet or 12 stories in height (excluding permitted height exceptions): 20% Private Open Space
DZC TEXT AMENDMENT – EXPANDING HOUSING AFFORDABILITY
PLANNING BOARD DRAFT – 03/22/2022

DIVISION 8.7 DOWNTOWN ARAPAHOE SQUARE (D-AS) DISTRICT

SECTION 8.7.1 ARAPAHOE SQUARE DISTRICT (D-AS)

8.7.1.1 Generally
The provisions of this Division 8.7 apply to all lands, uses and structures in the Downtown Arapa- 
hoe Square (D-AS) zone district.

8.7.1.2 Uses Permitted
See Division 8.11 for uses permitted in the D-AS District.

8.7.1.3 Permitted Structures

A. Open Space Required
For each structure designed, used or occupied either in whole or in part as a multiple unit 
dwelling there shall be provided in the D-AS district a minimum of 30 square feet of unob- 
structed open space for each dwelling unit; such unobstructed open space may be located on 
the ground or on several usable roofs or balconies but shall not include space provided for off-
street parking. Such requirement shall not apply to the construction of multiple unit dwellings 
through the conversion of buildings originally designed for nonresidential uses.

B. Setbacks from Abutting Street Frontages
Buildings shall be built at or within 10 feet of the zone lot line abutting the street for no less 
than 65% of each zone lot frontage, unless otherwise provided in this Division 8.7 or in Design 
Standards and Guidelines adopted for the D-AS District.

C. Maximum Height
In the D-AS district, the maximum height of structures shall not exceed 80 feet.

D. Maximum Gross Floor Area in Structures

1. Basic Maximum Gross Floor Area Ratio
The sum total of the gross floor area ratio of all existing and proposed s Structures on a 
Zone Lot shall not exceed 4.0 FAR times the area of the zone lot on which the structures 
are located without meeting the requirements of this Section 8.7.1.3.D.

2. Floor Area Premiums
In addition to the basic maximum gross floor area ratio permitted under Section 
8.7.1.3.D.1. above, a premium of additional floor area may be constructed according to the 
following formulas using one or more of the following floor area premiums, or transfers 
of undeveloped floor area.

a. Allowance
Floor area premiums and transfers of undeveloped floor area shall not:

i. Increase the floor area ratio on any Zone Lot by more than the maximum 
amount shown in the following table; or

ii. Cause the total floor area ratio allowed on any Zone Lot to exceed the 
maximum floor area ratio with premiums and transfers stated in Section 
8.7.1.3.D.3 below.
### Summary of Floor Area Premiums and Transfer of Undeveloped Floor Area Allowed in the D-AS Zone District

<table>
<thead>
<tr>
<th>Floor Area Premium/Transfer</th>
<th>Additional Floor Area Available with Premium/Transfer</th>
<th>Maximum Floor Area Increase Allowed on a Zone Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enhanced Affordable Housing</td>
<td>Up to 3.0 FAR</td>
<td>3.0 FAR</td>
</tr>
<tr>
<td>Enhanced Linkage Fees</td>
<td>Up to 3.0 FAR</td>
<td>3.0 FAR</td>
</tr>
<tr>
<td>Rehabilitation of Historic Structure</td>
<td>1 sf premium per 1 sf rehabilitation</td>
<td>No maximum</td>
</tr>
<tr>
<td>Public Art</td>
<td>0.25 FAR</td>
<td>0.25 FAR</td>
</tr>
<tr>
<td>Transfer of Undeveloped Floor Area</td>
<td>na</td>
<td>1.0 FAR</td>
</tr>
</tbody>
</table>

#### b. Premium for Housing Enhanced Affordable Housing

One (1) square foot of floor area premium shall be awarded for each square foot of Residential uses constructed in a new structure or through conversion of all or a part of an existing structure from other uses. An increase in floor area ratio up to 3.0 FAR is permitted if a Structure qualifies for the incentives 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. Premium for Enhanced Linkage Fees

An increase in floor area ratio up to 3.0 FAR is permitted if a Structure is primarily nonresidential and provides payment of a linkage fee, as set forth in D.R.M.C. Chapter 27, Article V Dedicated Funding for Affordable Housing and any applicable Rules and Regulations, that is equal to two (2) times the current applicable rate. For the purposes of this section, a Structure that is primarily nonresidential shall mean that Primary Residential Uses comprise 50% or less of the total gross floor area excluding parking.

#### d. Premium for Residential Support Uses

One (1) square foot of floor area premium shall be awarded for each square foot of “Residential support uses”, defined to be limited to a retail food sales use, or elementary or secondary school meeting all requirements of the compulsory education laws of the state, or day care center constructed to at least the minimum licensing standards of the Colorado Department of Environmental Health.

#### e. Premium for Arts, Entertainment, or Cultural Facility

One (1) square foot of floor area premium shall be awarded for each square foot of “arts, entertainment, or cultural facility”, defined to be limited to the provision of amusement or entertainment services upon payment of a fee, art gallery, museum, theater, or other similar uses as determined by the Zoning Administrator.

#### f. Premium for Rehabilitation of Historic Structure

One (1) square foot of floor area premium shall be awarded for each square foot of rehabilitation of the exposed exterior of a designated Historic Structure defined as a structure designated for preservation or a structure located in a district for preservation, the rehabilitation of which has been approved by the Landmark Preservation Commission in accordance with D.R.M.C., Chapter 30 (Landmark Preservation).
Article 8. Downtown Neighborhood Context
Division 8.7 Downtown Arapahoe (D-AS) Square District

8.7-3

Premium for Public Art
A floor area premium equal to 25 percent of the Zone Lot area (0.25 FAR) for Public Art constructed in a new structure or through conversion of all or a part of an existing structure from other uses with the following conditions:

i. The Public Art must cost at least 1 percent of the valuation of construction of the new structure or 1 percent of the valuation of construction of the structure renovation or $500,000.00, whichever is less; and

ii. The Public Art is displayed outside or on the exterior surface of the new or renovated structure and is visible from at least 1 public street.

Premium for Affordable Housing
A floor area premium equal to 40 percent of the zone lot area if the structure qualifies under the provisions of D.R.M.C., Chapter 27, Article IV (Affordable Housing), provided all of said floor area premium is dedicated to residential uses and was submitted for approval prior to January 1, 2017.

Continuation of Uses
All areas for which a floor area premium has been granted shall continue to be occupied by those same uses or by other uses eligible for at least an equal amount of premium space and no change of use permit shall be approved except in compliance with the aforementioned requirement.

3. Maximum Gross Floor Area in Structures Ratio with Premiums and Transfers
Notwithstanding the provisions of Section 8.7.1.3.D.2 (Floor Area Premiums), the sum total of the gross floor area ratio of all existing and proposed Structures on a Zone Lot shall not exceed 6.0 FAR times the area of the zone lot on which the structures are located, provided, however, that if an applicant submits the design of the entire project to the design review process described in Section 8.7.1.4 (Design Review), the sum total of the gross floor area ratio of all existing and proposed Structures on a Zone Lot shall not exceed 7.0 FAR times the area of the zone lot on which the structures are located. In addition, undeveloped floor area from designated Historic Structures within the D-AS zone district may be transferred to other properties within the D-AS district pursuant to the procedures for transfer of undeveloped floor area from Historic Structures in the Downtown Core/Downtown Theater district set forth in Section 8.3.1.4.D.3, provided, however, that no receiving Zone Lot may increase its maximum gross floor area ratio by more than 1.0 FAR times the area of the receiving zone lot through such a transfer, and that no such transfer of undeveloped floor area shall have the effect of increasing the sum total of the gross floor area ratio of all existing and proposed Structures on a Zone Lot to more than those limits set forth in the preceding sentence.

8.7.1.4 Design Review

A. Applicability
Design review criteria and procedures shall apply to the following:

1. The floor area premium described in Section 8.7.1.3.D above: All structures, and all site improvements or alterations, where the renovation includes alterations to the exterior of the building; and

2. The lower 80 feet of a building: constructed or renovated, and all site improvements or alterations constructed or renovated, where the renovation includes alterations to the exterior of the building.

B. Procedures
Design review shall be conducted by Community Planning and Development. Design review shall be completed within 30 days after the submission of a complete application to the Zoning Administrator, except that the 30-day review period may be extended by an amount of time...
SECTION 8.8.2 BUILDING FORM INTENT FOR DOWNTOWN ARAPAHOE SQUARE 12+ AND DOWNTOWN ARAPAHOE SQUARE 20+ DISTRICTS

8.8.2.1 Height
A. Encourage buildings whose forms are responsive to the surrounding context, including opportunities to reinforce existing and evolving nodes of mixed-use, pedestrian and transit activities.
B. Arrange building heights, and scaling devices to provide transitions to adjoining areas.
C. Arrange building heights to maximize sky exposure.
D. Allow flexibility in height for buildings that provide additional affordable housing.

8.8.2.2 Siting
A. Required Build-To
1. Provide a consistent street edge to enhance the character of the context.
2. Define streets to promote pedestrian activity and sense of place.
3. Reinforce the character and quality of public streets with buildings that provide consistent siting, pedestrian orientation and access to the street.
B. Setbacks
1. Site buildings to be consistent with the intended character and functional requirements of the downtown context.
2. Site buildings to define the street edge/public realm consistent with the context.
3. Utilize buildings to create positive transitions between districts.
C. Parking Location
1. Minimize the visual impacts of parking areas on streets and adjoining property.
2. Minimize conflicts between pedestrians and vehicles.
3. Ensure that surface parking is well integrated into to the streetscape.
4. Ensure that surface parking contributes positively to a sustainable urban environment.

8.8.2.3 Design Elements
A. Primary Street Upper Story Setback
1. Provide appropriate pedestrian scale, height and massing along the street.
2. Maintain the general appearance of a predominantly 5-story height near the sidewalk edge.
3. Maximize sky exposure.
B. Building Configuration
1. Promote variation in building form that enhances access to sky exposure, air and views in the district.
2. Encourage variation in building form, especially in the design of a larger building.
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C. Transparency

1. Maximize transparent windows at the Street Level to activate the street.
2. Utilize doors and windows to establish scale, variation, and patterns on building facades that provide visual interest and reflect uses within the building.
3. Limit the use of highly reflective glass to avoid reflected glare onto neighboring streets and properties and promote engagement between building activities and the sidewalk.

D. Entrances

1. Give prominence to pedestrian realm as a defining element of neighborhood character.
2. Provide convenient access to buildings and active uses from the street.
3. Provide a positive relationship to the street through access, orientation and placement consistent with the context.
4. Create visually interesting and human-scaled facades.

E. Limitation on Visible Parking Above the Street Level

1. Promote structured parking designs that are compatible in character and quality with adjoining buildings, open spaces and streetscapes.
2. Promote visual interest on upper story building facades.

8.8.2.4 Specific Building Form Intent

A. General
To establish the base set of standards for the zone district from which all other building forms deviate for specific situations.

B. General with Height Incentive
To establish a base set of standards for the zone district and promote buildings with elevated design quality that minimize the visibility of structured parking while allowing increased building height.

C. Point Tower
To promote tall, slender building forms with elevated design quality that preserves views and sky exposure while also minimizing the visibility of structured parking.
SECTION 8.8.3 PRIMARY BUILDING FORM STANDARDS FOR DOWNTOWN ARAPAHOE SQUARE 12+ AND DOWNTOWN ARAPAHOE SQUARE 20+ DISTRICTS

8.8.3.1 Applicability

All development, except detached accessory structures, in the Downtown Arapahoe Square 12+ (D-AS-12+) and Downtown Arapahoe Square 20+ (D-AS-20+) zone districts.

8.8.3.2 District Specific Standards Summary

The table below states the building forms allowed in each zone district. The table also summarizes the maximum number of structures allowed per Zone Lot, which is stated in more detail in Section 1.2.3.5 (Number of Uses and Structures Allowed per Zone Lot).

See also Division 1.4, Building Form Standards - General Provisions, for additional standards related to initial assignment of building form standards to new and existing structures and for rules governing combining or changing building forms.

<table>
<thead>
<tr>
<th>Downtown Arapahoe Square 12+ (D-AS-12+) and Downtown Arapahoe Square 20+ (D-AS-20+) Zone Districts</th>
<th>Building Forms</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>General</td>
</tr>
<tr>
<td>Max Number of Primary Structures Per Zone Lot</td>
<td>No Maximum</td>
</tr>
<tr>
<td>Downtown Arapahoe Square 12+ District (D-AS-12+)</td>
<td>■</td>
</tr>
<tr>
<td>Downtown Arapahoe Square 20+ District (D-AS-20+)</td>
<td>■</td>
</tr>
</tbody>
</table>

■ = Allowed  ■ = Allowed subject to geographic limitations
8.8.3.3 District Specific Standards

A. General

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8.8-6

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DRAFT
### GENERAL

#### HEIGHT

<table>
<thead>
<tr>
<th></th>
<th>D-AS-12+</th>
<th>D-AS-20+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stories (max)</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>Feet (max)</td>
<td>110’</td>
<td>150’</td>
</tr>
</tbody>
</table>

#### SITING

**REQUIRED BUILD-TO BY STREET**

<table>
<thead>
<tr>
<th></th>
<th>D-AS-12+ and D-AS-20+ Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Primary Streets (min build-to %)</td>
<td>70%</td>
</tr>
<tr>
<td>21st Street, Arapahoe Street, Curtis Street (min/max build-to range)</td>
<td>0'/15'; Residential Only Buildings: 0'/20'</td>
</tr>
<tr>
<td>Southeast (light rail) Side of Welton Street (min/max build-to range)</td>
<td>0'/20'; Residential Only Buildings: 0'/25'</td>
</tr>
<tr>
<td>All Other Streets (min/max build-to range)</td>
<td>0'/10'; Residential Only Buildings: 0'/15'</td>
</tr>
</tbody>
</table>

#### SETBACKS

- Primary Street (min): 0'
- Side Interior (min): 0'
- Rear, alley and no alley (min): 0'

#### PARKING

- Surface Parking between building and Primary Street: Not Allowed
- Surface Parking Screening Required: See Section 10.5.4.4
- Vehicle Access, 3 or more side-by-side dwelling units in one structure: From Alley, or Street access allowed when no Alley present
- Vehicle Access, all other permitted uses: Shall be determined as part of Site Development Plan Review

#### DESIGN ELEMENTS

**REQUIRED PRIMARY STREET UPPER STORY SETBACK BY STREET**

<table>
<thead>
<tr>
<th></th>
<th>D-AS-12+ and D-AS-20+ Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>20th Street, Broadway – Upper Story Setback above 5 stories and 70’</td>
<td>No Upper Story Setback required</td>
</tr>
<tr>
<td>21st Street, Park Avenue – Upper Story Setback above 5 stories and 70’ (min % of zone lot width/min setback)</td>
<td>100%/10’</td>
</tr>
<tr>
<td>All Other Streets – Upper Story Setback above 5 stories and 70’ (min % of zone lot width/min setback)</td>
<td>65%/10’</td>
</tr>
<tr>
<td>20th, 21st Broadway, Park Avenue – Primary Street Wall Length within the Upper Story Setback (max)</td>
<td>na</td>
</tr>
<tr>
<td>All Other Streets – Primary Street Wall Length within the Upper Story Setback (max)</td>
<td>80’</td>
</tr>
</tbody>
</table>

**STREET LEVEL ACTIVATION**

- Street Level Transparency, Primary Street (min for non-residential/ min for residential only buildings): 60%/40%
- Street Level Transparency Alternatives: See Section 8.8.6.3

**LIMITATION ON VISIBLE PARKING ABOVE STREET LEVEL**

- No Limitation on Visible Parking Above Street Level

**USES**

(1) All permitted Primary Uses shall be allowed within this building form. See Division 8.11 Uses and Minimum/Maximum Parking Requirements; and (2) 100% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied by Street Level active uses as described in Section 8.8.5.1.

*Does not apply to Park Avenue northwest of Broadway or southeast of Welton Street (requirements for “All Other Streets” apply)*

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B. General with Height Incentive

Not to Scale. Illustrative Only.
GENERAL WITH HEIGHT INCENTIVE

<table>
<thead>
<tr>
<th>HEIGHT</th>
<th>D-AS-12+</th>
<th>D-AS-20+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stories (max)</td>
<td>na</td>
<td>8</td>
</tr>
<tr>
<td>Feet (max)</td>
<td>150'</td>
<td>250'</td>
</tr>
<tr>
<td>Height Exceptions</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SITING</th>
<th>D-AS-12+ and D-AS-20+ Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>REQUIRED BUILD-TO BY STREET</td>
<td></td>
</tr>
<tr>
<td>All Primary Streets (min build-to %)</td>
<td>70%</td>
</tr>
<tr>
<td>21st Street, Arapahoe Street, Curtis Street (min/max build-to range)</td>
<td>0'/15'; Residential Only Buildings: 0'/20'</td>
</tr>
<tr>
<td>Southeast (light rail) Side of Welton Street (min/max build-to range)</td>
<td>0'/20'; Residential Only Buildings: 0'/25'</td>
</tr>
<tr>
<td>All Other Streets (min/max build-to range)</td>
<td>0'/10'; Residential Only Buildings: 0'/15'</td>
</tr>
<tr>
<td>Build-to Exceptions and Alternatives</td>
<td>See Sections 8.8.6.1 and 8.8.7.1</td>
</tr>
<tr>
<td>SETBACKS</td>
<td></td>
</tr>
<tr>
<td>Primary Street (min)</td>
<td>0'</td>
</tr>
<tr>
<td>Side Interior (min)</td>
<td>0'</td>
</tr>
<tr>
<td>Rear, alley and no alley (min)</td>
<td>0'</td>
</tr>
<tr>
<td>PARKING</td>
<td></td>
</tr>
<tr>
<td>Surface Parking between building and Primary Street</td>
<td>Not Allowed</td>
</tr>
<tr>
<td>Surface parking screening required</td>
<td>See Section 10.5.4.4</td>
</tr>
<tr>
<td>Vehicle Access, 3 or more side-by-side dwelling units in one structure</td>
<td>From Alley; or Street access allowed when no Alley present</td>
</tr>
<tr>
<td>Vehicle Access, all other permitted uses</td>
<td>Shall be determined as part of Site Development Plan Review</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DESIGN ELEMENTS</th>
<th>D-AS-12+ and D-AS-20+ Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>REQUIRED PRIMARY STREET UPPER STORY SETBACK BY STREET</td>
<td></td>
</tr>
<tr>
<td>20th Street, Broadway - Upper Story Setback above 5 stories and 70'</td>
<td>No Upper Story Setback required</td>
</tr>
<tr>
<td>21st Street, Park Avenue - Upper Story Setback above 5 stories and 70' (min % of zone lot width/min setback)</td>
<td>100%/10'*</td>
</tr>
<tr>
<td>All Other Streets - Upper Story Setback above 5 stories and 70' (min % of zone lot width/min setback)</td>
<td>65%/10'</td>
</tr>
<tr>
<td>20th, 21st, Broadway, Park Avenue - Primary Street Wall Length within the Upper Story Setback (max)</td>
<td>na</td>
</tr>
<tr>
<td>21st Street, Park Avenue - Primary Street Upper Story Setback Alternative</td>
<td>See Section 8.8.6.2</td>
</tr>
<tr>
<td>STREET LEVEL ACTIVATION</td>
<td></td>
</tr>
<tr>
<td>Street Level Transparency, Primary Street (min for non-residential/min for residential only buildings)</td>
<td>60%/ 40%</td>
</tr>
<tr>
<td>Street Level Transparency Alternatives</td>
<td>See Section 8.8.6.3</td>
</tr>
<tr>
<td>Pedestrian Access, Primary Street</td>
<td>Entrance</td>
</tr>
<tr>
<td>LIMITATION ON VISIBLE PARKING ABOVE STREET LEVEL</td>
<td></td>
</tr>
<tr>
<td>Limitation on Visible Parking above Street Level when utilizing height incentives, Primary Street (min % of Primary Street-facing Zone Lot Width)</td>
<td>70%</td>
</tr>
<tr>
<td>USES</td>
<td></td>
</tr>
<tr>
<td>(1) All permitted Primary Uses shall be allowed within this building form. See Division 8.11 Uses and Minimum/Maximum Parking Requirements; and (2) 100% of the portion of the Street Level building frontage that meets the minimum Primary Street build-to requirement shall be occupied by Street Level active uses as described in Section 8.8.5.1.</td>
<td></td>
</tr>
</tbody>
</table>

*Does not apply to Park Avenue northwest of Broadway or southeast of Welton Street (requirements for “All Other Streets” apply)

See Sections 8.8.5, 8.8.6, and 8.10.1 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions
# POINT TOWER

## HEIGHT

<table>
<thead>
<tr>
<th></th>
<th>D-AS-12+</th>
<th>D-AS-20+</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stories (max)</td>
<td>na</td>
<td>12</td>
</tr>
<tr>
<td>Feet (max)</td>
<td>250' 110'</td>
<td>375' 150'</td>
</tr>
<tr>
<td>Stories/Feet, with incentives (max)</td>
<td>na 250'</td>
<td>na 375'</td>
</tr>
<tr>
<td>Height Exceptions</td>
<td>See Section 8.8.5.3</td>
<td>See Section 8.10.1.1</td>
</tr>
</tbody>
</table>

## SITING

### REQUIRED BUILD-TO BY STREET

<table>
<thead>
<tr>
<th></th>
<th>D-AS-12+ and D-AS-20+ Districts</th>
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</tr>
<tr>
<td>Build-to Exceptions and Alternatives</td>
<td>See Sections 8.8.6.1 and 8.8.7.1</td>
</tr>
</tbody>
</table>

## SETBACKS

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street (min)</td>
<td>0'</td>
</tr>
<tr>
<td>Side Interior (min)</td>
<td>0'</td>
</tr>
<tr>
<td>Rear, alley and no alley (min)</td>
<td>0'</td>
</tr>
</tbody>
</table>

## PARKING

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Surface Parking between building and Primary Street</td>
<td>Not Allowed</td>
</tr>
<tr>
<td>Surface Parking Screening Required</td>
<td>See Section 10.5.4.4</td>
</tr>
<tr>
<td>Vehicle Access, 3 or more side-by-side dwelling units in one structure</td>
<td>From Alley; or Street access allowed when no Alley present</td>
</tr>
<tr>
<td>Vehicle Access, all other permitted uses</td>
<td>Shall be determined as part of Site Development Plan Review</td>
</tr>
</tbody>
</table>

## DESIGN ELEMENTS

### REQUIRED PRIMARY STREET UPPER STORY SETBACK BY STREET

<table>
<thead>
<tr>
<th></th>
<th>D-AS-12+ and D-AS-20+ Districts</th>
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<tbody>
<tr>
<td>20th Street, Broadway - Upper Story Setback above 5 stories and 70'</td>
<td>No Upper Story Setback required</td>
</tr>
<tr>
<td>21st Street, Park Avenue - Upper Story Setback above 5 stories and 70' (min % of zone lot width/min setback)</td>
<td>100%/10'**</td>
</tr>
<tr>
<td>All Other Streets - Upper Story Setback above 5 stories and 70' (min % of zone lot width/min setback)</td>
<td>65%/10'</td>
</tr>
<tr>
<td>20th, 21st, Broadway, Park Avenue - Primary Street Wall Length within the Upper Story Setback (max)</td>
<td>na</td>
</tr>
<tr>
<td>All Other Streets - Primary Street Wall Length within the Upper Story Setback (max)</td>
<td>80'</td>
</tr>
<tr>
<td>21st Street, Park Avenue - Primary Street Upper Story Setback Alternative</td>
<td>See Section 8.8.6.2</td>
</tr>
</tbody>
</table>

## BUILDING CONFIGURATION

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Tower Floor Plate above 5 stories and 70' (max area / max linear dimension)</td>
<td>11,000 square feet / 165'</td>
</tr>
<tr>
<td>Tower Floor Plate Linear Dimension Alternative (max)</td>
<td>180' - See Section 8.8.6.4</td>
</tr>
</tbody>
</table>

## STREET LEVEL ACTIVATION

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Level Transparency, Primary Street (min for non-residential/ min for residential only buildings)</td>
<td>60%/</td>
</tr>
<tr>
<td>Street Level Transparency Alternatives</td>
<td>See Section 8.8.6.3</td>
</tr>
<tr>
<td>Pedestrian Access, Primary Street</td>
<td>Entrance</td>
</tr>
</tbody>
</table>

## LIMITATION ON VISIBLE PARKING ABOVE STREET LEVEL

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Limitation on Visible Parking above Street Level, Primary Street (min % of Primary Street-facing Zone Lot Width)</td>
<td>70%</td>
</tr>
<tr>
<td>See Section 8.8.5.2</td>
<td></td>
</tr>
</tbody>
</table>

## USES

All D-AS Districts

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*Does not apply to Park Avenue northwest of Broadway or southeast of Welton Street (requirements for "All Other Streets" apply)

See Sections 8.8.5, 8.8.6, and 8.10.1 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

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June 25, 2010 | Republished July 1, 2021

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**DZC TEXT AMENDMENT – EXPANDING HOUSING AFFORDABILITY**

**PLANNING BOARD DRAFT – 03/22/2022**
SECTION 8.8.5 SUPPLEMENTAL DESIGN STANDARDS FOR DOWNTOWN ARAPAHOE SQUARE 12+ AND DOWNTOWN ARAPAHOE SQUARE 20+ DISTRICTS

8.8.5.1 Street Level Active Uses in the D-AS-12+ and D-AS-20+ Zone Districts

A. Intent
   To promote activity on the street and sidewalk, enhance safety and encourage a vibrant urban environment.

B. Applicability
   This Section 8.8.5.1 applies to all building forms in the D-AS-12+ and D-AS-20+ zone districts.

C. Street Level Active Uses
   1. Street Level active uses include all permitted primary uses except the following:
      a. Automobile Services, Light;
      b. Mini-storage Facility; or
      c. Wholesale Trade or Storage, Light.
   2. Street Level active uses include all permitted accessory uses except the following:
      a. Car Wash Bay Accessory to Automobile Services or Hotel Uses; or
      b. Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses.
   3. Street Level active uses shall not include Parking Spaces or Parking Aisles.
   4. Street Level active uses shall occupy Street Level floor area for a minimum depth of 15 feet (may include the depth of a recessed entrance allowed to meet minimum pedestrian access standards and insets for building articulation up to 10 feet in depth).
   5. The portion of the building facade that meets the Street Level active use requirement shall contain at least one window or door that meets the transparency requirement standards in Section 13.1.6.3.A.4.

D. Exception for Pre-Existing Small Zone Lots
   Zone lots equal to or smaller than 75 feet in Primary Street lot width or 9,400 square feet in area on June 27, 2016 shall be exempt from the required Street Level active use where the uses that do not meet the requirements of Section 8.8.5.1.C. are located in a Street Level area that:
   1. Has a minimum floor-to-floor height of 12 feet to allow for future conversion to an active use;
   2. Is fully enclosed with similar building materials to those used on the upper story facade, including transparent glass.

8.8.5.2 Limitation on Visible Parking Above Street Level in the D-AS-12+ and D-AS-20+ Zone Districts

A. Intent
   To minimize the visibility, and impacts of structured parking and promote visual interest on upper story building facades.

B. Applicability
   This Section 8.8.5.2 applies to the General with Height Incentive building form when utilizing height incentives allowed by Section 8.8.5.3 below and the Point Tower building form in the D-AS-12+ and D-AS-20+ zone districts.
C. **Allowance**

1. Uses that meet the Limitation on Visible Parking above Street Level shall include all primary uses, but shall not include Parking Spaces or Parking Aisles for the minimum percentage of the Primary Street-facing zone lot width specified in the building form table.

2. Uses that meet the Limitation on Visible Parking above Street Level shall occupy floor area above Street Level for a minimum depth of 15 feet from the Primary Street frontage (may include the depth of recessed balcony or terrace areas and insets for building articulation up to 10 feet in depth).

**8.8.5.3 Height Incentives in D-AS-12+ and D-AS-20+ Zone Districts**

A. **Intent**

To encourage additional affordable housing beyond mandatory requirements by providing flexibility in building height.

B. **Applicability**

1. This Section 8.8.5.3 applies to the General and Point Tower primary building forms in D-AS-12+ and D-AS-20+ zone districts.

2. This Section 8.8.5.3 shall not apply to a Primary Structure where the total square footage of Parking Spaces and Parking Aisles comprises 50% or more of the total gross square footage of all Uses.

C. **Standards**

1. **Enhanced Affordable Housing**

A Structure that qualifies for the incentives 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 may develop to the maximum height with incentives set forth in the applicable building form table.

2. **Enhanced Linkage Fees**

A Structure that is primarily nonresidential and provides payment of a linkage fee, as set forth in D.R.M.C. Chapter 27, Article V Dedicated Funding for Affordable Housing and any applicable Rules and Regulations, that is equal to two (2) times the current applicable rate may develop to the maximum height with incentives set forth in the applicable building form table. For the purposes of this section, a Structure that is primarily nonresidential shall mean that Primary Residential Uses comprise 50% or less of the total gross floor area excluding parking.

**SECTION 8.8.6 DESIGN STANDARD ALTERNATIVES FOR DOWNTOWN ARAPAHOE SQUARE 12+ AND DOWNTOWN ARAPAHOE SQUARE 20+ DISTRICTS**

8.8.6.1 **Required Build-To Alternatives in D-AS-12+ and D-AS-20+ Districts**

A. **Intent**

To help define the public realm and enhance the visual quality of the built environment where it is not possible to define the street and public sidewalk edge with building facades.

B. **Allowance**

The following alternative may be used as an alternative to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided it meets the requirements stated in Section 13.1.5.8.E)
SECTION 8.9.3 PRIMARY BUILDING FORM STANDARDS FOR DOWNTOWN CENTRAL PLATTE VALLEY – AURARIA TRANSITION, RIVER, AND CENTER DISTRICTS

8.9.3.1 Applicability
All development, except detached accessory structures, in the Downtown Central Platte Valley – Auraria Transition, River, and Center (D-CPV-T, D-CPV-R, and D-CPV-C) zone districts shall comply with this Section's primary building form standards.

8.9.3.2 District Specific Standards Summary
The table below states the building forms allowed in each zone district. The table also summarizes the maximum number of structures allowed per Zone Lot, which is stated in more detail in Section 1.2.3.5 (Number of Uses and Structures Allowed per Zone Lot).

See also Division 1.4, Building Form Standards - General Provisions, for additional standards related to initial assignment of building form standards to new and existing structures and for rules governing combining or changing building forms.

<table>
<thead>
<tr>
<th>Downtown Central Platte Valley – Auraria Transition, River, and Center (D-CPV-T, D-CPV-R, and D-CPV-C) Zone Districts</th>
<th>Building Forms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max Number of Primary Structures Per Zone Lot</td>
<td>No Maximum</td>
</tr>
<tr>
<td>Downtown Central Platte Valley – Auraria Transition District (D-CPV-T)</td>
<td>■</td>
</tr>
<tr>
<td>Downtown Central Platte Valley – Auraria River District (D-CPV-R)</td>
<td>■</td>
</tr>
<tr>
<td>Downtown Central Platte Valley – Auraria Center District (D-CPV-C)</td>
<td>■</td>
</tr>
</tbody>
</table>

■ = Allowed  ■ = Allowed subject to geographic limitations
### Article 8. Downtown Neighborhood Context

#### Division 8.9 Downtown Central Platte Valley – Auraria Districts

**GENERAL**

<table>
<thead>
<tr>
<th><strong>HEIGHT</strong></th>
<th>D-CPV-R</th>
<th>D-CPV-T</th>
<th>D-CPV-C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BASE HEIGHT</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A Base Stories (max)</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>A Base Feet (min/max)</td>
<td>25’ / 70’</td>
<td>25’ / 70’</td>
<td>25’ / 70’</td>
</tr>
<tr>
<td><strong>INCENTIVE HEIGHT</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B Incentive Stories/Feet, with incentives (max)</td>
<td>na</td>
<td>12 / 150’ – See Section 8.9.5.5</td>
<td>12 / 150’ – See Section 8.9.5.5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>SITING</strong></th>
<th>D-CPV-R</th>
<th>D-CPV-T</th>
<th>D-CPV-C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REQUIRED BUILD-TO BY STREET</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C Primary Street (min build-to %)</td>
<td>70%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Street (min/max build-to range) - South Platte River</td>
<td>2’ / 25’</td>
<td>Frontage Subject to a Residential Setback: 15’ / 25’</td>
<td></td>
</tr>
<tr>
<td>D Primary Street (min/max build-to range) - All Others</td>
<td>2’ / 15’</td>
<td>Frontage Subject to a Residential Setback: 7’ / 20’</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>SETBACKS</strong></th>
<th>D-CPV-R</th>
<th>D-CPV-T</th>
<th>D-CPV-C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL SETBACKS BY STREET</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Street (min) - South Platte River</td>
<td>15’</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Primary Street (min) - All Others</td>
<td>7’</td>
<td>7’</td>
<td>7’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>OPEN SPACE BY ZONE LOT SIZE OR WIDTH</strong></th>
<th>D-CPV-R</th>
<th>D-CPV-T</th>
<th>D-CPV-C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Open Space on Lots &gt;50,000 sf or &gt;250’ Wide (min)</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
</tr>
</tbody>
</table>

**PARKING**

- Surface Parking between Building and Primary Street: Not Allowed
- Surface Parking Screening Required: See Section 10.5.4.4
- Vehicle Access: Shall be determined as part of Site Development Plan Review

<table>
<thead>
<tr>
<th><strong>DESIGN ELEMENTS</strong></th>
<th>D-CPV-R</th>
<th>D-CPV-T</th>
<th>D-CPV-C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BUILDING CONFIGURATION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F Upper Story Setback above 5 stories and 70’ (min % of zone lot width/min setback)</td>
<td>na</td>
<td>65% / 15’</td>
<td>65% / 15’</td>
</tr>
<tr>
<td>Limitation on Visible Parking Above Street Level (min % of Primary Street-facing Zone Lot Width)</td>
<td></td>
<td>70% - See Section 8.9.5.4</td>
<td></td>
</tr>
</tbody>
</table>

**INCREMENTAL MASS REDUCTION FOR LOTS > 25,000 SF**

- Incremental Mass Reduction for Stories 1-5: na
- Incremental Mass Reduction for Stories 6-8: na
- Incremental Mass Reduction for Stories 9-12: na

<table>
<thead>
<tr>
<th><strong>STREET LEVEL ACTIVATION</strong></th>
<th>D-CPV-R</th>
<th>D-CPV-T</th>
<th>D-CPV-C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Level Transparency, Primary Street (min for non-residential/min for residential-only buildings)</td>
<td>60% / 40%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pedestrian Access, Primary Street</td>
<td>Entrance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional Pedestrian Access, Primary Street (min required for each Street Level Dwelling Unit)</td>
<td>Dwelling Unit Entrance with Entry Feature</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**USES**

- Permitted Primary Uses: All permitted Primary Uses shall be allowed within this building form
- Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement): 100% - See Section 8.9.5.1
- Street Level Active Non-Residential Uses (min % of Primary Street frontage meeting Build-To requirement): 70% - See Section 8.9.5.2

See Sections 8.9.5, 8.9.6, and 8.10.1 for Supplemental Design Standards, Design Standard Alternatives, and Design Standard Exceptions
## STANDARD TOWER

### HEIGHT & FLOOR AREA RATIO

<table>
<thead>
<tr>
<th>Base Height</th>
<th>D-CPV-C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BASE HEIGHT</strong></td>
<td></td>
</tr>
<tr>
<td><strong>A</strong> Base Stories (max)</td>
<td>5</td>
</tr>
<tr>
<td><strong>A</strong> Base Feet (min/max)</td>
<td>25' / 70'</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Incentive Height</th>
<th>D-CPV-C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INCENTIVE HEIGHT</strong></td>
<td></td>
</tr>
<tr>
<td><strong>B</strong> Incentive Stories/Feet, with incentives (max)</td>
<td>No Maximum - See Section 8.9.5.5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FLOOR AREA RATIO</th>
<th>D-CPV-C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor Area Ratio (max)</td>
<td>20.0</td>
</tr>
</tbody>
</table>

### SITING

<table>
<thead>
<tr>
<th>Required Build-To</th>
<th>D-CPV-C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REQUIRED BUILD-TO</strong></td>
<td></td>
</tr>
<tr>
<td><strong>C</strong> Primary Street (min build-to %)</td>
<td>70%</td>
</tr>
<tr>
<td><strong>D</strong> Primary Street (min/max build-to range)</td>
<td>2' / 15' Frontage Subject to a Residential Setback: 7' / 20'</td>
</tr>
</tbody>
</table>

### SETBACKS

<table>
<thead>
<tr>
<th>Primary Street</th>
<th>D-CPV-C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SETBACKS</strong></td>
<td></td>
</tr>
<tr>
<td><strong>E</strong> Primary Street (min % of Zone Lot width/min Setback)</td>
<td>100%/2' and 50%/5'</td>
</tr>
<tr>
<td>Side Interior and Rear (min)</td>
<td>0'</td>
</tr>
</tbody>
</table>

### RESIDENTIAL SETBACKS

<table>
<thead>
<tr>
<th>Primary Street (min)</th>
<th>D-CPV-C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OPEN SPACE BY ZONE LOT SIZE OR WIDTH</strong></td>
<td></td>
</tr>
<tr>
<td><strong>E</strong> Private Open Space on Lots &gt;50,000 sf or &gt;250' Wide (min)</td>
<td>5%</td>
</tr>
</tbody>
</table>

### PARKING

<table>
<thead>
<tr>
<th>Surface Parking between Building and Primary Street</th>
<th>D-CPV-C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PARKING</strong></td>
<td></td>
</tr>
<tr>
<td>Surface Parking Screening Required</td>
<td>See Section 10.5.4.4</td>
</tr>
<tr>
<td>Vehicle Access</td>
<td>Shall be determined as part of Site Development Plan Review</td>
</tr>
</tbody>
</table>

### DESIGN ELEMENTS

<table>
<thead>
<tr>
<th>Building Configuration</th>
<th>D-CPV-C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DESIGN ELEMENTS</strong></td>
<td></td>
</tr>
<tr>
<td><strong>F/G</strong> Tower Floor Plate above 8 stories and 110' (max area / max linear dimension)</td>
<td>25,000 square feet / 250'</td>
</tr>
<tr>
<td>Tower Floor Plate Linear Dimension Alternative (max)</td>
<td>265' - See Section 8.9.6.3</td>
</tr>
<tr>
<td><strong>H</strong> Tower Floor Plate Separation above 8 stories and 110' (min)</td>
<td>80' (Floor Plate Area ≤ 22,000 square feet) 100' (Floor Plate Area &gt; 22,000 square feet)</td>
</tr>
<tr>
<td>Tower Floor Plate Separation Alternative (min)</td>
<td>80' - See Section 8.9.6.4</td>
</tr>
<tr>
<td><strong>I</strong> Upper Story Setback above 8 stories and 110' (min % of zone lot width/min setback)</td>
<td>65% / 15'</td>
</tr>
<tr>
<td>Limitation on Visible Parking Above Street Level (min % of Primary Street-facing Zone Lot Width)</td>
<td>70% - See Section 8.9.5.4</td>
</tr>
</tbody>
</table>

### INCREMENTAL MASS REDUCTION FOR LOTS > 25,000 SF

| Incremental Mass Reduction for Stories 1-5 | 15% |
| Incremental Mass Reduction for Stories 6-8 | 25% |

### STREET LEVEL ACTIVATION

<table>
<thead>
<tr>
<th>Street Level Transparency, Primary Street</th>
<th>D-CPV-C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STREET LEVEL ACTIVATION</strong></td>
<td></td>
</tr>
<tr>
<td>(min for non-residential/min for residential-only buildings)</td>
<td>60% / 40%</td>
</tr>
<tr>
<td>Pedestrian Access, Primary Street</td>
<td>Entrance</td>
</tr>
<tr>
<td>Additional Pedestrian Access, Primary Street (min required for each Street Level Dwelling Unit)</td>
<td>Dwelling Unit Entrance with Entry Feature</td>
</tr>
</tbody>
</table>

### USES

<table>
<thead>
<tr>
<th>Permitted Primary Uses</th>
<th>D-CPV-C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>USES</strong></td>
<td></td>
</tr>
<tr>
<td>All permitted Primary Uses shall be allowed within this building form;</td>
<td></td>
</tr>
</tbody>
</table>

See Sections 8.9.3, 8.9.6, and 8.10.1 for Supplemental Design Standards, Design Standard Alternatives, and Design Standard Exceptions
# Article 8. Downtown Neighborhood Context

## Division 8.9 Downtown Central Platte Valley – Auraria Districts

### Table: Point Tower

<table>
<thead>
<tr>
<th><strong>Height</strong></th>
<th><strong>D-CPV-R</strong></th>
<th><strong>D-CPV-C</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Base Height</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A Base Stories (max)</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>A Base Feet (min/max)</td>
<td>25’ / 70’</td>
<td></td>
</tr>
<tr>
<td><strong>Incentive Height</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B Incentive Stories/Feet, with incentives (max)</td>
<td>No Maximum - See Section 8.9.5.5</td>
<td></td>
</tr>
</tbody>
</table>

### Table: Sitting

<table>
<thead>
<tr>
<th><strong>Required Build-to by Street</strong></th>
<th><strong>D-CPV-R</strong></th>
<th><strong>D-CPV-C</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>C Primary Street (min build-to %)</td>
<td>70%</td>
<td></td>
</tr>
<tr>
<td>Primary Street (min/max build-to range) - South Platte River</td>
<td>2’ / 25’</td>
<td>Frontage Subject to a Residential Setback: 15’ / 25’</td>
</tr>
<tr>
<td>D Primary Street (min/max build-to range) - All Others</td>
<td>2’ / 15’</td>
<td>Frontage Subject to a Residential Setback: 7’ / 20’</td>
</tr>
</tbody>
</table>

### Table: Siting

<table>
<thead>
<tr>
<th><strong>Setbacks</strong></th>
<th><strong>D-CPV-R</strong></th>
<th><strong>D-CPV-C</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>E Primary Street (min % of Zone Lot width/min Setback)</td>
<td>100%/2’ and 50%/5’</td>
<td></td>
</tr>
<tr>
<td>Side Interior and Rear (min)</td>
<td>0’</td>
<td></td>
</tr>
<tr>
<td><strong>Residential Setbacks by Street</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Street (min) - South Platte River</td>
<td>15’</td>
<td>na</td>
</tr>
<tr>
<td>Primary Street (min) - All Others</td>
<td>7’</td>
<td>7’</td>
</tr>
</tbody>
</table>

### Table: Sitting

<table>
<thead>
<tr>
<th><strong>Open Space by Zone Lot Size or Width</strong></th>
<th><strong>D-CPV-R</strong></th>
<th><strong>D-CPV-C</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Open Space on Lots &gt;50,000 sf or &gt;250’ Wide (min)</td>
<td>5%</td>
<td></td>
</tr>
</tbody>
</table>

### Table: Sitting

<table>
<thead>
<tr>
<th><strong>Parking</strong></th>
<th><strong>D-CPV-R</strong></th>
<th><strong>D-CPV-C</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Surface Parking between Building and Primary Street</td>
<td>Not Allowed</td>
<td></td>
</tr>
<tr>
<td>Surface Parking Screening Required</td>
<td>See Section 10.5.4.4</td>
<td></td>
</tr>
<tr>
<td>Vehicle Access</td>
<td>Shall be determined as part of Site Development Plan Review</td>
<td></td>
</tr>
</tbody>
</table>

### Table: Design Elements

<table>
<thead>
<tr>
<th><strong>Building Configuration</strong></th>
<th><strong>D-CPV-R</strong></th>
<th><strong>D-CPV-C</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>F/G Tower Floor Plate above 5 stories and 70’ (max area / max linear dimension)</td>
<td>11,000 square feet / 165’</td>
<td>na</td>
</tr>
<tr>
<td>F/G Tower Floor Plate above 8 stories and 110’ (max area / max linear dimension)</td>
<td>na</td>
<td>11,000 square feet / 165’</td>
</tr>
<tr>
<td>F/G Tower Floor Plate Linear Dimension Alternative (max)</td>
<td>180’ - See Section 8.9.6.3</td>
<td></td>
</tr>
<tr>
<td>H Tower Floor Plate Separation above 5 stories and 70’ (D-CPV-R) or above 8 stories and 110’ (D-CPV-C) (min)</td>
<td>120’</td>
<td>80’</td>
</tr>
<tr>
<td>H Tower Floor Plate Separation Alternative (min)</td>
<td>80’ - See Section 8.9.6.4</td>
<td>na</td>
</tr>
<tr>
<td>I Upper Story Setback above 5 stories and 70’ (min % of zone lot width/min setback)</td>
<td>65% / 15’</td>
<td>na</td>
</tr>
<tr>
<td>I Upper Story Setback above 8 stories and 110’ (min % of zone lot width/min setback)</td>
<td>na</td>
<td>65% / 15’</td>
</tr>
<tr>
<td>J Incremental Mass Reduction for Stories 1-5</td>
<td>15%</td>
<td>15%</td>
</tr>
<tr>
<td>J Incremental Mass Reduction for Stories 6-8</td>
<td>na</td>
<td>25%</td>
</tr>
</tbody>
</table>

### Table: Street Level Activation

<table>
<thead>
<tr>
<th><strong>Street Level Activation</strong></th>
<th><strong>D-CPV-R</strong></th>
<th><strong>D-CPV-C</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Level Transparency, Primary Street (min for non-residential/min for residential-only buildings)</td>
<td>60% / 40%</td>
<td></td>
</tr>
<tr>
<td>Pedestrian Access, Primary Street</td>
<td>Entrance</td>
<td></td>
</tr>
<tr>
<td>Additional Pedestrian Access, Primary Street (min required for each Street Level Dwelling Unit)</td>
<td>Dwelling Unit Entrance with Entry Feature</td>
<td></td>
</tr>
</tbody>
</table>

### Table: Uses

<table>
<thead>
<tr>
<th><strong>Permitted Primary Uses</strong></th>
<th><strong>D-CPV-R</strong></th>
<th><strong>D-CPV-C</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>All permitted Primary Uses</td>
<td>All permitted Primary Uses shall be allowed within this building form</td>
<td></td>
</tr>
<tr>
<td>Street Level Active Uses (min % of Primary Street frontage meeting Build-To requirement)</td>
<td>100% - See Section 8.9.5.1</td>
<td></td>
</tr>
<tr>
<td>Street Level Active Non-Residential Uses (min % of Primary Street frontage meeting Build-To requirement)</td>
<td>70% - See Section 8.9.5.2</td>
<td></td>
</tr>
</tbody>
</table>

See Sections 8.9.5, 8.9.6, and 8.10.1 for Supplemental Design Standards, Design Standard Alternatives, and Design Standard Exceptions.
8.9.5.4 Limitation on Visible Parking Above Street Level in D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

A. Intent
To minimize the visibility, and impacts of structured parking and promote visual interest on upper story building facades.

B. Applicability
This Section 8.9.5.4 applies to all primary building forms in the D-CPV-T, D-CPV-R, and D-CPV-C zone districts.

C. Allowance
1. Uses that meet the Limitation on Visible Parking above Street Level shall include all primary uses, but shall not include Parking Spaces or Parking Aisles for the minimum percentage of the Primary Street-facing Zone Lot Width specified in the building form table.
2. Uses that meet the Limitation on Visible Parking above Street Level shall occupy floor area above Street Level for a minimum depth of 15 feet from the Primary Street frontage (may include the depth of recessed balcony or terrace areas and insets for building articulation up to 10 feet in depth).

8.9.5.5 Incentive Height Incentives in D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

A. Intent
Implement specific adopted plan policies for the Central Platte Valley – Auraria area to provide affordable housing and other community benefits in excess of standard requirements. To encourage additional affordable housing beyond mandatory requirements by providing flexibility in building height.

B. Applicability
1. This Section 8.9.5.5 applies to all primary building forms in the D-CPV-T, D-CPV-R, and D-CPV-C zone districts in conjunction with applicable requirements in D.R.M.C. Chapter 27, Article VI Incentives for Affordable Housing.
2. This Section 8.9.5.5 shall not apply to a Primary Structure where the total square footage of Parking Spaces and Parking Aisles comprises 50% or more of the total gross square footage of all Uses.

C. Maximum Base Height Standards
1. Enhanced Affordable Housing
A Structure that qualifies for the incentives 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 may develop to the maximum height with incentives set forth in the applicable building form table.

2. Enhanced Linkage Fees
A Structure that is primarily nonresidential and provides payment of a linkage fee, as set forth in D.R.M.C. Chapter 27, Article V Dedicated Funding for Affordable Housing and any applicable Rules and Regulations, that is equal to two (2) times the current applicable rate may develop to the maximum height with incentives set forth in the applicable building form table. For the purposes of this section, a Structure that is primarily nonresidential shall mean that Primary Residential Uses comprise 50% or less of the total gross floor area excluding parking.

3. Maximum Base Height shall be the maximum height in stories and feet set forth in the building form tables.
4. Structures that do not exceed the maximum Base Height shall not be subject to the requirements set forth in Section 8.9.5.5.E Requirements for Structures Using Incentive Height.

D. Maximum Incentive Height

1. Structures that meet the requirements set forth in Section 8.9.5.5.E Requirements for Structures Using Incentive Height may exceed the maximum Base Height and instead develop to the maximum Incentive Height set forth in the building form tables.

E. Requirements for Structures Using Incentive Height

1. No building permit for development of a Structure exceeding Base Height within the D-CPV-T, D-CPV-R, or D-CPV-C districts shall be issued by the City unless the Structure meets the specific incentive requirements set forth in D.R.M.C. Chapter 27, Article VI Incentives for Affordable Housing and any applicable approved Rules and Regulations as evidenced in writing by the Office of Economic Development.

2. No building permit for development of a Structure exceeding Base Height within the D-CPV-T, D-CPV-R, or D-CPV-C districts shall be issued by the City for a Structure where the square footage of Parking Spaces or Parking Aisles located above the maximum Base Height comprises 80% or more of the total gross square footage of all uses located above the maximum Base Height, with the exception of a Structure exceeding Base Height that is on a zone lot covered by an affordable housing plan as described in D.R.M.C. Chapter 27, Article VI Incentives for Affordable Housing.

SECTION 8.9.6 DESIGN STANDARD ALTERNATIVES FOR DOWNTOWN CENTRAL PLATTE VALLEY – AURARIA TRANSITION, RIVER, AND CENTER DISTRICTS

8.9.6.1 Required Build-To Alternatives in D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

A. Intent

To help define the public realm and enhance the visual quality of the built environment where it is not possible to define the street and public sidewalk edge with building facades.

B. Allowance

The following alternative may be used as an alternative to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided it meets the requirements stated in Section 13.1.5.8.E)

<table>
<thead>
<tr>
<th>REQUIRED BUILD-TO ALTERNATIVE</th>
<th>ZONE DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRIVATE OPEN SPACE (MAX % OF BUILD-TO)</td>
<td></td>
</tr>
<tr>
<td>D-CPV-T</td>
<td></td>
</tr>
<tr>
<td>D-CPV-R</td>
<td>25%</td>
</tr>
<tr>
<td>D-CPV-C</td>
<td></td>
</tr>
</tbody>
</table>

8.9.6.2 Street Level Transparency Alternatives in D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

A. Intent

To provide visual interest on building facades, to activate the public street and sidewalk, and enhance the visual quality of the built environment along Street Level facade areas where windows do not provide sufficient transparency.
SECTION 9.1.2 DISTRICTS ESTABLISHED
To carry out the provisions of this Code, the following zone districts have been established in the Industrial Context and are applied to property as set forth on the Official Map.

<table>
<thead>
<tr>
<th>Industrial Context</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-MX-3, -5, -8, -12</td>
<td>Industrial Mixed Use District</td>
</tr>
<tr>
<td>I-A</td>
<td>Light Industrial District</td>
</tr>
<tr>
<td>I-B</td>
<td>General Industrial District</td>
</tr>
</tbody>
</table>

9.1.2.1 Purpose
The following paragraphs explain the general purpose and intent of the Industrial Context zone districts.

A. I-MX Industrial Mixed Use Districts (I-MX-3, -5, -8, -12)

1. General Purpose
   a. The Industrial Mixed Use districts are intended to develop in a pedestrian-oriented pattern, with buildings built up to the street and an active Street Level.
   b. The Industrial Mixed Use districts are also intended to provide a transition between mixed use areas and I-A or I-B Industrial Districts.
   c. The Industrial Mixed Use districts accommodate a variety of industrial, commercial, civic and residential uses and encourage affordable housing.

2. Industrial Mixed Use 3 (I-MX-3)
   I-MX-3 applies to industrially-dominated areas served primarily by local or collector streets with a maximum building height of 3 stories.

3. Industrial Mixed Use 5 (I-MX-5)
   I-MX-5 applies to industrially-dominated areas served primarily by collector streets with a maximum building height of 5 stories.

4. Industrial Mixed Use 8 (I-MX-8)
   I-MX-8 applies to industrially-dominated areas served primarily by collector or arterial streets with a maximum building height of 8 stories.

5. Industrial Mixed Use 8 (I-MX-12)
   I-MX-12 applies to industrially-dominated areas served primarily by collector or arterial streets with a maximum building height of 12 stories.

B. I-A Light Industrial District
   This district is intended to be an employment area containing offices, business and light industrial uses that are generally compatible with adjacent Residential or Mixed Use Commercial Zone Districts. No new residential uses may be established in the I-A zone district in order to promote a stable employment base for the city. Accordingly, I-A zoned areas serve as a land use buffer between more residential areas and more intensive industrial areas, which may be zoned I-B General Industrial. All uses conducted in this zone district must be enclosed within a structure, unless specifically allowed to operate out of doors.

C. I-B General Industrial District
   This district is intended to be an employment area containing industrial uses that are generally more intensive than uses permitted in the I-A zone district. The overall purpose of the district is to promote industrial development and economic activity. No new residential uses may be established in the I-B zone district in order to promote and continue a stable employment base for the city.
9.1.2.2 Specific Building Form Intent

A. **Town House**
   Establish standards for buildings containing Side-by-Side Dwelling Units that require Dwelling Units located near the street to be oriented to the street. Additional Dwelling Units are permitted behind the Dwelling Units Oriented to the Street.

B. **General**
   Establishes a base set of standards to define and activate the public street. The building form requires a minimum of one pedestrian entrance at the street, in addition to other design elements that promote an active street front. The building form allows for a variety of site configurations, but does not allow structures containing mostly Side-by-side Dwelling Units.

C. **Industrial**
   Establishes standards that allow for greater flexibility to accommodate industrial uses as allowed by the zone district.

### SECTION 9.1.3 DESIGN STANDARDS

9.1.3.1 Applicability
All development in the I-MX, I-A, I-B zone districts.

9.1.3.2 Primary Building Form

A. **District Specific Standards Summary**
   The table below states the building forms allowed in each zone district. The table also summarizes the maximum number of structures allowed per Zone Lot, which is stated in more detail in Section 1.2.3.5 (Number of Uses and Structures Allowed per Zone Lot).

   See also Division 1.4, Building Form Standards - General Provisions, for additional standards related to initial assignment of building form standards to new and existing structures and for rules governing combining or changing building forms.

<table>
<thead>
<tr>
<th>Industrial (I-) Neighborhood Context</th>
<th>Building Forms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone Districts</td>
<td>Town House</td>
</tr>
<tr>
<td>Industrial Mixed Use</td>
<td>i-MX-3, -5, -8, -12</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>I-A</td>
</tr>
<tr>
<td>General Industrial</td>
<td>I-B</td>
</tr>
</tbody>
</table>

■ = Allowed
# Article 9. Special Contexts and Districts

## Division 9.1 Industrial Context

### TOWN HOUSE

<table>
<thead>
<tr>
<th>HEIGHT</th>
<th>I-MX-3</th>
<th>I-MX-5</th>
<th>I-MX-8</th>
<th>I-MX-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Stories (max)</td>
<td>3</td>
<td>5</td>
<td>70'</td>
<td></td>
</tr>
<tr>
<td>A Feet (max)</td>
<td>38'</td>
<td>70'</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SITING</th>
<th>I-MX-3</th>
<th>I-MX-5</th>
<th>I-MX-8</th>
<th>I-MX-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>REQUIRED BUILD-TO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B Primary Street (min % within min/max)</td>
<td>70% (10'/15')</td>
<td>70% (10'/15')</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SETBACKS</th>
<th>I-MX-3</th>
<th>I-MX-5</th>
<th>I-MX-8</th>
<th>I-MX-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>C Primary Street (min)</td>
<td>10'</td>
<td>10'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>D Side Street (min)</td>
<td>7.5'</td>
<td>7.5'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>E Side Interior (min)</td>
<td>5'</td>
<td>5'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>F Side Interior, adjacent to Protected District (min)</td>
<td>10'</td>
<td>10'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear (min)</td>
<td>0'</td>
<td>0'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Setback adjacent to Protected District alley/no alley (min)</td>
<td>5'/10'</td>
<td>5'/10'</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PARKING**
- Surface Parking between building and Primary Street/Side Street: Not Allowed/Allowed
- Surface Parking Screening: See Section 10.5.4.4
- Vehicle Access: From Alley; or Street access allowed when no Alley present

<table>
<thead>
<tr>
<th>DESIGN ELEMENTS</th>
<th>I-MX-3</th>
<th>I-MX-5</th>
<th>I-MX-8</th>
<th>I-MX-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>G Dwelling Units Oriented to the Street</td>
<td>Required if any portion of the Dwelling Unit is located within 20' of Primary Street Zone Lot Line or 20' of the Side Street Zone Lot Line.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling Unit Configuration</td>
<td>Structure may contain Side-by-Side Dwelling Units</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H Upper Story Setback Above 27', adjacent to Protected District: alley/no alley and Side Interior (min)</td>
<td>20'/25'</td>
<td>20'/25'</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper Story Setback Above 51', adjacent to Protected District: alley/no alley and Side Interior (min)</td>
<td>na</td>
<td>35'/40'</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**STREET LEVEL ACTIVATION**

| I Transparency, Primary Street (min) | 40% | 40% |
| Transparency, Side Street (min) | 25% | 25% |
| J Pedestrian Access, Primary Street | Each Dwelling Unit Oriented to the Street shall have Dwelling Unit Entrance with Entry Feature. |

**USES**

<table>
<thead>
<tr>
<th>PRIMARY USES</th>
<th>I-MX-3</th>
<th>I-MX-5</th>
<th>I-MX-8</th>
<th>I-MX-12</th>
</tr>
</thead>
</table>

Primary Uses shall be limited to Two Unit Dwelling and Multi Unit Dwelling (3+) uses. See Section 9.1.5 9.1.9 Uses and Parking

See Section 9.1.4 9.1.5 - 9.1.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions

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*DENVER ZONING CODE*  
June 25, 2010 | Republished July 1, 2021
Article 9. Special Contexts and Districts
Division 9.1 Industrial Context

GENERAL

<table>
<thead>
<tr>
<th>HEIGHT</th>
<th>I-MX-3</th>
<th>I-MX-5</th>
<th>I-MX-8</th>
<th>I-MX-12</th>
<th>I-A</th>
<th>I-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stories (max)</td>
<td>3</td>
<td>5</td>
<td>8</td>
<td>12</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Feet (max)</td>
<td>45’</td>
<td>70’</td>
<td>110’</td>
<td>150’</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Stories/Feet, with incentives (max)</td>
<td>4/55’</td>
<td>7/95’</td>
<td>12/150’</td>
<td>16/200’</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Feet within 175’ of a Protected District (max)</td>
<td>na</td>
<td>75’</td>
<td>75’</td>
<td>75’</td>
<td>75’</td>
<td></td>
</tr>
</tbody>
</table>

SITING

<table>
<thead>
<tr>
<th>ZONE LOT</th>
<th>I-MX-3</th>
<th>I-MX-5</th>
<th>I-MX-8</th>
<th>I-MX-12</th>
<th>I-A</th>
<th>I-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor Area Ratio (FAR) (max)</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>2.0</td>
<td>2.0</td>
</tr>
</tbody>
</table>

REQUIRED BUILD-TO

| PRIMARY STREET (min % within min/max) | 50% (0/10’) | 50% (0/10’) | 50% (0/10’) | 50% (0/10’) | na | na |

SETBACKS

| PRIMARY STREET (min) | 0’ | 0’ | 0’ | 0’ | 20’ | 20’ |
| SIDE STREET (min) | 0’ | 0’ | 0’ | 0’ | 10’ | Can reduce to 5’ on lot less than 100ft in width on the long side of the block |

| SIDE INTERIOR (min) | 0’ | 0’ | 0’ | 0’ | 10’ | 10’ |
| SIDE INTERIOR, adjacent to Protected District (min) | 10’ | 10’ | 10’ | 10’ | 10’ |
| REAR (min) | 0’ | 0’ | 0’ | 0’ | 0’ |
| REAR SETBACK adjacent to Protected District alley, no alley (min) | 5’/10’ | 5’/10’ | 5’/10’ | 5’/10’ | 10’ |

PARKING

| Surface Parking between building and Primary Street/Side Street | Not Allowed/Allowed |
| Surface Parking Screening | Allowed/Allowed |
| Vehicle Access | Access determined as part of Site Development Plan Review |

DESIGN ELEMENTS

| Dwelling Unit Configuration | Structure may contain Side-by-Side Dwelling Units |
| Upper Story Setback Above 27’, adjacent to Protected District: alley/no alley and Side Interior (min) | 20’/25’ |
| Upper Story Setback Above 51’, adjacent to Protected District: alley/no alley and Side Interior (min) | na |
| STREET LEVEL ACTIVATION | na |
| Transparency, Primary Street (min) | 40% |
| Transparency, Side Street (min) | 25% |
| Pedestrian Access, Primary Street | Entrance |

USES

| All permitted Primary Uses shall be allowed within this building form. | See Section 9.1.5 - 9.1.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions |

See Section 9.1.4 9.1.5 - 9.1.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions
### INDUSTRIAL

#### HEIGHT

<table>
<thead>
<tr>
<th></th>
<th>I-MX-3</th>
<th>I-MX-5</th>
<th>I-MX-8</th>
<th>I-A</th>
<th>I-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Stories (max)</td>
<td>3</td>
<td>5</td>
<td>8</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>A Feet (max)</td>
<td>45’</td>
<td>70’</td>
<td>110’</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Feet within 175’ of a Protected District (max)</td>
<td>na</td>
<td>na</td>
<td>75’</td>
<td>75’</td>
<td>75’</td>
</tr>
</tbody>
</table>

#### SITING

<table>
<thead>
<tr>
<th></th>
<th>I-MX-3</th>
<th>I-MX-5</th>
<th>I-MX-8</th>
<th>I-A</th>
<th>I-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZONE LOT</td>
<td></td>
<td></td>
<td></td>
<td>2.0</td>
<td>2.0</td>
</tr>
<tr>
<td>Floor Area Ratio (FAR) (max)</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>2.0</td>
<td>2.0</td>
</tr>
</tbody>
</table>

#### SETBACKS

<table>
<thead>
<tr>
<th></th>
<th>I-MX-3</th>
<th>I-MX-5</th>
<th>I-MX-8</th>
<th>I-A</th>
<th>I-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>B Primary Street (min)</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td>20’</td>
<td>20’</td>
</tr>
<tr>
<td>C Side Street (min)</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td>10’</td>
<td>10’</td>
</tr>
<tr>
<td>D Side Interior (min)</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
</tr>
<tr>
<td>E Rear (min)</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
<td>0’</td>
</tr>
<tr>
<td>Rear Setback adjacent to Protected District (min)</td>
<td>10’</td>
<td>10’</td>
<td>10’</td>
<td>10’</td>
<td>10’</td>
</tr>
</tbody>
</table>

#### PARKING

<table>
<thead>
<tr>
<th></th>
<th>I-MX-3</th>
<th>I-MX-5</th>
<th>I-MX-8</th>
<th>I-A</th>
<th>I-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surface Parking Screening</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Access, 3 or more side-by side dwelling units in one structure</td>
<td>From Alley, or Street access allowed when no Alley present</td>
<td>See Section 9.1.4.8 9.1.7.6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Access</td>
<td>Access determined as part of Site Development Plan Review</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### DESIGN ELEMENTS

<table>
<thead>
<tr>
<th></th>
<th>I-MX-3</th>
<th>I-MX-5</th>
<th>I-MX-8</th>
<th>I-A</th>
<th>I-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>F Upper Story Setback Above 27’, adjacent to Protected District: alley/no alley and side, interior (min)</td>
<td>20’/25’</td>
<td>20’/25</td>
<td>20’/25</td>
<td>20’/25</td>
<td></td>
</tr>
<tr>
<td>G Upper Story Setback Above 51’, adjacent to Protected District: alley/no alley and side, interior (min)</td>
<td>na</td>
<td>35’/40’</td>
<td>35’/40’</td>
<td>35’/40’</td>
<td></td>
</tr>
</tbody>
</table>

#### STREET LEVEL ACTIVATION

<table>
<thead>
<tr>
<th></th>
<th>I-MX-3</th>
<th>I-MX-5</th>
<th>I-MX-8</th>
<th>I-A</th>
<th>I-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transparency, Primary Street (min)</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Transparency, Side Street (min)</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Pedestrian Access, Primary Street</td>
<td>Pedestrian Connection</td>
<td>na</td>
<td>na</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### USE

<table>
<thead>
<tr>
<th></th>
<th>I-MX-3</th>
<th>I-MX-5</th>
<th>I-MX-8</th>
<th>I-A</th>
<th>I-B</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Primary Structures constructed on or before June 25, 2010, all permitted Primary Uses shall be allowed within this building form; however, for Primary Structures constructed after June 25, 2010 Vehicle/Equipment Sales, Rentals, Service &amp; Repair Use Category Uses and Industrial, Manufacturing &amp; Wholesale Primary Use Classification Uses Only.</td>
<td>All permitted Primary Uses shall be allowed within this building form. See Section 9.1.5 9.1.9 Uses and Parking</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

See Section 9.1.4 - 9.1.7 for Supplemental Design Standards, Design Standard Alternatives and Design Standard Exceptions
SECTION 9.1.4 DETACHED ACCESSORY BUILDING FORM STANDARDS

9.1.4.1 Applicability
All detached accessory structures in all the Industrial Neighborhood Context zone districts

9.1.4.2 General Standards

A. Detached Accessory Structures Allowed
Allowed detached accessory structures include, but are not limited to the following:

1. Structures, Completely Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)
Examples include, but are not limited to, sheds, utility buildings, playhouses, cabanas, pool houses, garages, guard houses, and other similar Completely Enclosed Structures.

2. Structures, Partially Enclosed: (See Division 13.3, Definitions of Words, Terms and Phrases.)
Examples include, but are not limited to, carports, gazebos, porches, trellises, chicken coops, and other similar Partially Enclosed Structures.

3. Structures, Open: (See Division 13.3, Definitions of Words, Terms and Phrases.)
Examples include, but are not limited to, pools and associated surrounds, hot tubs and associated surrounds, decks, balconies, recreational and play facilities, non-commercial barbecues, outside fireplaces, outdoor eating areas, and other similar Open Structures.

4. Utilities, and Equipment Common and Customary to the Primary Structure and/or Use
Examples include, but are not limited to the following:
   a. Radio and Television Receiving Antennas and Support Structures
      Permitted accessory radio and television receiving antennas and support structures shall include satellite dishes less than 32 inches in diameter, and one amateur radio sending and receiving antenna and support structures provided for same.
   b. Solar thermal and photo-voltaic energy systems
   c. Air conditioning units
   d. Pool pumps, heating and water filtration systems
   e. Mailboxes including individual mailbox structures and cluster box units (CBUs)
   f. Other similar Detached Accessory Structures, Utilities, and Equipment Common and Customary to the Primary Structure and/or Use

5. Fences, Walls and Retaining Walls
All accessory fences, walls and retaining walls, including fences and walls used for required screening, shall comply with the fence, wall and screening standards in Division 10.5, instead of this Section 9.1.4.2.

6. Accessory Structures Not Listed
   a. The Zoning Administrator shall determine and impose limitations on accessory structures not otherwise listed as allowed in an applicable Use Table in Articles 3 through 9, or not otherwise covered by the standards in this Section 9.1.4.1.
   b. All such determinations shall be reviewed according to the procedures and review criteria stated in Section 12.4.6, Code Interpretations and Determination of Unlisted Uses. In addition to the criteria stated in Section 12.4.6, the Zoning Administrator shall determine whether a proposed accessory structure is common and customary to the primary structure on the zone lot or to a specific primary use, and if the
structure is incidental to the primary structure(s) on the zone lot or to a specific primary use.

c. The Zoning Administrator may impose limitations on the proposed accessory structure, which shall be uniform throughout the zone district, and taking into consideration the size of the accessory structure, the total number of structures on the zone lot, and the effect on adjacent property.
d. Matters that may be regulated according to this Section shall include, but shall not be limited to, the size, area and number of accessory structures, except as specifically permitted or excluded by Articles 3 through 9, or by this Section 7.3.49.1.4.

9.1.4.3 Supplemental Standards

A. Additional Standards for Detached Accessory Structures in All Zone Districts

1. Public Art

A detached accessory structure may be allowed to exceed any Detached Accessory Building Form standard if it is a “work of Public Art” as defined by Section 20-86 of the Denver Revised Municipal Code, as determined by the Zoning Administrator with input from Denver Arts and Venues, and if the Zoning Administrator determines that such exception (1) will have no adverse impacts on abutting property, and (2) shall not substantially harm the public health, safety, and general welfare.

B. Additional Standards for Structures Accessory to Single Unit Dwellings

1. Required Building Materials

All structures accessory to primary single unit dwelling use shall be constructed of materials that are (1) compatible with the materials employed on the primary building, (2) durable, and (3) are not constructed from salvage doors, or other similar materials as designated by the Zoning Administrator.

9.1.4.4 District Specific Standards Summary

The table below states the building forms allowed in each zone district. The table also summarizes the maximum number of structures allowed per Zone Lot, which is stated in more detail in Section 1.2.3.5 (Number of Uses and Structures Allowed per Zone Lot).

See also Division 1.4, Building Form Standards - General Provisions, for additional standards related to initial assignment of building form standards to new and existing structures and for rules governing combining or changing building forms.

<table>
<thead>
<tr>
<th>Industrial (I-) Neighborhood Context Zone Districts</th>
<th>Max Number of Detached Accessory Structures per Zone Lot</th>
<th>Building Forms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Mixed Use (MX)</td>
<td>I-MX-3, -5, -8, -12</td>
<td>no max*</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>I-A</td>
<td>no max</td>
</tr>
<tr>
<td>General Industrial</td>
<td>I-B</td>
<td>no max</td>
</tr>
</tbody>
</table>

= Allowed  ≠ Allowed subject to limitations  *One per dwelling unit for structures with vehicle access doors, See Section 1.2.3.5
### 9.1.4.5 District Specific Standards

#### A. Detached Accessory Structures

<table>
<thead>
<tr>
<th></th>
<th>All I-MX</th>
<th>I-A</th>
<th>I-B</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Height</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stories (max)</td>
<td>1</td>
<td>na</td>
<td>na</td>
</tr>
<tr>
<td>Feet (max)</td>
<td>17’</td>
<td>na</td>
<td>na</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Siting</strong></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ZONE LOT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allowed Number of Dwelling Units (min/max)</td>
<td>0/0</td>
<td>0/0</td>
<td>0/0</td>
</tr>
</tbody>
</table>

**Setbacks**

- Primary Street (min): 10’
- Side Street (min): 10’
  - Can reduce to 5’ on Zone Lot less than 100’ in width along the long side of the block
- Side Interior (min): 0’
- Side Interior, adjacent to Protected District (min): 10’
- Rear (min): 0’
- Rear, adjacent to Protected District (min): 10’

<table>
<thead>
<tr>
<th><strong>Design Elements</strong></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Floor Area (max)</td>
<td>Shall Not Exceed 10% of the Zone Lot Area; does not apply to detached accessory structures with vehicle access doors</td>
<td>Shall Not Exceed 10% of the Zone Lot Area</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Use</strong></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
</table>
SECTION 9.1.5 SUPPLEMENTAL DESIGN STANDARDS

9.1.5.1 Surface Parking Between the Building and the Primary/Side Street

A. Intent
Allow for the functional siting of Buildings and Surface Parking while continuing to minimize the impacts of Surface Parking on the pedestrian experience.

B. Applicability
This Section 9.1.4.1 9.1.5.1 applies to the General and Town House building forms in the I-MX zone districts.

C. Surface Parking Not Allowed
Where a building form specifies that Surface Parking is not allowed between a Building and a Primary Street and/or Side Street, Surface Parking shall not be located in the area directly between the applicable Street and any portion of a Building Facade set back 65 feet or less from the Zone Lot Line abutting the applicable Street and the Street. Surface Parking shall be allowed in the area directly between the applicable Street and any portion of a Building Facade set back more than 65 feet from the Zone Lot Line abutting the applicable Street and the Street.

9.1.5.2 Rooftop and/or Second Story Decks

A. Intent
To protect the privacy of adjacent rear yards when adjacent to low-scale residential neighborhoods.

B. Applicability
Town House building form in all the I-MX zone districts when the Zone Lot is adjacent to a zone district with a limitation on rooftop and/or second story decks in the rear 35% of the Zone Lot depth.

C. Supplemental Design Standard
1. Rooftop and/or Second Story Decks are prohibited in the rear 35% of the Zone Lot depth.
2. The Zoning Administrator may prohibit other similar structures in the rear 35% of the Zone Lot depth, including detached or freestanding structures but excluding the detached accessory dwelling unit building form where allowed, when the Zoning Administrator finds the structure would have similar adverse privacy impacts as the specifically prohibited Rooftop and/or Second Story Deck.

**9.1.5.3 Dwelling Units Oriented to the Street**

**A. Intent**
To ensure that buildings containing Side-by-Side Dwelling Units contribute to vibrant pedestrian-oriented street frontages with Dwelling Units that clearly Orient to the Street.

**B. Applicability**
This Section shall apply to development under the Town House building form in all I-MX zone districts when required by the building form standards.

**C. Supplemental Design Standard**

1. On an Interior Zone Lot, Dwelling Units must be oriented to the Primary Street Zone Lot Line.

2. On a Zone Lot with more than one street frontage, Dwelling Units shall be oriented to the Primary Street Zone Lot Line or the Side Street Zone Lot Line.
   a. Dwelling Units located within 20 feet of the Primary Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.
   b. Dwelling Units located within 20 feet of the Side Street Zone Lot Line shall be oriented to the Side Street Zone Lot Line.
   c. Dwelling Units located within both 20 feet of the Primary Street Zone Lot Line and Side Street Zone Lot Line shall be oriented to the Primary Street Zone Lot Line.
d. On a Zone Lot with more than one Primary Street, the Zoning Administrator shall determine the street to which the Dwelling Unit shall orient based on an analysis, at a minimum, of:
   i. The prevailing building orientation and setback patterns of buildings located on the same face block(s) as the subject zone lot;
   ii. Block and lot shape;
   iii. The functional street classification of all abutting streets as adopted by the Department of Transportation and Infrastructure ("DOTI");
   iv. The future street classification of all abutting streets as adopted in Blueprint Denver; and
   v. Guidance provided in any applicable General Development Plan or regulating neighborhood plan, such as designation of pedestrian priority streets in such plan.

9.1.5.4 Height for Sloped Roofs

A. Intent
To allow for design flexibility for sloped roofs that promote variations within the building forms.

B. Applicability
The I-MX-3 zone districts in the Town House building form.

C. Supplemental Design Standard
1. For any portion of a primary building's roof with a minimum pitch of 6:12, the maximum building height for the subject portion shall be 45 feet in the I-MX-3 zone districts.
2. Development of a primary building with a roof with a minimum pitch that takes advantage of the maximum height allowed per this Section 9.1.5.4 may apply one or more height exceptions allowed in Section 9.1.4.6, except that such height exceptions shall be measured from an allowed maximum of height of 38 feet in the I-MX-3 zone district.
9.1.5.5 Required Screening and Enclosure Standards

A. Solid Wall or Fence Screens
When required by this Code, screening shall comply with the following minimum requirements:

1. Fences and walls used for required screening shall be a minimum of 6 feet in height.
2. Fences and walls must be of wood, brick, masonry, textured concrete or aggregate concrete. Materials such as corrugated or sheet metal, tires, car doors, or other discarded materials are not permitted. Chain link or wire mesh may be used only in combination with plant material of sufficient density to create a year-round opaque screen.
3. Other materials may be used upon approval by the Zoning Administrator according to Section 12.4.5, Administrative Adjustment.
4. In flood-prone areas, the Zoning Administrator may approve the use of open materials, such as open bars or chain link, at the bottom of required screening up to the flood elevation.
5. The requirement for a solid wall or fence may be satisfied by an equivalent visual barrier consisting of chain link fence containing an approved sight-obscuring material.
6. Within 50 feet of the intersection of the right-of-way lines of intersecting streets, the height and location of such walls or fences shall be determined by the Department of Transportation and Infrastructure ("DOTI").
7. All walls or fences shall be maintained in good condition at all times.

SECTION 9.1.6 DESIGN STANDARDS ALTERNATIVES

9.1.6.1 Required Build-To Alternatives

A. Intent
To help define the public realm and enhance the visual quality of the built environment where it is not possible to define the street and public sidewalk edge with building facades. Additionally, to allow relief for vehicle access when alley access is not feasible per Section 9.1.4.7-9.1.7.6, in the Town House building form.

B. Allowance
The following alternatives may be used singularly or in combination as alternatives to a required build-to standard and may count toward the required build-to no more than as described in the table below, provided all alternatives meet the requirements stated in Section 13.1.5.8.E:
9.1.7.5 Required Screening and Enclosure Standards

A. Solid-Wall or Fence-Screens

When required by this Code, screening shall comply with the following minimum requirements:

1. Fences and walls used for required screening shall be a minimum of 6 feet in height.

2. Fences and walls must be of wood, brick, masonry, textured concrete, or aggregate concrete. Materials such as corrugated or sheet metal, tires, car doors, or other discarded materials are not permitted. Chain link or wire mesh may be used only in combination with plant material of sufficient density to create a year-round opaque screen.

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5. The requirement for a solid wall or fence may be satisfied by an equivalent visual barrier consisting of chain link fence containing an approved sight-obscuring material.

6. Within 50 feet of the intersection of the right-of-way lines of intersecting streets, the height and location of such walls or fences shall be determined by the Department of Transportation and Infrastructure ("DOTI").

7. All walls or fences shall be maintained in good condition at all times.

9.1.7.6 Vehicle Access From Alley Required - Exceptions

A. No Alley

Where a building form specifies "street access allowed when no Alley present", vehicle access from the street is allowed when a Zone Lot is not bounded by an Alley.

B. Alley Access Required

Where a building form specifies vehicle access from Alley is required, and the Zone Lot is bounded by an Alley, any newly constructed Driveway, Off-Street Parking Area, Garage, Carport, or other parking facility shall be accessed solely from an Alley, unless the applicant can demonstrate at the time of zoning permit application that an exception stated in this Section 9.1.4.8 applies.

C. DOTI Approval Required for All Exceptions to Alley Access

The Department of Transportation and Infrastructure ("DOTI") shall approve all requests for an exception to required Alley access under this Section 9.1.4.8.

D. General Exceptions

When one or more of the conditions listed in this Section 9.1.4.8 apply, street access may be used instead of alley access. However, if improvements to any portion of the Alley, including widening and/or repaving, are required by the City at the time of Development due to a change in use or intensity, which improvements resolve one or more conditions for an exception specified in this Section 9.1.4.8, then vehicular Alley access shall be required.

1. The Alley is not provided with an all-weather surface of asphalt, asphaltic concrete, concrete, or any equivalent material;

2. The Alley is less than 12 feet in width;

3. At least 60 percent of the existing Zone Lots on the same Face Block are served by Driveways, Off-Street Parking Areas, Garages, Carports, or other parking facilities accessed from a primary street.
4. The Department of Transportation and Infrastructure ("DOTI") prohibits the use of the Alley for vehicular access to the Zone Lot based upon a determination that the Alley cannot safely or operationally accommodate additional vehicular traffic; or

5. The Primary Use is within the Civic, Public, and Institutional Use Category and the DRC determines during Site Development Plan review that street access is more consistent with the Comprehensive Plan, or is necessary to ensure safety or vehicle operational needs.

E. Special Exception for Pre-Existing Street Access
When the conditions listed in this Section 9.1.4.8.E 9.1.7.6.E apply, street access may be used instead of alley access.

1. Vehicular access from the street to an accessory Garage, Carport, or other Off-Street Parking Area was legally established, constructed, or expanded prior to June 25, 2010, and has been Continuously Maintained; and

2. The Primary Structure containing either a Single-Unit or Two-Unit Dwelling use on the same Zone Lot is not Voluntarily Demolished. In the case of Voluntary Demolition of the Primary Structure, vehicle access must be taken from the Alley unless otherwise allowed by this Section 9.1.4.8.E 9.1.7.6.E.

SECTION 9.1.8 REFERENCE TO OTHER DESIGN STANDARDS

9.1.8.1 Article 10: General Design Standards
Refer to the following Divisions for other applicable design standards:

A. Parking and Loading: Division 10.4
B. Landscaping, Fences, Walls and Screening: Division 10.5
C. Site Grading: Division 10.6
D. Outdoor Lighting: Division 10.7
E. Signs: Division 10.10
SECTION 9.1.9  USES AND REQUIRED MINIMUM PARKING

9.1.9.1  Applicability

A. This Section 9.1.4.9.1.9 sets forth the land uses permitted, the required zoning procedure and the required minimum parking for all the Industrial Context zone districts.

B. Uses not listed are prohibited, unless the Zoning Administrator specifically permits the unlisted use according to Section 12.4.6, Code Interpretations and Determination of Unlisted Uses.

C. For number of primary and accessory uses allowed per Zone Lot, see Section 1.2.3.5, Number of Structures and Uses Allowed per Zone Lot.

9.1.9.2  Organization

A. Organized by Primary, Accessory and Temporary Uses

The Use and Parking Table first presents all primary uses, then all accessory uses, and finally all temporary uses. Primary uses are arranged hierarchically within the table by use classification, category of primary uses, and then by specific use type. Accessory uses are organized by whether such use is accessory to a primary residential use or to a primary nonresidential use. Temporary uses are presented alphabetically ordered in the last division of the table.

B. Primary Use Classifications, Categories & Specific Use Types

1. Primary Use Classifications

   All primary land uses in the Use and Parking Table are organized into one of the following five general land use classifications:
   a. Residential Uses
   b. Civic, Public & Institutional Uses
   c. Commercial Sales, Service & Repair Uses
   d. Industrial, Manufacturing & Wholesale Uses
   e. Agriculture

2. Primary Use Categories & Specific Use Types

   Primary uses are further organized into use categories and specific use types listed under each general primary land use classification. The Use and Parking Table is organized into the above five general land use classifications, use categories and specific use types.

3. Classifications & Categories Are Mutually Exclusive

   The general land use classifications and use categories listed in the Use and Parking Table are intended to be mutually exclusive; that is, a use classified into one use category, such as “lodging accommodations,” cannot be classified in a different use category, such as “congregate living,” unless otherwise expressly allowed by this Code.

9.1.9.3  Explanation of Table Abbreviations

A. General Explanation of Table Cell Entries

   In each of the table cells, the entry will indicate first whether use limitations apply to the specific use, and then separated by a hyphen, the type of zoning review required prior to establishment of the use under this Code. For example, as described in more detail below, a cell entry “L-ZPIN” means, first, the use is subject to use standards and limitations (the “L”), and, second, that the use is subject to zoning permit review with information notice (the “ZPIN”) prior to its establishment.
### Article 9. Special Contexts and Districts

#### Division 9.1 Industrial Context

#### 9.1.9.5 District Specific Standards

**KEY:**  
- * = Need Not be Enclosed  
- P = Permitted Use without Limitations  
- L = Permitted Use with Limitations  
- NP = Not Permitted Use  
- ZP = Zoning Permit Review  
- ZPCIM = Subject to Zoning Permit Review with Community Information Meeting  
- ZPIN = Subject to Zoning Permit Review with Informational Notice  
- ZPSE = Subject to Zoning Permit with Special Exception Review  
- When no ZP, ZPIN, ZPCIM, ZPSE listed = No Zoning Permit required

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household Living</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Household Living</td>
<td>Dwelling, Single Unit</td>
<td>L-ZP L-ZP L-ZP §11.2.1, §11.2.6</td>
</tr>
<tr>
<td>Household Living</td>
<td>Dwelling, Two Unit</td>
<td>L-ZP L-ZP L-ZP §11.2.2, §11.2.6</td>
</tr>
<tr>
<td>Household Living</td>
<td>Dwelling, Multi-Unit</td>
<td>L-ZP L-ZP L-ZP §11.2.3, §11.2.6</td>
</tr>
<tr>
<td>Household Living</td>
<td>Dwelling, Live / Work</td>
<td>L-ZP L-ZP L-ZP §11.2.4, §11.2.6</td>
</tr>
<tr>
<td>Residential Care</td>
<td>Residential Care, Type 1</td>
<td>L/Z-ZP NP NP §11.2.7; §11.2.8</td>
</tr>
<tr>
<td>Residential Care</td>
<td>Residential Care, Type 2</td>
<td>L-ZP NP NP §11.2.7; §11.2.9</td>
</tr>
<tr>
<td>Residential Care</td>
<td>Residential Care, Type 3</td>
<td>L-ZPCIM L-ZPCIM L-ZPCIM §11.2.7; §11.2.10</td>
</tr>
<tr>
<td>Residential Care</td>
<td>Residential Care, Type 4</td>
<td>L-ZPCIM L-ZPCIM L-ZPCIM §11.2.7; §11.2.11</td>
</tr>
<tr>
<td>Congregate Living</td>
<td>All Types</td>
<td>P-ZP NP NP</td>
</tr>
<tr>
<td>CIVIC, PUBLIC &amp; INSTITUTIONAL PRIMARY USE CLASSIFICATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Basic Utilities</td>
<td>Utility, Major Impact*</td>
<td>L-ZPSE L-ZPSE L-ZPSE § 11.3.1</td>
</tr>
<tr>
<td>Basic Utilities</td>
<td>Utility, Minor Impact*</td>
<td>L-ZP L-ZP L-ZP § 11.3.2</td>
</tr>
</tbody>
</table>
### Article 9. Special Contexts and Districts
#### Division 9.1 Industrial Context

**KEY:**  
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When no ZP, ZPIN, ZPCIM, ZPSE listed = No Zoning Permit required

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community/ Public Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Center*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
- Vehicle: 0.5/1,000 s.f. GFA  
- Bicycle: 1/10,000 s.f. GFA (0/100) | P-ZP  
| Day Care Center |  
- Vehicle: 1/1,000 s.f. GFA  
- Bicycle: 1/10,000 s.f. GFA (0/100) | P-ZP |
| Postal Facility, Neighborhood |  
- Vehicle: I-MX only: 1.875/1,000 s.f. GFA  
- Vehicle: 2.5/1,000 s.f. GFA  
- Bicycle: 1/20,000 s.f. GFA (20/80) | P-ZP |
| Postal Processing Center |  
- Vehicle: 1/1,000 s.f. GFA  
- Bicycle: 1/20,000 s.f. GFA (20/80) | P-ZP |
| Public Safety Facility |  
- Vehicle: 1/1,000 s.f. GFA  
- Bicycle: 1/10,000 s.f. GFA (0/100) | P-ZP |
| Hospital | NP  
| Correctional Institution | NP |
| | | |
| Cultural/Special Purpose/Public Parks & Open Space | | |
| Cemetery* |  
- No Parking Requirements | L-ZP |
| Library |  
- Vehicle: 1/1,000 s.f. GFA  
- Bicycle: 1/10,000 s.f. GFA (0/100) | P-ZP |
| Museum |  
- Vehicle: 1/1,000 s.f. GFA  
- Bicycle: 1/10,000 s.f. GFA (0/100) | P-ZP |
| City Park* | NP  
| Open Space - Conservation* | NP |
| | | |
| Education | | |
| Elementary or Secondary School |  
- Vehicle: I-MX only: 1/1,000 s.f. GFA  
- Vehicle: High School, I-A and I-B: 2/1,000 s.f. GFA  
- Bicycle: High School, I-A and I-B: 1/20,000 s.f. GFA (0/100)  
- Vehicle: All Others, I-A and I-B: 1/1,000 s.f. GFA  
- Bicycle: All Others, I-A and I-B: 1/10,000 s.f. GFA (0/100) | L-ZP  
| University or College |  
- Vehicle: 1/1,000 s.f. GFA  
- Bicycle: 1/10,000 s.f. GFA (0/100) | L-ZP |
| Vocational or Professional School |  
- Vehicle: 1/1,000 s.f. GFA  
- Bicycle: 1/10,000 s.f. GFA (0/100) | L-ZP |
| Public and Religious Assembly | All Types |  
- Vehicle: 0.5/1,000 s.f. GFA  
- Bicycle: 1/10,000 s.f. GFA (0/100) | P-ZP |

### DRAFT

**DENVER ZONING CODE**
June 25, 2010 | Republished July 1, 2021

| 9.1-41 |
### Article 9. Special Contexts and Districts
### Division 9.1 Industrial Context

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When no ZP, ZPIN, ZPCIM, ZPSE listed = No Zoning Permit required

#### USE CATEGORY

#### SPECIFIC USE TYPE
- Vehicle Parking Requirement - # of spaces per unit of measurement
- Bicycle Parking Requirement - # of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility)

#### APPLICABLE USE LIMITATIONS

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>ALL TYPES</th>
<th>I-MX-3</th>
<th>I-MX-5</th>
<th>I-MX-8</th>
<th>I-MX-12</th>
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<th>I-B</th>
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</thead>
<tbody>
<tr>
<td>Commercial Sales, Services, &amp; Repair Primary Use Classification</td>
<td></td>
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<tr>
<td>Adult Business</td>
<td>I-MX-3</td>
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<td>Arts, Recreation and Entertainment Services, Indoor</td>
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<td>P-ZP</td>
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<td>Arts, Recreation and Entertainment Services, Outdoor*</td>
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<td>L-ZP</td>
<td>L-ZP</td>
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<td>Event Space with Alternate Parking and Loading*</td>
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<td>NP</td>
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<tr>
<td>Sports and/or Entertainment Arena or Stadium*</td>
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### Article 9. Special Contexts and Districts

#### Division 9.1 Industrial Context

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS</th>
<th>I-MX-3</th>
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<td>Office, All Others</td>
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**KEY:**  
* = Need Not be Enclosed  
P = Permitted Use without Limitations  
L = Permitted Use with Limitations  
NP = Not Permitted Use  
ZP = Zoning Permit Review  
ZPCIM = Subject to Zoning Permit Review with Community Information Meeting  
ZPIN = Subject to Zoning Permit Review with Informational Notice  
ZPSE = Subject to Zoning Permit with Special Exception Review  
When no ZP, ZPIN, ZPCIM, ZPSE listed = No Zoning Permit required
### Article 9. Special Contexts and Districts

#### Division 9.1 Industrial Context

<table>
<thead>
<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS</th>
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<td>· Bicycle: No requirement</td>
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<td><strong>Telecommunications Towers</strong>*</td>
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<td>L-ZP/ ZPIN/ ZPSE</td>
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<td>· Bicycle: No requirement</td>
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### Article 9. Special Contexts and Districts
### Division 9.1 Industrial Context

**Key:**
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<th>APPLICABLE USE LIMITATIONS</th>
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<td>I-MX-3 I-MX-5 I-MX-8</td>
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<td>Automobile Towing Service Storage Yard*</td>
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<td>L-ZP</td>
</tr>
<tr>
<td>• Vehicle: 3/1,000 s.f. GFA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Bicycle: No requirement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mini-storage Facility</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>• Vehicle: 0.1/1,000 s.f. GFA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Bicycle: No requirement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle Storage, Commercial*</td>
<td>NP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>• Vehicle: 3/1,000 s.f. GFA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Bicycle: No requirement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wholesale Trade or Storage, General</td>
<td>NP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>• Vehicle: 3/1,000 s.f. GFA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Bicycle: No requirement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wholesale Trade or Storage, Light</td>
<td>P-ZP</td>
<td>P-ZP</td>
</tr>
<tr>
<td>• Vehicle: 3/1,000 s.f. GFA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Bicycle: No requirement</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Article 9: Special Contexts and Districts
#### Division 9.1 Industrial Context

**Key**: 
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#### Use Category

<table>
<thead>
<tr>
<th>Specific Use Type</th>
<th>I-MX-3</th>
<th>I-MX-5</th>
<th>I-MX-8</th>
<th>I-MX-12</th>
<th>I-A</th>
<th>I-B</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agriculture Primary Use Classification</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aquaculture*</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>$11.6.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garden, Urban*</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>$11.6.2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Husbandry, Animal*</td>
<td>NP</td>
<td>NP</td>
<td>L-ZP</td>
<td>$11.6.3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Husbandry, Plant*</td>
<td>NP</td>
<td>L-ZP</td>
<td>L-ZP</td>
<td>$11.6.4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant Nursery</td>
<td>L-ZP</td>
<td>L-ZP*</td>
<td>L-ZP*</td>
<td>$11.6.5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Accessory to Primary Residential Uses Classifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unlisted Accessory Uses</td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
</tr>
<tr>
<td>Domestic Employee</td>
</tr>
<tr>
<td>Garden*</td>
</tr>
<tr>
<td>Keeping of Household Animals*</td>
</tr>
<tr>
<td>Keeping and Off-Street Parking of Vehicles, Motorcycles, Trailers &amp; Recreational Vehicles*</td>
</tr>
<tr>
<td>Kennel or Exercise Run*</td>
</tr>
<tr>
<td>Limited Commercial Sales, Services Accessory to Multi-Unit Dwelling Use</td>
</tr>
<tr>
<td>Outdoor Storage, Residential*</td>
</tr>
<tr>
<td>Second Kitchen Accessory to Single Unit Dwelling Use</td>
</tr>
<tr>
<td>Short-term Rental</td>
</tr>
<tr>
<td>Vehicle Storage, Repair and Maintenance*</td>
</tr>
<tr>
<td>Wind Energy Conversion Systems*</td>
</tr>
<tr>
<td>Yard or Garage Sales*</td>
</tr>
</tbody>
</table>
### Article 9. Special Contexts and Districts

#### Division 9.1 Industrial Context

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**DENVER ZONING CODE**  
June 25, 2010 | Republished July 1, 2021

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**USE CATEGORY**

**SPECIFIC USE TYPE**

- Vehicle Parking Requirement - # of spaces per unit of measurement
- Bicycle Parking Requirement - # of spaces per unit of measurement (% required spaces in indoor facility/% required spaces in fixed facility)

**APPLICABLE USE LIMITATIONS**

- I-MX-3
- I-MX-5
- I-MX-8
- I-MX-12
- I-A
- I-B

---

**HOME OCCUPATIONS ACCESSORY TO PRIMARY RESIDENTIAL USES USE CLASSIFICATION**

<table>
<thead>
<tr>
<th>Home Occupations</th>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Care Home, Large</td>
<td>L-ZPIN</td>
<td>§11.9; §11.9.3</td>
</tr>
<tr>
<td>All Other Types</td>
<td>L-ZP</td>
<td>§11.9; §11.9.4</td>
</tr>
<tr>
<td>Unlisted Home Occupations</td>
<td>L-ZPIN - Applicable in all Zone Districts</td>
<td>§11.9; §11.9.5</td>
</tr>
</tbody>
</table>

**ACCESSORY TO PRIMARY NONRESIDENTIAL USES USE CLASSIFICATION**

<table>
<thead>
<tr>
<th>Accessory to Primary Nonresidential Uses (Parking is Not Required for Accessory Uses Unless Specifically Stated in this Table or in an Applicable Use Limitation)</th>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement Devices Accessory to Eating/Drinking Establishments, College/University and Theater Uses</td>
<td>L-ZP</td>
<td>§11.7; §11.10.1</td>
</tr>
<tr>
<td>Automobile Rental Services Accessory to Certain Retail Uses*</td>
<td>Not Applicable - See Permitted Primary Uses</td>
<td>§11.7; §11.10.3</td>
</tr>
<tr>
<td>Book or gift store; media recording and production facilities accessory to public libraries, museums, places of religious assembly, colleges or universities</td>
<td>Not Applicable - See Permitted Primary Uses</td>
<td>§11.7</td>
</tr>
<tr>
<td>Car Wash Bay Accessory to Automobile Services</td>
<td>L-ZP</td>
<td>§11.7; §11.10.5</td>
</tr>
<tr>
<td>Conference Facilities Accessory to Hotel Use</td>
<td>L</td>
<td>§11.7; §11.10.7</td>
</tr>
<tr>
<td>Drive Through Facility Accessory to Eating/Drinking Establishments and to Retail Sales, Service, and Repair Uses*</td>
<td>L-ZP</td>
<td>§11.7; §11.10.8</td>
</tr>
<tr>
<td>Emergency Vehicle Access Point</td>
<td>NP</td>
<td>§11.7; §11.10.10</td>
</tr>
<tr>
<td>Garden*</td>
<td>L</td>
<td>§11.7; §11.10.11</td>
</tr>
<tr>
<td>Keeping of Animals</td>
<td>L/L-ZP/ L-ZPIN</td>
<td>§11.7; § 11.10.12</td>
</tr>
<tr>
<td>Limited Commercial Sales, Services</td>
<td>L</td>
<td>§11.7; §11.10.12</td>
</tr>
<tr>
<td>Nonresidential Uses in Existing Business Structures In Residential Zones - Accessory Uses</td>
<td>Not Applicable</td>
<td></td>
</tr>
<tr>
<td>Occasional Sales, Services Accessory to Places of Religious Assembly*</td>
<td>L</td>
<td>§11.7; §11.10.12</td>
</tr>
<tr>
<td>Outdoor Eating and Serving Area Accessory to Eating/Drinking Establishment Use*</td>
<td>L-ZP/ ZPSE</td>
<td>§11.7; §11.10.13</td>
</tr>
<tr>
<td>Outdoor Entertainment Accessory to an Eating/Drinking Establishment Use*</td>
<td>L-ZPIN/ ZPSE</td>
<td>§11.7; §11.10.14</td>
</tr>
<tr>
<td>Outdoor Retail Sale and Display*</td>
<td>L-ZP/ ZPSE</td>
<td>§11.7; §11.10.15</td>
</tr>
<tr>
<td>Outdoor Storage, General*</td>
<td>L-ZP</td>
<td>§11.7; §11.10.17</td>
</tr>
<tr>
<td>Outdoor Storage, Limited*</td>
<td>L-ZP</td>
<td>§11.7; §11.10.17</td>
</tr>
<tr>
<td>Rental or Sales of Adult Material Accessory to a Permitted Bookstore Use</td>
<td>L</td>
<td>§11.7; §11.10.18</td>
</tr>
</tbody>
</table>
### Article 9. Special Contexts and Districts

**Division 9.1 Industrial Context**

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### USE CATEGORY

<table>
<thead>
<tr>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>I-MX-3</td>
</tr>
<tr>
<td></td>
<td>I-MX-5</td>
</tr>
<tr>
<td></td>
<td>I-MX-8</td>
</tr>
<tr>
<td></td>
<td>I-MX-12</td>
</tr>
<tr>
<td></td>
<td>I-A</td>
</tr>
<tr>
<td></td>
<td>I-B</td>
</tr>
</tbody>
</table>

---

### TEMPORARY USE CLASSIFICATION

**Temporary Uses**

<table>
<thead>
<tr>
<th>Unlisted Temporary Uses</th>
<th>L - Applicable to all Zone Districts</th>
<th>§11.11.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambulance Service - Temporary</td>
<td>Not Applicable - See Permitted Primary Uses</td>
<td>§11.11.2</td>
</tr>
<tr>
<td>Amusement / Entertainment - Temporary*</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Bazaar, Carnival, Circus or Special Event*</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Building or yard for construction materials*</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Concrete, Asphalt, and Rock Crushing Facility*</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Fence for Demolition or Construction Work</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Health Care Center</td>
<td>P-ZP</td>
<td>P-ZP</td>
</tr>
<tr>
<td>Noncommercial Concrete Batching Plant*</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Outdoor Retail Sales - Pedestrian / Transit Mall*</td>
<td>NP</td>
<td>NP</td>
</tr>
<tr>
<td>Outdoor Retail Sales*</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Outdoor Sales, Seasonal*</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Parking Lot Designated for a Special Event*</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Retail Food Establishment, Mobile*</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Temporary Construction Office</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
<tr>
<td>Temporary Office - Real Estate Sales</td>
<td>L-ZP</td>
<td>NP</td>
</tr>
<tr>
<td>Temporary Tiny Home Village</td>
<td>L-ZPCIM</td>
<td>L-ZPCIM</td>
</tr>
<tr>
<td>Tent for Religious Services</td>
<td>L-ZP</td>
<td>L-ZP</td>
</tr>
</tbody>
</table>

---

**DZC TEXT AMENDMENT – EXPANDING HOUSING AFFORDABILITY**

**PLANNING BOARD DRAFT – 03/22/2022**

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**DRAFT**

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**DENVER ZONING CODE**

June 25, 2010 | Republished July 1, 2021
SECTION 9.4.6  INCENTIVE OVERLAY DISTRICTS (IO-)

9.4.6.1  General Purpose
Incentive Overlay Districts are intended to serve one or more of the following purposes:

A.  Provide flexibility in zoning standards for projects that deliver specified community or citywide benefits beyond what is required by the Denver Zoning Code and other regulations, including, but not limited to:
   1. Affordable housing;
   2. Community amenities;
   3. Cultural facilities; or
   4. Publicly-accessible open space.

B.  Incentivize provision of community benefits specified in an adopted neighborhood or small area plan that sets forth community priorities and is adopted as part of the Comprehensive Plan.

C.  Incentivize provision of community benefits that are not attainable through other requirements or programs.

D.  Provide clear and predictable development outcomes.

9.4.6.2  Minimum Requirements for Establishment
In addition to the minimum criteria for official map amendment applications specified in Section 12.4.10 Official Map Amendment (Rezoning), an application for a rezoning to apply an Incentive Overlay District shall comply with the following provisions:

A.  Application Requirements
   An application to rezone to an Incentive Overlay District shall include, in addition to other submittal requirements, the following information:
   
   1. A statement of purpose and an explanation of how the review criteria stated in Section 9.4.6.2.B are met;
   
   2. A map indicating the boundaries of all lots located within the proposed Incentive Overlay District and the Underlying Zone Districts contained within the proposed Incentive Overlay District.

B.  Review Criteria for Approval of District
   In addition to the review criteria applicable to rezonings stated in Section 12.4.10, Official Map Amendment (Rezoning), and to text amendments stated in Section 12.4.11 Text Amendment, the Incentive Overlay District shall meet the following criteria:
   
   1. Application of an Incentive Overlay District will provide community benefits that further one or more adopted city policies; and
   
   2. Such community benefits have been determined by the City to be best achieved through incentives, rather than requirements; and
   
   3. Application of an Incentive Overlay District will ensure clear and predictable outcomes consistent with the applicable neighborhood context, building forms, and the stated purpose and intent of the applicable zone district; and
   
   4. Application of an Incentive Overlay District will apply equally to all similar properties in an area or district to provide equitable outcomes consistent with adopted City policies.
9.4.6.3 **Modification of Underlying Zone District Standards**

A. **Modification of Permitted Uses**

1. An Incentive Overlay District shall not modify uses permitted in the Underlying Zone District.

2. An Incentive Overlay District may modify use limitations otherwise applicable to permitted uses in the Underlying Zone District.

B. **Modification of Standards**

1. An Incentive Overlay District may modify building form standards and general design standards otherwise applicable in the Underlying Zone District to incentivize specified community benefits. Allowed modifications include, but are not limited to:
   a. Increased building height; and/or
   b. Increased floor area; and/or
   c. Reduced setbacks; and/or
   d. Reduced minimum vehicular parking.

2. An Incentive Overlay District shall not introduce new building form standards or general design standards that are not applicable in the Underlying Zone District. However, the adoption of an Incentive Overlay District may be accompanied by the adoption of a Conservation Overlay District or Design Overlay District that includes the introduction of new building form standards and/or general design standards.

9.4.6.4 **Incentive Overlay Districts Established**

The following Incentive Overlay Districts are established:

<table>
<thead>
<tr>
<th>INCENTIVE OVERLAY DISTRICT NAME</th>
<th>ZONING MAP DESIGNATOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>38th and Blake Station Area Incentive Overlay</td>
<td>IO-3</td>
</tr>
</tbody>
</table>

9.4.6.5 **Effect of Approval**

A. **Official Map Designator**

Each Incentive Overlay District shall be shown on the official map by an “IO-#” designator and an appropriate number placed after the Underlying Zone District designation.

B. **Limitation on Permit Issuance**

No building permit for development within an Incentive Overlay District shall be issued by the City unless the development meets the standards set forth in the adopted Incentive Overlay District, any applicable incentive requirements set forth in the Denver Revised Municipal Code (D.R.M.C) and any applicable approved Rules and Regulations. Coordination with, and approval from other City agencies, such as the Office of Economic Development, may be required prior to permit issuance in an Incentive Overlay District.
A. Creation

There is hereby created an Incentive Overlay District designated as the 38th and Blake Station Area Incentive Overlay District (IO-1).

B. General Purpose of Overlay District

1. Ensure that higher-intensity development in the area covered by the adopted 38th and Blake Station Area Height Amendments complements public transit investments by providing specific community benefits as recommended by the adopted plan; and
2. Implement specific adopted plan policies for the 38th and Blake Station area by requiring additional affordable housing and other community benefits in excess of standard requirements for development above plan-specified Base Heights; and
3. Implement an incentive-based system that recognizes development entitlements within Underlying Zone Districts while allowing greater development potential for projects that provide community benefits in excess of standard requirements.

C. Applicability

1. The provisions of this IO-1 district shall apply only to those areas within Denver Zoning Code Mixed Use Commercial, Mixed Use Industrial and Residential Mixed Use Underlying Zone Districts that are designated with the 38th and Blake Station Area Incentive Overlay District on the Official Zone Map.
2. The provisions of this IO-1 district shall apply in conjunction with applicable requirements in D.R.M.C. Chapter 27, Article VI Incentives for Affordable Housing.

D. Maximum Base Height

1. Maximum Base Height shall be the maximum height in stories and feet set forth in the Underlying Zone District.
2. Structures that do not exceed the maximum Base Height shall not be subject to the requirements set forth in Section 9.4.6.6.F Requirements for Structures Using Incentive Height.
E. Maximum Incentive Height

Structures that meet the requirements set forth in Section 9.4.6.6.F Requirements for Structures Using Incentive Height may exceed the maximum Base Height and instead develop to the maximum Incentive Height set forth in this Section 9.4.6.6.E.

1. Maximum Incentive Height Map
   a. For properties in the IO-1 district, Incentive Height maximums are set forth on the map in Figure 9.4-24, except where height transitions are required by Section 9.4.6.6.E.2.
   b. Community Planning and Development shall maintain a detailed map for application of Incentive Height to specific Zone Lots.

Figure 9.4-24

<table>
<thead>
<tr>
<th>INCENTIVE HEIGHT</th>
<th>Stories (max)</th>
<th>Feet (max)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3</td>
<td>45'</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>70'</td>
</tr>
<tr>
<td></td>
<td>8</td>
<td>110'</td>
</tr>
<tr>
<td></td>
<td>12</td>
<td>150'</td>
</tr>
<tr>
<td></td>
<td>16</td>
<td>200'</td>
</tr>
</tbody>
</table>

* See Section 9.4.6.6.E.2 for required height transitions.
2. **Incentive Height in Transition Areas**

To promote compatibility with lower-scale districts, neighborhoods or street frontages, a reduced maximum Incentive Height shall apply in transitional areas as set forth in Sections a and b below. Where the provisions of both Sections a and b apply, the maximum Incentive Height shall be the lower of the applicable maximum heights.

a. **Height Transition Adjacent to Specific Streets**

The maximum Incentive Height shall be as follows within the specified distance of a Primary or Side Street Zone Lot line fronting the following streets:

<table>
<thead>
<tr>
<th>STREET</th>
<th>DISTANCE FROM ZONE LOT LINE</th>
<th>MAXIMUM INCENTIVE HEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td>39TH AVENUE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West of Williams Street*</td>
<td>85'</td>
<td>8</td>
</tr>
<tr>
<td>LAFAYETTE STREET</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West of Franklin Street*</td>
<td>210'</td>
<td>8</td>
</tr>
<tr>
<td>MARION STREET</td>
<td></td>
<td></td>
</tr>
<tr>
<td>From 300' South of Walnut Street to 36th Avenue</td>
<td>35'</td>
<td>3</td>
</tr>
<tr>
<td>LARIMER STREET</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northeast of 35th Street</td>
<td>135'</td>
<td>4</td>
</tr>
<tr>
<td>Southwest of 35th Street</td>
<td>135'</td>
<td>5</td>
</tr>
<tr>
<td>33RD STREET</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northwest of Walnut Street</td>
<td>175'</td>
<td>8</td>
</tr>
</tbody>
</table>

* A portion of this area may be subject to a reduced maximum Incentive Height adjacent to a Protected District. (See Section 9.4.6.6.E.2.b.)

b. **Height Transition Adjacent to a Protected District**

The maximum Incentive Height shall be 75 feet within 175 feet of a Protected District unless further limited by Section 9.4.6.6.E.2.a.

F. **Requirements for Structures Using Incentive Height**

1. No building permit for development of a Structure exceeding Base Height within this IO-1 district shall be issued by the City unless the Structure meets the specific incentive requirements set forth in D.R.M.C. Chapter 27, Article VI Incentives for Affordable Housing and any applicable approved Rules and Regulations as evidenced in writing by the Office of Economic Development.

2. No building permit for development of a Structure exceeding Base Height within this IO-1 district shall be issued by the City for a Structure where the square footage of Parking Spaces or Parking Aisles located above the maximum Base Height comprises 80% or more of the total gross square footage of all uses located above the maximum Base Height.
DIVISION 10.9  PARKING, KEEPING AND STORAGE OF VEHICLES ............... 10.9-1
Section 10.9.1 Parking / Storage on Residential Zone Lots ................................. 10.9-1
Section 10.9.2 Reserved .................................................................................. 10.9-1
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DIVISION 10.1 REFERENCE TO OTHER APPLICABLE DESIGN STANDARDS

In addition to the zoning design standards applicable to development under this Code, design standards found in other parts of the Denver Revised Municipal Code may apply. An applicant for development is encouraged to investigate whether these other standards may apply, and to work with Community Planning and Development and other agencies to determine how all applicable standards interplay with applicable zoning regulations. Other applicable design standards include, but are not limited to:

10.1.1 Chapter 49 (Streets, Sidewalks and Other Public Ways), D.R.M.C., regarding the designation of Parkways and the establishment of Parkway setbacks for buildings and structures.

10.1.2 Chapter 30 (Landmark Preservation), D.R.M.C., regarding the designation of Historic Structures and historic districts;

10.1.3 Chapter 10 (Buildings and Building Regulations), D.R.M.C., regarding the establishment of view plane protection areas, which may restrict the height of structures more stringently than the applicable zoning.

10.1.4 Chapter 8 (Animals), D.R.M.C., regarding licensing and permitting for the keeping of animals, including but not limited to dogs, cats, livestock, and fowl, within the City of Denver.

10.1.5 Chapter 56 (Utilities), D.R.M.C., regarding water, drainage, sanitary and floodplain regulations affecting land development.

10.1.6 Chapter 57 (Vegetation), D.R.M.C., regarding maintenance of landscaping in general, and maintenance of plantings in the public rights-of-way.

10.1.7 Chapter 27 (Housing), D.R.M.C., regarding requirements for certain developments to include a minimum number of moderately priced affordable housing units or units built as an alternative to payment of the linkage fee.

10.1.8 Chapter 24 (Health and Sanitation), Article XI (Medical Marijuana Dispensaries) for regulations relating to the establishment and operation of medical marijuana retail dispensaries, a type of retail sales and service land use.

10.1.9 Chapter 6 (Alcohol Beverages and Retail Marijuana), Article IV (Malt, Vinous and Spirituous Liquors), D.R.M.C., for regulations relating to the establishment and operation of Liquor Stores, a type of retail sales and service land use.

10.1.10 Chapter 6 (Alcohol Beverages and Retail Marijuana), Article V (Denver Retail Marijuana Code), D.R.M.C., for regulations relating to the establishment and operation of retail marijuana dispensaries, a type of retail sales and service land use.

10.1.11 Rules and regulations adopted by the Manager according to D.R.M.C., Chapter 12, including but not limited to Urban Design Standards and Guidelines and the Denver Streetscape Manual.
4. In the D-LD zone district, this subsection 10.4.5.1.C. shall have no force and effect, and Section 8.4.1.4, Off-Street Parking Requirements, shall govern the parking of Historic Structures.

D. Preservation of Existing Trees
If, in order to comply with standards in this Article 10 for the landscaping of parking areas and with this Division 10.4. Parking and Loading, it would be necessary to remove mature, existing trees, the Zoning Administrator may allow reasonable reductions in either (1) the size of required landscaped areas (for the purpose of accommodating the required parking), or (2) the number of required parking spaces. Requests for this exception from the minimum parking requirements shall be reviewed according to Section 12.4.5, Administrative Adjustment.

E. Vehicle Parking Exemptions for Enhanced Affordable Housing near Multi-Modal Transportation

1. Intent
To remove barriers to mixed income development by eliminating vehicle parking requirements for projects that are near high-capacity transit and provide enhanced affordable housing beyond mandatory requirements.

2. Applicability
   a. This Section 10.4.5.1.E shall apply to Zone Lots that have their nearest point within 1/4 mile of the outer boundary of a Rail Transit Station Platform and are located in a Mixed Use Commercial Zone District, Multi Unit (MU) zone district, Residential Office (RO) zone district, or Residential Mixed Use (RX) zone district.
   b. All distance and spacing requirements shall be measured according to the rule of measurement found in Section 13.1.11 Measurement of Separation or Distance.

3. Exemption
   All Dwelling Units on a Zone Lot shall be exempt from the minimum amount of vehicle parking otherwise required by this Code if the Structure qualifies for the incentives 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.

10.4.5.2 Alternative Minimum Vehicle Parking Ratios
The following uses are allowed alternative minimum vehicle parking ratios instead of the minimum parking ratios otherwise required by this Code, but only to the extent specified in Section 10.4.5.2.

A. General Provisions Applicable to All Alternative Minimum Vehicle Parking Ratios

1. Alternative Minimum Vehicle Parking Ratios Not Applicable to Accessible Parking
   The number of required accessible parking spaces shall be calculated based on the minimum number of vehicle parking spaces required for the subject land use in the applicable Use and Parking Table before application of an eligible alternative minimum vehicle parking ratio. The number of required accessible parking spaces shall not be calculated based on alternative minimum vehicle parking ratios.

2. No Combination with Reductions
   A vehicle parking reduction permitted in accordance with Section 10.4.5.3 shall not be taken in combination with use of an alternative minimum vehicle parking ratio provided in Section 10.4.5.2.
a. For example: A Zone Lot in a Main Street zone district includes 100 affordable housing units that are affordable at 60 percent Area Median Income and below, and office Primary Uses. The affordable housing use may apply the affordable housing alternative minimum vehicle parking ratio of 0.1 vehicle parking spaces per unit for a parking requirement of 10 required vehicle parking spaces. The vehicle parking requirement for the office Primary Use may be reduced in accordance with the vehicle parking reductions provided in Section 10.4.5.3, but the alternative minimum vehicle parking requirement for the affordable-housing units may not be reduced further.

3. Combination of Multiple Alternative Ratios Allowed
If more than one alternative parking ratio applies to an applicable use(s), an Applicant may choose which alternative parking ratio to apply or may combine multiple alternative parking ratios in the same development.

a. For example, in a Main Street zone district, a new primary structure will include 80 housing units that are affordable to persons with at 60 percent area median income and below, and another 50 housing units that are market-rate rentals but are each under 550 square feet in gross floor area. In this case, the applicant may apply the affordable housing alternative parking ratio to the 80 affordable units, and the small dwelling units alternative parking ratio to the 50 small units.

B. Alternative Minimum Vehicle Parking Ratios Allowed
The Zoning Administrator shall allow an applicant to apply an alternative minimum vehicle parking ratio upon finding that the additional requirements stated in the following table have been met:

<table>
<thead>
<tr>
<th>TYPE OF ALTERNATIVE</th>
<th>APPLICABLE ZONE DISTRICTS</th>
<th>APPLICABLE USE</th>
<th>ADDITIONAL REQUIREMENTS</th>
<th>ALTERNATIVE ALLOWED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Housing</td>
<td>All Zone Districts</td>
<td>Primary Residential Uses</td>
<td>Housing that is affordable for persons with at 60 percent Area Median Income and below</td>
<td>Alternative minimum vehicle parking ratio of 0.1 vehicle parking spaces per unit</td>
</tr>
<tr>
<td>Mandatory Affordable Housing On-Site Compliance</td>
<td>All Zone Districts</td>
<td>Primary Residential Uses</td>
<td>All required Income Restricted Units are located on the Zone Lot</td>
<td>Alternative minimum vehicle parking ratio for all Dwelling Units of 0.75 vehicle parking spaces per unit in Suburban (S) and Industrial (I) contexts; 0.5 vehicle parking spaces per unit in Urban Edge (E), Urban (U), and General Urban (G) contexts; and 0.25 vehicle parking spaces per unit in Urban Center (C) context</td>
</tr>
<tr>
<td>Small Dwelling Units</td>
<td>All Main Street Zone Districts</td>
<td>Primary Residential Uses</td>
<td>Dwelling Units that are under 550 square feet in gross floor area may utilize this reduction</td>
<td>Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit</td>
</tr>
<tr>
<td>Shelters</td>
<td>All Zone Districts</td>
<td>Primary Residential Care Use</td>
<td>Residential Care Uses that provide temporary housing or shelter primarily to guests who are at risk of homelessness or are experiencing homelessness.</td>
<td>Alternative minimum vehicle parking ratio of 0.125 vehicle parking spaces per 1,000 sf GFA</td>
</tr>
<tr>
<td>Congregate Living</td>
<td>All Main Street Zone Districts</td>
<td>Congregate Living Primary Use</td>
<td>n/a</td>
<td>Alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit</td>
</tr>
</tbody>
</table>
10.4.5.3 Vehicle Parking Reductions

A. General Provisions Applicable to All Vehicle Parking Reduction Allowances

1. Calculation
In determining the total number of required vehicle parking spaces that may be reduced through any one or combination of this Section’s permitted reductions, calculations shall be based on the minimum number of required vehicle parking spaces using the ratio contained in the applicable Use and Parking Table, and not based an alternative minimum vehicle parking ratio pursuant to Section 10.4.5.2.

2. Reductions Not Applicable to Accessible Parking
The number of required accessible parking spaces shall not be reduced, and the number of required accessible parking spaces shall be calculated based on the minimum number of vehicle parking spaces required not including any reduction.

3. No Combination with Alternative Minimum Vehicle Parking Ratios
A vehicle parking reduction permitted in accordance with Section 10.4.5.3 shall not be taken in combination with use of an alternative minimum vehicle parking ratio provided in Section 10.4.5.2.

a. For example: A Zone Lot in a Main Street zone district includes 100 affordable housing units that are affordable at 60 percent Area Median Income and below, and office Primary Uses. The affordable housing use may apply the affordable housing alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit for a parking requirement of 100 required vehicle parking spaces. The vehicle parking requirement for the office Primary Use may be reduced in accordance with the vehicle parking reductions provided in Section 10.4.5.3, but the alternative minimum vehicle parking requirement for the affordable housing units may not be reduced further.

4. Maximum Reduction Allowed
a. The total number of vehicle parking spaces required on a zone lot shall not be reduced by more than 50% under any one or combination of this subsection’s permitted reductions, with the following exceptions:
   i. Vehicle parking reductions for small lots in the C-CCN zone districts provided in Section 10.4.5.3.C.
   ii. Vehicle parking reductions for Pre-Existing Small Zone Lots provided in Section 10.4.5.1.A.

b. Vehicle parking spaces provided through the alternative vehicle parking ratios in Section 10.4.5.2 do not count towards the maximum percentage of vehicle parking spaces that may be reduced through this subsection’s permitted reductions.

i. For example, a Zone Lot in a G-MS-5 zone district includes 100 affordable housing units that are affordable at 60 percent Area Median Income and below, and office Primary Uses. The affordable housing use may apply the affordable housing alternative minimum vehicle parking ratio of 0.25 vehicle parking spaces per unit for a parking requirement of 100 required vehicle parking spaces. The vehicle parking requirement for the office Primary Use may be reduced in accordance with the vehicle parking reductions provided in Section 10.4.5.3, but the alternative minimum vehicle parking requirement for the affordable housing units may not be reduced further.
the affordable housing use may apply the alternative minimum vehicle parking ratio of 0.125 vehicle parking spaces per unit for a parking requirement of 10.25 required vehicle parking spaces. The alternative minimum vehicle parking ratio for the affordable housing units is a 90.25% reduction from the 1 vehicle parking space per unit requirement in the G-MS-5 zone district, but alternative minimum vehicle parking ratios do not count towards the maximum percentage of vehicle parking spaces that may be reduced for the entire Zone Lot through Section 10.4.5.3.A.4. Therefore, the minimum vehicle parking requirement for the office Primary Use may be reduced in accordance with the vehicle parking reductions in Section 10.4.5.3, but the alternative minimum vehicle parking requirement for the affordable housing units may not be reduced further.

5. Informational Notice Required for Certain Reduction Requests
A request for greater than a 25% reduction in the required amount of parking shall be reviewed according to Section 12.4.2, Zoning Permit Review with Informational Notice, with the following exceptions:
   a. Alternative vehicle parking ratios
   b. Vehicle parking reductions for small lots in the C-CCN zone districts under Section 10.4.5.3.C.

6. Withdrawal from Participation in Plans or Programs
   a. Upon application to the Zoning Administrator, the owners of the properties and land uses participating in a special parking arrangement authorized by this Section 10.4.5.3, may withdraw, either partially or completely, from any such arrangement or program, provided all uses, land, and structures remaining under such arrangement or program will comply with all conditions and limitations of the arrangement or program, and all primary uses, land and structures withdrawn from such arrangement or program can comply with this Division 10.4 and the applicable zone district parking requirements. The Zoning Administrator shall keep the special parking arrangement/program withdrawal among its records and record the withdrawal in the Denver County real property records.
   b. The Zoning Administrator may allow withdrawal from a special parking arrangement authorized by this Section 10.4.5.3 to result in a permanent deficiency of the required amount of parking spaces that was otherwise allowed as part of the special parking arrangement if:
      i. The owner(s) demonstrate that best efforts, as determined by the Zoning Administrator, were made to maintain and continue the authorized special parking arrangement; or,
      ii. By no fault of the owner(s), the justification or factual basis for the reduction no longer applies or exists. Example, the relocation of a Multi-Modal Transportation stop, where the subject property is no longer within the requisite proximity to receive a parking reduction.

B. Reductions Allowed
The Zoning Administrator shall allow an applicant to apply reductions to the minimum number of required vehicle parking spaces upon finding that the additional requirements and special review process stated in the following table have been met:
<table>
<thead>
<tr>
<th>TYPE OF REDUCTION</th>
<th>APPLICABLE ZONE DISTRICTS</th>
<th>APPLICABLE USE</th>
<th>ADDITIONAL REQUIREMENTS</th>
<th>REDUCTION ALLOWED</th>
<th>SPECIAL REVIEW PROCESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Housing</td>
<td>All Zone Districts</td>
<td>Primary Residential Uses</td>
<td>The development provides proof that it is eligible for an exception to payment of the linkage fee under D.R.M.C. Section 27-154(a)-(d), or the development provides proof that it complies with the provisions of D.R.M.C. Section 27-155.</td>
<td>20% reduction in the total number of required vehicle parking spaces for all primary residential uses contained in a building that provides housing that can only be rented or purchased by households of a certain area median income level; this reduction will not apply to any structure that does not provide the housing described above.</td>
<td>See Section 10.4.5.3.A.5</td>
</tr>
<tr>
<td>Assisted Living Facility</td>
<td>All Zone Districts</td>
<td>Assisted Living Primary Use</td>
<td>The reduction shall be allowed only upon finding that the assisted living facility generates less parking need or demand due to the specific nature and character of the facility, its occupants, and/or visitors; and if a reduction is permitted under this provision, no additional parking reduction otherwise available under this Code shall be granted.</td>
<td>0.5 space per unit reduction in the total number of required vehicle parking spaces</td>
<td>Section 12.4.2, Zoning Permit with Informational Notice</td>
</tr>
<tr>
<td>Proximity to Multi-Modal Transportation</td>
<td>Suburban (S-), Urban Edge (E-), Urban (U-), or General Urban (G-), Industrial (I-), or Master Planned (M-) Zone District</td>
<td>Any Primary Use</td>
<td>Any Primary Use located on a Zone Lot having its nearest point within 1/4 mile of the outer boundary of a Rail Transit Station Platform or 1/4 mile of an enhanced transit corridor as defined in Blueprint Denver.</td>
<td>25% reduction in the total number of required vehicle parking spaces</td>
<td>See Section 10.4.5.3.A.5</td>
</tr>
<tr>
<td>On-Site Car Sharing</td>
<td>All Zone Districts, except Campus Zone Districts</td>
<td>Any Residential Primary Use</td>
<td>Where an active car-sharing program is available in the same building or on the same zone lot as that Primary Use and is made available to the residents in the same building where the residential units are located</td>
<td>5 required vehicle parking spaces reduced for each 1 car share space provided</td>
<td>See Section 10.4.5.3.A.5</td>
</tr>
<tr>
<td></td>
<td>Campus Zone Districts</td>
<td>Any Primary Use</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DIVISION 10.12 INCENTIVES FOR AFFORDABLE HOUSING

SECTION 10.12.1 HEIGHT INCENTIVES

10.12.1.1 Enhanced Affordable Housing

A. Intent
To encourage additional affordable housing beyond mandatory requirements by providing flexibility in building height.

B. Applicability
This Section 10.12.1.1 shall apply to the Apartment, General, and Shopfront primary building forms in the following zone districts.

1. Suburban Context (S-)
   a. Multi Unit (MU) zone districts: S-MU-3, S-MU-5, S-MU-8, S-MU-12, S-MU-20
   b. Commercial Corridor (CC) zone districts: S-CC-3, S-CC-3x, S-CC-5, S-CC-5x
   c. Mixed Use (MX) zone districts: S-MX-3, S-MX-3A, S-MX-5, S-MX-5A, S-MX-8, S-MX-8A, S-MX-12, S-MX-12A
   d. Main Street (MS) zone districts: S-MS-3, S-MS-5

2. Urban Edge Context (E-)
   b. Commercial Corridor (CC) zone districts: E-CC-3, E-CC-3x
   c. Mixed Use (MX) zone districts: E-MX-3, E-MX-3A
   d. Main Street (MS) zone districts: E-MS-3, E-MS-5

3. Urban Context (U-)
   b. Mixed Use (MX) zone districts: U-MX-3
   c. Main Street (MS) zone districts: U-MS-3, U-MS-5

4. General Urban Context (G-)
   a. Multi Unit (MU) zone districts: G-MU-3, G-MU-5, G-MU-8, G-MU-12, G-MU-20
   c. Residential Mixed Use (RX) zone districts: G-RX-3, G-RX-5
   d. Mixed Use (MX) zone districts: G-MX-3
   e. Main Street (MS) zone districts: G-MS-3, G-MS-5

5. Urban Center Context (C-)
   a. Residential Mixed Use (RX) zone districts: C-RX-5, C-RX-8, C-RX-12
   b. Mixed Use (MX) zone districts: C-MX-3, C-MX-5, C-MX-8, C-MX-12, C-MX-16, C-MX-20
   c. Main Street (MS) zone districts: C-MS-5, C-MS-8, C-MS-12

6. Industrial Context (I-)
   a. Mixed Use (MX) zone districts: I-MX-3, I-MX-5, I-MX-8, I-MX-12
C. Exceptions

1. This Section 10.12.1.1 shall not apply to a Primary Structure where the total square footage of Parking Spaces and Parking Aisles comprises 50% or more of the total gross square footage of all Uses.

2. This Section 10.12.1.1 shall not apply to the Downtown Arapahoe Square 12+ and 20+ (D-AS-12+, D-AS-20+) zone districts or the Downtown Central Platte Valley - Auraria (D-CPV-T, D-CPV-R, D-CPV-C) zone districts. Refer to Article 8 for specific height incentive applicability and standards.

D. Standards

1. A Structure that qualifies for the incentives 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 may develop to the maximum height with incentives set forth in the applicable building form table and summarized below.

<table>
<thead>
<tr>
<th>MAXIMUM HEIGHT WITH INCENTIVES IN STORIES AND FEET</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZONE DISTRICT</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>3-story zone districts</td>
</tr>
<tr>
<td>5-story zone districts</td>
</tr>
<tr>
<td>8-story zone districts</td>
</tr>
<tr>
<td>12-story zone districts</td>
</tr>
<tr>
<td>16-story zone districts</td>
</tr>
<tr>
<td>20-story zone districts</td>
</tr>
</tbody>
</table>

2. Maximum height with incentives may be limited if the Primary Structure is located near a Protected District per the rules set forth in the applicable building form standards and in Section 13.1.3.4 Height in Feet.

10.12.1.2 Enhanced Linkage Fees

A. Intent

To encourage additional affordable housing linkage fee payments beyond mandatory requirements by providing flexibility in building height for nonresidential projects near high-capacity transit.

B. Applicability

This Section 10.12.1.2 shall apply to the General and Shopfront primary building forms on Zone Lots that have their nearest point within 1/2 mile of the outer boundary of a Rail Transit Station Platform and are located in Urban Center Residential Mixed Use (C-RX), Mixed Use (C-MX), or Main Street (C-MS) zone districts.

C. Standards

1. A Structure that is primarily nonresidential and provides payment of a linkage fee, as set forth in D.R.M.C. Chapter 27, Article V Dedicated Funding for Affordable Housing and any applicable Rules and Regulations, that is equal to two (2) times the current applicable rate may develop to the maximum height with incentives set forth in the applicable building form table. For the purposes of this section, a Structure that is primarily nonresidential shall mean that Primary Residential Uses comprise 50% or less of the total gross floor area excluding parking.
MAXIMUM HEIGHT WITH INCENTIVES IN STORIES AND FEET

<table>
<thead>
<tr>
<th>ZONE DISTRICT</th>
<th>GENERAL BUILDING FORM</th>
<th>SHOPFRONT BUILDING FORM</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-story zone districts</td>
<td>4/55'</td>
<td>4/55'</td>
</tr>
<tr>
<td>5-story zone districts</td>
<td>7/95'</td>
<td>7/95'</td>
</tr>
<tr>
<td>8-story zone districts</td>
<td>12/150'</td>
<td>12/150'</td>
</tr>
<tr>
<td>12-story zone districts</td>
<td>16/200'</td>
<td>16/200'</td>
</tr>
<tr>
<td>16-story zone districts</td>
<td>22/275'</td>
<td>22/275'</td>
</tr>
<tr>
<td>20-story zone districts</td>
<td>30/375'</td>
<td>30/375'</td>
</tr>
</tbody>
</table>

2. Maximum height with incentives may be limited if the Primary Structure is located near a Protected District per the rules set forth in the applicable building form standards and in Section 13.1.3.4 Height in Feet.

SECTION 10.12.2 FLOOR AREA PREMIUMS OR INCENTIVES

10.12.2.1 Intent
To encourage additional affordable housing beyond mandatory requirements by providing flexibility in building floor area where applicable in Downtown Neighborhood Context (D-) zone districts.

10.12.2.2 Applicability
This Section 10.12.2 shall apply to the Downtown Core and Downtown Theater District (D-C/D-TD), Downtown Golden Triangle (D-GT), and Downtown Arapahoe Square (D-AS) zone districts.

10.12.2.3 Standards
Refer to Article 8 for specific floor area premium or incentive applicability and standards.

SECTION 10.12.3 PARKING INCENTIVES

10.12.3.1 Intent
To encourage on-site affordable housing and mixed income development by reducing or eliminating vehicle parking requirements.

10.12.3.2 Standards
Refer to Section 10.4.5.1, Vehicle Parking Exemptions and Section 10.4.5.2 Alternative Minimum Vehicle Parking Ratios for specific applicability and standards.
B. Unusual Physical Conditions or Circumstances

1. There are unusual physical circumstances or conditions, including, without limitation:
   a. Irregularity, narrowness or shallowness of the lot; or
   b. Exceptional topographical or other physical conditions peculiar to the affected property; or
   c. Unusual physical circumstances or conditions arising from an existing, nonconforming or compliant structure existing on the affected property; and

2. The circumstances or conditions do not exist throughout the neighborhood or zone district in which the property is located, or the circumstances or conditions relate to drainage conditions and challenges found consistently throughout the neighborhood or zone district in which the property is located; and

3. The unusual physical circumstances or conditions have not been created by the applicant.

C. Designated Historic Property or District

The property could be reasonably developed in conformity with the provisions of this Code, but the building has been designated as a Historic Structure or is in a designated historic district. As part of the review pursuant to D.R.M.C., Chapter 30 (Landmark Preservation), the approving authority has found that development on the Zone Lot conforming to this Code’s regulations would have an adverse impact upon the historic character of the individual landmark or the historic district, if a historic district is involved.

D. Compatibility with Existing Neighborhood

1. The property could be reasonably developed in conformity with the provisions of this Code, but the proposed adjustment or variance will result in a building form that is more compatible, in terms of building height, siting, and design elements, with the existing neighborhood in which the subject property is located. In making a determination of whether the subject property, with the proposed variance, would be more compatible with the existing neighborhood, the decision-making body may choose not to consider primary or accessory buildings in the existing neighborhood that have been granted variances or administrative adjustments based on unusual physical circumstances or conditions of such properties.

2. "Existing neighborhood" shall mean:
   a. For changes in building or site elements within the rear 35% of a zone lot: Any similar zone lot or building on a zone lot which is located on the same face block or on an adjacent face block (i.e., across a rear property line or rear alley).
   b. For changes in building or site elements within the front 65% of a zone lot: Any zone lot or primary building on a zone lot which is located on the same face block or the face block across a public street from the subject building.

3. For purposes of a variance review only, the Board of Adjustment may consider similar buildings located beyond the same face block, opposite face block, or adjacent face block from the subject building if the Board deems doing so reasonable and necessary to make its determination of compatibility with the existing neighborhood. This allowance does not apply to review of a request for an administrative adjustment.
ARTICLE 13. RULES OF MEASUREMENT & DEFINITIONS
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### ARTICLE 13. RULES OF MEASUREMENT & DEFINITIONS

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<td>Introduction</td>
<td>13.1-1</td>
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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)

1. Rule of Measurement

Overall height in feet shall be measured as the vertical distance in feet from a base plane to the highest point of a building or structure. See Figures 13.1-19 and -20.

2. Exceptions

Exceptions from overall height in feet are found in each of Articles 3-9 of this Code.
B. Feet, within 175 feet of Protected District (max)

1. **Rule of Measurement**
   Height of a building Structure or any portion thereof, developed with or without height incentives, that is within 175 feet of a Protected District on the subject property shall not exceed the maximum height standard contained within the specified in the applicable building form table if the subject building is within a certain distance from any Protected District zone district boundary line.

C. Feet (min)

1. **Intent**
   To provide a minimum street wall.

2. **Rule of Measurement**
   Minimum building height shall be measured as the vertical distance in feet from a base plane to the highest point of a roof or to the top of a parapet wall which runs along the Street-facing sides of the building. See Figure 13.1-21.
D. Basis of Zone Lot Size (Area) and Width

1. Intent
   To recognize historic development patterns by requiring certain specified dimensions of a Zone Lot to be measured based on Record Documents rather than based on actual surveyed dimensions, and where Record Documents are not available, to clarify how certified survey measurements will be interpreted for purposes of zoning compliance.

2. Applicability and Exceptions
   This rule of measurement shall be applied to determine the dimensions of a Zone Lot as they relate to compliance with the following standards only:
   a. Qualifications for permitted height increase based on Zone Lot Width in the applicable Building Form Tables in Articles 3-9;
   b. Zone Lot Size (Area) as stated in the following Code provisions:
      i. In the applicable Building Form Tables in Articles 3-9 for the Suburban House, Urban House, Duplex, Tandem House, and Row House Primary Building Forms; and
      ii. In Residential Zone Districts only, the applicable Building Form Tables in Articles 3-9 for Detached Garage, Detached Accessory Dwelling Unit, and Other Detached Accessory Structure Building Forms for detached accessory structures;
      iii. In the applicable Cherry Creek General - Small Lot on South Side of 3rd Avenue Building Form Table in Article 7;
      iv. As applicable, Zone Lot Area in Overlay District standards stated in Article 9. and
      v. Qualification for a "Small Zone Lot" according to Section 10.4.5.1, Vehicle Parking Exemptions, of this Code.
   c. Zone Lot Width as stated in the following Code provisions:
      i. In the applicable Building Form Tables in Articles 3-9 for the Suburban House, Urban House, Duplex, Tandem House, and Row House Primary Building Forms;
      ii. In Residential Zone Districts only, in the applicable Building Form Tables in Articles 3-9 for Detached Garage, Detached Accessory Dwelling Unit, and Other Detached Accessory Structure Building Forms for detached accessory structures;
      iii. In the applicable Cherry Creek General - Small Lot on South Side of 3rd Avenue Building Form Table in Article 7; and
      iv. As applicable, Zone Lot Width in Overlay District standards stated in Article 9.
   d. All other standards and rules of measurement in this Code that reference dimensions of the subject Zone Lot or real property shall be based on measurements contained in an Improvement Survey Plat (ISP) or a Land Survey Plat (LSP) prepared by a Qualified Professional.
3. **Rule of Measurement**

   a. The Zoning Administrator shall make a final determination of the dimensions of the Zone Lot based on the Record Document, where available. For the purposes of this provision, a "Record Document" shall mean the recorded Plat or Subdivision that specifies historic platted lot measurements applicable to the subject property.

   b. Where a Record Document is not available, an applicant shall submit an Improvement Survey Plat (ISP) or a Land Survey Plat (LSP) prepared by a Qualified Professional to determine the dimensions of the Zone Lot. When a Zone Lot measurement is within one-tenth of a foot per 25 feet of the applicable standard, it shall be determined to meet that standard.

   **For example:** The required minimum side interior setback for an Urban House building form in an U-SU zone district varies depending on the Zone Lot Width. According to this rule of measurement, for example, as long as the ISP or LSP shows a Zone Lot Width of between 74.7' and 75.3', the setback standard applicable to a 75-foot wide Zone Lot will apply. The formula applied in this example is broken down below:

   - The Zone Lot Width threshold at issue for determining the applicable setback is 75 feet. Using the results of an ISP or LSP, an applicant needs to know whether to apply the setback standard for a less-than-75-feet wide zone lot (5 feet) or the setback standard for a 75 feet or more wide zone lot (7.5 feet).
   - One-tenth of 1 foot = 0.10
   - For a 75-foot width threshold at issue, 25 feet goes into 75 feet 3 times (75 divided by 25 = 3)
   - 0.10*3 = 0.30
   - 75 feet minus .30 feet = 74.7 feet, which is the minimum end-point of a survey measurement that will get applied as equivalent to 75 feet.
   - 75 feet plus .30 feet = 75.3 feet, which is the maximum end-point of a survey measurement that will get applied as equivalent to 75 feet.

13.1.5.2 Determination of Primary Street Zone Lot Line, Side Street Zone Lot Line, Side Interior Zone Lot Line, and Rear Zone Lot Line for All Zone Districts EXCEPT CC, MX, MS, C-CCN, **D-GT**, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts

A. **General Provisions**

   1. **Intent and Applicability**

      a. **Intent**

         To provide a reference of measurement for standards related to form and building placement (e.g. Build-to, Setback).

      b. **Applicability**

         This Section 13.1.5.2 shall apply to determine Zone Lot Lines in all zone districts except in the CC, MX, MS, C-CCN, **D-GT**, D-AS-12+, D-AS-20+, D-CPV-T, D-CPV-R, and D-CPV-C Zone Districts.

   2. **General Requirements**

      a. A primary street zone lot line or a side street zone lot line may abut a private street if approved by the Zoning Administrator.

      b. Once designated for a zone lot, zone lot line designations cannot be changed after development (e.g., a primary street cannot, for purposes of subsequent development, be re-designated a side street) unless all requirements of the zone district can be met.
13.1.5.5 Determination of Primary Street, Side Street, Side Interior, and Rear Zone Lot Lines in the DO-7 Overlay District

A. Intent
To provide a reference of measurement for standards related to form and building placement while promoting pedestrian-oriented frontages and an active riverfront experience with visual interest and variety in the DO-7 district.

B. General Requirements
The general requirements set forth for all CC, MX, and MS Zone Districts in Section 13.1.5.4.B, General Requirements, shall apply in addition to the requirements set forth in this Section 13.1.5.6.

C. Criteria for Zoning Administrator Determinations
For all Underlying Zone Districts, the Zoning Administrator shall designate a Zone Lot’s Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable, based on an analysis of the provisions set forth in Section 13.1.5.4.C, Criteria for Zoning Administrator Determinations, except that:

1. In lieu of the provisions set forth in Section 13.1.5.4.C.2.a, the Zoning Administrator may designate more than one Primary Street Zone Lot Line in any Underlying Zone District where:
   a. Guidance provided in any applicable Infrastructure Master Plan, Site Development Plan, regulating plan, and/or Urban Design Standards and Guidelines, such as designation of pedestrian priority streets in such plan, indicates the need for designation of multiple Primary Street Zone Lot Lines.
   b. The Blueprint Denver Street Classification of all Abutting streets, per the table in Section 13.1.5.4.C.2.b indicates Primary Street Zone Lot Line designation for more than one Abutting street.

2. The Zoning Administrator shall designate Zone Lot Lines that Abut named streets (such as Wynkoop and Larimer streets) as Primary Street Zone Lot Lines, except that:
   a. Any Zone Lot Line that is Adjacent to 35th Street shall also be designated as a Primary Street Zone Lot Line in addition to the named street.
   b. Where a Corner Zone Lot Abuts more than one named street, the Zoning Administrator may elect to designate only one of the named streets as a Primary Street based on an analysis of the Blueprint Denver Street Classification of each named street.

3. Any Zone Lot Line that Abuts, and is roughly parallel to, the South Platte River, or a Street that is Adjacent to the South Platte River, shall be designated as a Primary Street Zone Lot Line. See Figure 13.1-54.

4. Any Zone Lot Line that Abuts a Public Park shall be designated as a Side Street Zone Lot Line.

D. Corner Zone Lot, Double Frontage Zone Lot, or Zone Lot with Frontage 3 or More Streets
In lieu of the provisions set forth in Sections 13.1.5.4.E-G, 13.1.5.3.E-G, the Zoning Administrator shall designate a Zone Lot’s Primary Street, Side Street, Side Interior and Rear Zone Lot Lines, as applicable, according to the criteria set forth in Section 13.1.5.6.C. See Figure 13.1-52.
7. **Drive Way Access**
   
   a. **Applicability**
   The build-to alternative Drive Way Access may only be used when vehicular access is required from the street.
   
   b. **Rule of Measurement**
   The Build-To Alternative shall be calculated by subtracting the alternative from the Build-To requirement. For example, on a 100 foot wide Zone Lot where the Build-To percentage is 70 percent, 70 feet of the building must be within the build-to range. When using the Drive Way Access Build-To Alternative, a maximum of 12 feet is subtracted from 70 foot required build-to, resulting in a required build-to of 58 feet. See Figure 13.1-61.
13.1.5.8 Setbacks

A. Intent
Setbacks are intended to provide adequate separation for privacy and access to sunlight and to provide a minimum unobstructed horizontal distance between a Zone Lot line and the location of Uses and Structures on a Zone Lot.

B. Applicability
This Section 13.1.5.8 shall provide rules of measurement for Setbacks in all zone districts, except when the more specific rule of measurement for "Residential Setback" in Section 13.1.5.10 applies. See also Section 13.1.5.9 for determining the Primary Street Setback Offset Distance.

C. Rule of Measurement
The Setback shall be the portion of the Zone Lot located between a Zone Lot Line and a continuous parallel line or curve offset from and following along the respective Zone Lot Line. Except as specifically required below, the offset distance shall be equal to that specified in the applicable Building Form table or in an applicable standard stated elsewhere in this Code or in a Planned Unit Development (PUD) zone district. The Setback shall extend continuously across the full width or length of the Zone Lot, overlapping with any other Setback. See Figure 13.1-62.
13.1.5.9 Determination of Primary Street Setback Offset Distance

A. Intent
To provide a method to establish a contextual Primary Street setback offset distance appropriate to existing conditions.

B. Applicability
This Section 13.1.5.9 shall apply when no single numerical distance is prescribed for the Primary Street setback offset distance in the applicable building form table, except when the more specific rule for "Residential Setback" in Section 13.1.5.10 applies. See also Section 13.1.5.8 for how to measure the determined for Primary Street Setback offset distance.

C. Determination of Primary Street Setback Offset Distance
1. Using Reference Lots
Except for the conditions identified below, Reference Zone Lots shall be identified per Section 13.1.5.9.D to determine the Primary Street Setback offset distance. The Primary Street setback offset distance shall be equal to the one shortest distance measured from a Facade of a Primary Residential Structure on the Reference Zone Lots to its respective Primary Street Zone Lot Line.

2. Conditions When Reference Zone Lots are Not Applicable
For the conditions identified below, Reference Zone Lots are not required to establish the Primary Street setback offset distance and the Primary Street setback offset distance shall be determined as follows:
   a. When a single numerical distance is prescribed for the Primary Street setback offset distance in the applicable building form table (with no reference to this Section 13.1.5.9), the Primary Street setback offset distance shall be equal to that prescribed numerical distance.
   b. When the conditions described in the table below exist, the Primary Street setback offset distance shown in the table below shall apply:

<table>
<thead>
<tr>
<th>Zone District</th>
<th>Building Form</th>
<th>Conditions When Reference Zone Lots are Not Applicable</th>
<th>Primary Street Setback Offset Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>G-MU-3 and G-RO-3</td>
<td>Garden Court, Town House, and Apartment Building Forms</td>
<td>If the Face Block of the subject Zone Lot does not include at least 3 Zone Lots, including the subject Zone Lot, that (a) contain Primary Residential Structures that are completely constructed, and (b) share the same Primary Street Zone Lot Line designation as the subject Zone Lot.</td>
<td>10 feet</td>
</tr>
<tr>
<td></td>
<td>All Other Building Forms</td>
<td></td>
<td>20 feet</td>
</tr>
<tr>
<td>All Other Zone Districts</td>
<td>All Building Forms</td>
<td></td>
<td>20 feet</td>
</tr>
</tbody>
</table>

3. Administrative Adjustment Available
The applicant may request an Administrative Adjustment to determine the Primary Street setback distance per Section 12.4.5.3, Permitted Types of Administrative Adjustments.

D. Identification of Reference Zone Lots
1. Standard
Except as specifically required below, the Reference Zone Lots for establishing the Primary Street Setback shall be determined by identifying the two closest Zone Lots to the...
ii. The rules for determining the Reference Zone Lots follow, and only one rule from the three possible rules below shall apply:

a) If only one Zone Lot in the evaluation has a Primary Street setback less than 20 feet, said Zone Lot with the less than 20 feet setback shall be considered an outlier and removed from consideration of establishing the minimum setback. The next two closest Reference Zone Lots (not including the subject property or the outlier zone lot) shall be evaluated to establish the minimum setback. See Figure 13.1-65.

b) If a majority of the Zone Lots in the evaluation have a Primary Street setback of less than 20 feet, the two closest Reference Zone Lots (not including the subject property) shall be evaluated to establish the minimum setback. See Figure 13.1-66.

c) If a minority of Zone Lots in the evaluation has a Primary Street setback of less than 20 feet, the Zoning Administrator shall establish the minimum setback based on an analysis of the pattern of all Zone Lots on the subject Face Block. See Figure 13.1-67.

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**Figure 13.1-65**

**Figure 13.1-66**

**Figure 13.1-67**

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**c. Exception when Reference Zone Lot Front Facade Setback 50% of the Zone Lot Depth or Greater**

i. If the facade of only one of the structures on a Reference Zone Lot, identified in subsection 13.1.5.9.D.1. above, is setback 50% of the Zone Lot Depth or more from the Primary Street Zone Lot Line, then the next two closest qualifying Reference Zone Lots shall be added into the evaluation. For purposes of this subsection, "closest" is measured as the shortest linear distance in feet between the two nearest Zone Lot Lines of the subject property and a possible Reference Zone Lot.

ii. The subject Zone Lot shall be added to the evaluation if it contains a structure that will not be demolished, as evidenced in submitted plans, issued permits, or otherwise determined by the Zoning Administrator. The rules for determining the reference Zone Lots follow, and only one rule from the possible rules below shall apply:
3. Rule of Measurement
   a. A detached accessory structure subject to this rule of measurement:
      i. Shall be located a minimum of 10 feet behind 75% of the total width of the
         Primary Street-facing facade(s) of at least one Primary Structure on the zone
         lot; and
      ii. Shall not be located between any portion of the Primary Street-facing Facades
          of each Primary Structure on the zone lot and the Primary Street zone lot line,
          except that a detached accessory structure may be located between two or
          more Primary Structures as long as the subject detached accessory structure
          does not have a Primary Street-facing Facade.
      iii. A Facade is "Street-facing" when it meets the criteria in Section 13.1.6.5 De-
          termination of "Street-Facing" Building Elements.

   See Figure 13.1-72.

   b. As an alternative to compliance with the rule stated in Section 13.1.5.12.3.C above,
      the DRC may approve the location(s) of detached accessory structures during the
      Site Development Plan process stated in Section 12.4.3. The DRC shall find that
      the location(s) of such detached accessory structures is consistent with the intent
      stated in this Section 13.1.5.12.C. The approved location(s) for detached accessory
      structures shall be shown on the face of the approved Site Development
      Plan to allow future permitting consistent with such location(s).

   D. Location of Detached Structure When There is No Primary Street-facing Facade
   When a Zone Lot does not contain a Primary Structure with a Primary Street-facing Facade, the
   Zoning Administrator shall determine a Primary Street Setback applicable to a detached access-
   sory structure consistent with the intent of this Section 13.1.5.12 and based upon an analysis of
   the prevailing building orientation and setback patterns for all structures located on the same
   and opposite Face Blocks as the subject Zone Lot.
SECTION 13.1.6 DESIGN ELEMENT FORM STANDARDS

The design element form standards of this Code are defined and measured as set forth below.

13.1.6.1 Building Configuration

A. Front or Side Wall Length / Overall Structure Length or Width

1. The length of the front or side wall of a structure, or the overall structure length, shall be measured parallel to the primary street, side street, or side interior zone lot line and includes the length of a Completely Enclosed Structure plus the length of any portion of any attached Partially Enclosed Structure(s), as shown in Figure 13.1-76.

2. The overall structure width includes the length of a Completely Enclosed Structure plus the length of any portion of any attached Partially Enclosed Structure(s) and shall be measured parallel to the primary street zone lot line or the side street/side interior zone lot line, whichever zone lot line is shorter.

3. The Zoning Administrator shall determine the zone lot line corresponding with the overall structure width in cases where the length of the primary street zone lot line and side street/side interior zone lot line are equal.

Figure 13.1-76

B. Private Open Space

1. **Intent**
   To create quality privately owned open spaces that are adjacent and physically open to the street. Private open space should provide visual interest and activate the pedestrian realm.

2. **Applicability**
   This section applies where Primary Building Form Standards or Overlay District Standards specify a minimum percentage of Private Open Space or when Private Open Space is used as an alternative to a Street Level nonresidential active use requirement.

3. **Rules of Measurement**
   a. Private Open Space shall be calculated as a percentage (%) using the total area open to the sky, subject to the below requirements, divided by the total gross square footage of the Zone Lot and multiplied by 100.
   b. For purposes of Private Open Space measurement, the total area open to the sky:
Article 13. Rules of Measurement & Definitions

Division 13.1 Rules of Measurement

DENVER ZONING CODE
June 25, 2010 | Republished July 1, 2021

DZC TEXT AMENDMENT – EXPANDING HOUSING AFFORDABILITY
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i. Shall not be covered by Off-Street Parking Area or a Completely or Partially Enclosed Structure, but may include Open Structures excluding Exterior Balconies. Private Open Space may also include tables, chairs, benches, sculptures and similar elements.

ii. May include the operation of any unenclosed primary, accessory, or temporary uses permitted in the zone district.

iii. Shall Abut a Primary Street or Side Street Zone Lot Line.

iv. Shall be fully visible from a Primary Street or Side Street.

v. Shall not be permanently enclosed by railings, fences, gates, or walls that do not allow public access during business hours.

vi. Shall contain at least one Minimum Contiguous Area, subject to the minimum dimensions below. The width of the Minimum Contiguous Area shall be measured parallel to the Primary Street or Side Street Zone Lot Line, shown as "A" in Figure 13.1-77. The depth of the Minimum Contiguous Area shall be measured as the horizontal distance between the Primary Street or Side Street Zone Lot Line and the closest facade of the exterior building wall facing the Primary Street or Side Street, measured perpendicular to the Zone Lot Line, shown as "B" in Figure 13.1-77.

a) For Zone Lots 9,375 square feet or less, as of October 27, 2014, the Minimum Contiguous Area shall be at least 15 feet wide and 15 feet deep.

b) For Zone Lots 9,375 square feet or less as of October 27, 2014, in the C-CCN zone districts, where the Zone Lots Abuts the southern boundary of the 3rd Avenue right-of-way, the Minimum Contiguous Area shall be at least 15 feet wide and 15 feet deep and shall Abut, be fully visible from, and fully accessible from the 3rd Avenue right-of-way.

c) For Zone Lots in the D-GT zone district, at least one instance of Private Open Space shall contain a Minimum Contiguous Area at least 15 feet wide and 30 feet deep. Any additional separate Private Open Space areas shall contain a Minimum Contiguous Area at least 15 feet wide and 15 feet deep.

d) For all other Zone Lots the Minimum Contiguous Area shall be at least 15 feet wide and 30 feet deep.

Figure 13.1-77

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Not to Scale. Illustrative Only.
d. **Permanent Outdoor Eating/Serving Areas**

i. Permanent accessory outdoor eating/serving areas shall be located between the building and the Primary Street or Side Street zone lot line depending on which transparency standard (Primary or Side Street) the alternative is applied toward.

ii. Outdoor eating/serving areas are measured as the linear width (in feet, measured to the outside posts or railings of an outdoor eating/serving area), divided by the total length of the same street-facing building façade (including any open parking structure entrances). See Figure 13.1-107.

iii. —

iv. —
SECTION 13.1.12 MEASUREMENT TO DETERMINE VOLUNTARY DEMOLITION

13.1.12.1 Rule of Measurement

A. "Voluntary Demolition," as defined in Division 13.3, shall be calculated by dividing the total square footage (surface area) of any component of the Exterior Wall assemblies to be removed by the total square footage (surface area) of the subject Exterior Wall assemblies. The calculation shall be expressed as a percentage. The full area of the new or enlarged opening shall be included in calculating the total surface area of removal.

B. See Division 13.3 for definitions of "Exterior Wall" and "Voluntary Demolition."

13.1.12.2 Exceptions

In calculating the total square footage (surface area) of any component of the Exterior Wall assemblies, only that square footage (surface area) of the Exterior Wall assemblies located at or above Street Level shall be included in the calculation. See Division 13.3 for definition of "Street Level."
DIVISION 13.3 DEFINITIONS OF WORDS, TERMS & PHRASES

The following words, terms and phrases, when used in this Code, shall have the meanings respectively ascribed to them. Definitions of uses are found in Article 11, Division 11.12, Use Definitions.

**Abandonment:** The voluntary relinquishment of an established use with the intent of permanently terminating such use or occupancy.

**Abut or Abutting:** To physically touch at a point or line; or to share a common property line, or zone lot line. Intervening streets and alleys destroy “abutting,” except where specifically allowed by this Code. For example, two zone lots that share a common zone lot line are “abutting” (and also “adjacent”).

**Access:** A way or means of approach to provide physical entrance to a property.

**Accessory Structure:** See definition of "Structure, Accessory".

**Accessory Use:** See definition of “Use, Accessory.”

**Adjacent:** Sharing a zone lot line or being separated only by an alley. Named or numbered streets destroy adjacency, except where specifically allowed by this Code.

**Alley:** Public right-of-way that is less in size than a "local" street (as classified by the DOTI), which is not designed for general vehicle travel, but which is used primarily as a means of vehicle access to the rear of residences and business establishments.

**Alley, Private:** An Alley that has been reserved in perpetuity by deed, easement, subdivision plat, or similar legal means for the primary purpose of vehicle access, but not dedicated to the City for public use.

**Alter or Alteration:** Any structural change in the supporting or load-bearing members of a building or structure, including but not limited to bearing walls, columns, beams, girders, floor joints.

**Antenna:** Any exterior transmitting or receiving devices mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**Applicant:** The owner or any other person with a recognized interest in the land for which development is proposed, or an authorized agent. The City may also be considered an applicant.

**Application, Complete:** See definition of “Complete Application” below.

**Arcade:** A covered passage, open on at least one side and accessible to the public at all times, extending along the outside wall of a building, and supported by arches or columns. “Arcade” shall not include off-street loading areas, driveways, off-street parking areas.

**Area Median Income:** Unless otherwise more specifically defined by this Code, shall have the same meaning as stated in D.R.M.C., Chapter 27, Article V Dedicated Funding for Affordable Housing.
Backhaul or Backhaul Network: The lines that connect a provider's tower/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Balcony, Exterior: An elevated floor space projecting beyond the exterior walls of a building that is not supported on the ground by posts, columns, or similar supporting structural elements. Generally, an exterior balcony is intended to be used for outdoor living, gardening, or other actively used outdoor space. An exterior balcony shall not include a landing abutting an entry.

Base Floor Area Ratio: The maximum floor area ratio, including all Structures on a Zone Lot, established in the Underlying Zone District to which Structures can be constructed without meeting the additional requirements set forth in the Underlying Zone District.

Base Height: the maximum Building Height established in the Underlying Zone District, including any Building Height limits associated with proximity to a Protected District, to which Structures can be constructed without meeting the additional requirements set forth in the Underlying Zone District or an Incentive Overlay District.

Berm: A mound of earth, or the act of pushing earth into a mound, usually for the purpose of shielding or buffering uses, or to control the direction of water flow.

Billboard: See “Outdoor General Advertising Device”.

Block: A tract of land bounded by platted streets, public parks, cemeteries, railroad rights-of-way, shore lines, or corporate boundaries of the city.

Block, Square: A block with contiguous sides, where the difference in length between the sides of the block is no greater than 50 feet.

Block, Oblong: A block with contiguous long and short sides, where the long side of the block is 50 feet or more greater in length than the short side of the block.

Block Face: See definition of “Face Block.”

Build-to: An alignment at the primary street or side street setback line of a zone lot, or within a range of setback from the zone lot line abutting a street, along which a Street-facing, primary building wall must be built.

Building: Any covered structure intended for the shelter, housing or enclosure of any person, animal or chattel.

Building Connector: A walkway covered by a Roof and used exclusively as a pedestrian trafficway external to the Structures it connects.

Building, Principal or Primary: A building in which is conducted the principal or primary use of the zone lot on which it is situated.

Building Form Standards: Standards applicable to the development of buildings and structures in this Code which, taken together, regulate building height (Building Height Standards), building siting (Siting Standards), building design elements (Design Element Standards), and the permitted use of buildings (Use Building Form Standards).
Impervious Material: A surface that has been compacted or covered with a layer of materials that is highly resistant to infiltration by water. Impervious materials include, but are not limited to, surfaces such as compacted sand, lime rock, or clay; asphalt concrete, driveways, retaining walls, stairwells, stairways, walkways, decks and patios at grade level, and other similar structures.

Incentive Floor Area Ratio: The maximum floor area ratio, including all Structures on a Zone Lot, established in the Underlying Zone District to which Structures can be constructed by meeting the additional requirements set forth in the Underlying Zone District.

Incentive Height: Additional Building Height permitted above the Base Height for development meeting the additional requirements set forth in the Underlying Zone District or an Incentive Overlay District.

Income Restricted Unit: A Dwelling Unit that meets specific criteria related to affordable housing as set forth in D.R.M.C., Chapter 27, Article X Mandatory Affordable Housing, any applicable Rules and Regulations, and has been approved by the City.

Industrial Zone District: The Industrial A (“I-A”) and the Industrial B (“I-B”) Zone Districts, but not including the Industrial Mixed Use (“I-X” or “M-IMX”) Zone Districts established by this Code.

Involuntary Demolition or Involuntarily Destruction: The destruction or demolition of a structure caused by natural forces (e.g., accidental fire; flood; tornado) and not by man-made forces.
Street, Private: Any road or street that is privately developed, owned, and maintained that provides access within a development.

Street Front or Frontage: Any boundary line of a zone lot or parcel of land that runs parallel to and within 20 feet of the right-of-way of a street or highway designated and assigned an individual name or number by the legislative action of the City.

Street Property Line: A common boundary between private property and a dedicated street or alley.

Structural Feature: Any part of a structure which is designed for or indicative of the intent to accommodate any given use.

Structure: Anything which is constructed or erected and the use of which requires more or less permanent location on ground or attachment to something other than wheels having permanent location on ground; an edifice or a building of any kind; any production or piece of work, artificially built up or composed of parts and joined together in some definite manner.

Structure - Group A:

Structure, Completely Enclosed: A structure enclosed by a permanent Roof less than 50% open to the sky and by solid Exterior Walls,

Structure, Partially Enclosed: A structure enclosed by a Roof less than 50% open to the sky and which does not have solid Exterior Walls.

Structure, Open: A structure that is at least 50% open to the sky.

Structure - Group B:

Structure, Conforming: A structure which, when originally constructed, was in full compliance with all zoning regulations applicable to structures, and which complies with the following current regulations applicable to structures:

1. All building form standards in this Code;
2. Standards for permitted structures in the Downtown, Campus, I-A, and I-B zone districts, as applicable, and
3. Standards established in Division 10.3, Multiple Buildings on a Single Zone Lot, as applicable.

A structure that meets this definition of “conforming structure”, but which does not comply with zoning standards that are inapplicable to structures (e.g., site design standards such as landscaping, parking amount, signage), are still “conforming structures” under this Code.

Structure, Compliant: A Structure that was lawful prior to the adoption, revision, or amendment to this Code, but which fails by reason of such adoption, revision, or amendment, to comply with one or more of the following Building Form Standards in this Code:

1. Height Standards
   a. Minimum, feet
   b. Maximum, feet and stories
   c. Maximum, feet and stories with incentives
   d. 3rd Avenue CCN bulk plane
Appendix 2

Map amendment proposal
**Zone Map Amendment (Rezoning) - Legislative Rezoning Proposal**

<table>
<thead>
<tr>
<th>PROPERTY OWNER INFORMATION</th>
<th>REPRESENTATIVE*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner Name</td>
<td>Multiple owners</td>
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<tr>
<td>Address</td>
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</tr>
<tr>
<td>City, State, Zip</td>
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<tr>
<td>Telephone</td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td></td>
</tr>
<tr>
<td>Representative Name</td>
<td>Community Planning and Development Department</td>
</tr>
<tr>
<td>Address</td>
<td>201 W Colfax Ave, Dept 205</td>
</tr>
<tr>
<td>City, State, Zip</td>
<td>Denver, CO, 80202</td>
</tr>
<tr>
<td>Telephone</td>
<td>720-865-3091</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:kristofer.johnson@denvergov.org">kristofer.johnson@denvergov.org</a></td>
</tr>
</tbody>
</table>

**SUBJECT PROPERTY INFORMATION**

- **Location (address and/or boundary description):** Multiple properties near the 38th & Blake Station area in Council District 9 and including portions of the Elyria Swansea, Globeville, Five Points, and Cole neighborhoods. See attached map and legal descriptions.
- **Assessor's Parcel Numbers:** Multiple
- **Area in Acres or Square Feet:** Approximately 268.7 acres
- **Current Zone Districts:**

  - C-MX-3, DO-7, IO-1; C-MX-3, UO-1, UO-2, DO-7, IO-1; C-MX-5, DO-7, IO-1; C-MX-5, UO-2, DO-7, IO-1; C-MX-5, UO-1, DO-7, IO-1; C-MX-5, UO-2, DO-7, IO-1; C-MX-5, UO-1, DO-7, IO-1; C-MX-5, UO-2, DO-7, IO-1; C-MX-5, UO-1, DO-7, IO-1; C-MX-5, UO-2, DO-7, IO-1; I-MX-3, DO-7, IO-1; I-MX-3, UO-2, DO-7, IO-1; I-MX-5, DO-7, IO-1; I-MX-8, UO-2, DO-7, IO-1

**PROPOSAL**

- **Proposed Zone Districts:**

  - C-MX-3, DO-7; C-MX-3, UO-1, UO-2, DO-7; C-MX-5, DO-7; C-MX-5, UO-2, DO-7; C-MX-5, UO-1, UO-2, DO-7; C-MX-5, UO-2, DO-7; C-MX-5, UO-1, DO-7; C-MX-5, UO-2, DO-7; C-MX-3, DO-7; C-MX-3, UO-1, UO-2, DO-7; C-MX-5, DO-7; C-MX-5, UO-2, DO-7; C-MX-5, UO-1, DO-7; C-MX-5, UO-2, DO-7; C-MX-5, UO-1, DO-7; C-MX-5, UO-2, DO-7; C-MX-3, DO-7; C-MX-3, UO-1, UO-2, DO-7; C-MX-5, DO-7; C-MX-5, UO-2, DO-7; C-MX-5, UO-1, DO-7; C-MX-5, UO-2, DO-7; C-MX-3, DO-7; C-MX-3, UO-1, UO-2, DO-7; C-MX-5, DO-7; C-MX-5, UO-2, DO-7; C-MX-5, UO-1, DO-7; C-MX-5, UO-2, DO-7; C-MX-12, DO-7; I-MX-3, DO-7; I-MX-3, UO-1, UO-2, DO-7; I-MX-5, DO-7; I-MX-5, UO-2, DO-7; I-MX-8, DO-7; I-MX-8, UO-2, DO-7; I-MX-12, UO-2, DO-7

  - Removal of the IO-1 Incentive Overlay District and increase of certain underlying zone districts to maintain the maximum incentive height for most properties.

  - Public Review Draft of associated policies, amendments to the Denver Zoning Code, and amendments to the Denver Revised Municipal Code can be found here: [www.denvergov.org/affordabilityincentive](http://www.denvergov.org/affordabilityincentive)
<table>
<thead>
<tr>
<th>REVIEW CRITERIA</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>General Review Criteria: The proposal must comply with all of the general review criteria DZC Sec. 12.4.10.13</td>
<td></td>
</tr>
<tr>
<td>☑ Consistency with Adopted Plans: The proposed official map amendment is consistent with the City's adopted plans, or the proposed rezoning is necessary to provide land for a community need that was not anticipated at the time of adoption of the City's Plan</td>
<td></td>
</tr>
<tr>
<td>Please provide an attachment describing relevant adopted plans and how proposed map amendment is consistent with those plan recommendations; or, describe how the map amendment is necessary to provide for an unanticipated community need.</td>
<td></td>
</tr>
<tr>
<td>☑ Uniformity of District Regulations and Restrictions: The proposed official map amendment results in regulations and restrictions that are uniform for each kind of building throughout each district having the same classification and bearing the same symbol or designation on the official map, but the regulations in one district may differ from those in other districts.</td>
<td></td>
</tr>
<tr>
<td>☑ Public Health, Safety and General Welfare: The proposed official map amendment furthers the public health, safety, and general welfare of the City.</td>
<td></td>
</tr>
</tbody>
</table>
22i-00029 Key Map

- 38th & Blake Station Area
- Incentive Overlay District (IO-1)
  To be removed

Zone Districts with Change in Allowable Base Height

February 2022
Rezone Allowable Base Height
Detail Key Map
- Area 2: C-MX-3 to C-MX-5
- Area 3: C-MX-5 to C-MX-8
- Area 4: C-MX-8 to C-MX-12
- Area 5: I-MX-3 to I-MX-5
- Area 6: I-MX-5 to I-MX-8
- Area 7: I-MX-5 & I-MX-8 to I-MX-12

[Map showing various areas with different color codes and street names such as 39TH AVE, 38TH AVE, 40TH AVE, WAZEE ST, CHESTNUT PL, 55TH ST, 38TH ST, 53RD ST, etc.]
Area 4 Detail
C-MX-8  to C-MX-12
Area 5 Detail
I-MX-3 to I-MX-5

Provident Park

Hodgson’s Addition to Swansea

February 2022
38TH & BLAKE LEGISLATIVE REZONING DESCRIPTION

Denver needs more affordable housing across the income spectrum. In addition to existing affordable housing programs, the City and County of Denver is developing a policy to ensure that as new homes are built in Denver, more affordable homes are built too—both to rent and to buy. This larger effort is the Expanding Housing Affordability (EHA) project. This includes (1) requiring new residential development of ten or more units to provide a portion of units as affordable while providing multiple incentives, including height incentives, and gradually increasing the linkage fee on non-residential development or residential developments of nine or fewer units. This effort will result in changes to the Denver Zoning Code and the Denver Revised Municipal Code. This project is the result of an expansive community and stakeholder outreach process over the last several years and that is still on-going.

Additionally, Community Planning and Development is sponsoring a legislative map amendment, or rezoning, that would bring the existing 38th & Blake Station Area Incentive Overlay District (IO-1) and underlying zone districts into alignment with a new citywide incentive system proposed as part of the EHA project.

The proposal includes zoning height incentives for future development to increase the overall supply of housing, generate additional affordable housing, and off-set some of the costs of providing affordable units on-site. The area around the 38th & Blake Station currently includes a zoning height incentive overlay system that accomplishes similar objectives. The EHA policies and associated amendments to the Denver Zoning Code (DZC) and Denver Revised Municipal Code are anticipated to be adopted by City Council in June 2022. They will apply to all of Denver and establish a consistent incentive approach that will also result in the removal of the IO-1 Overlay District from the DZC. This concurrent legislative rezoning will update the zone districts of properties within the existing 38th & Blake incentive overlay area to conform with the new rules.

<table>
<thead>
<tr>
<th>PROPOSED TO REZONE FROM</th>
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<tr>
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<td>I-MX-12, UO-1, UO-2, DO-7</td>
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The 38th & Blake legislative rezoning is proposed to maintain the maximum incentive heights allowed in this area and create more affordable units at lower levels of affordability than is currently required by the existing IO-1.

This will be accomplished through two changes within the rezoning (see Figures 1 and 2):

1. Remove the existing incentive overlay that applies in this area, known as the 38th & Blake Station Area Incentive Overlay District (IO-1).
2. Make appropriate increases to the existing underlying zone districts where necessary, such that the maximum incentive height allowed by the current IO-1 is maintained for most properties. In a few cases, the maximum incentive height may be reduced by one story.
For example, a property with existing 5-story base zoning and the ability to use incentive height up to 12 stories under the current IO-1, would be rezoned to 8-story base zoning and maintain the option to use incentive height up to 12 stories under the new EHA rules (see Figure 3, Scenario 1). A property that already has existing 8-story base zoning would simply have the IO-1 designation removed and still be able to use incentive height up to 12 stories (see Figure 3, Scenario 2).

LEGISLATIVE REZONING REVIEW CRITERIA

The criteria for review of all rezonings are found in DZC Section 12.4.10.7. These criteria are summarized as follows:

1. Consistency with Adopted Plans
2. Public Health, Safety and General Welfare
3. Uniformity of District Regulations and Restrictions

Note, because the City Attorney’s Office has determined this to be a legislative map amendment proposal, the additional criteria for non-legislative map amendments in DZC Section 12.4.10.8 do not apply.

The following information is a preliminary overview of how the proposed legislative rezoning meets the required criteria. A thorough evaluation and equity analysis will be provided as part of the staff report to Planning Board and City Council for the legislative rezoning and accompanying DZC text amendment.

1. Consistency with Adopted Plans

The following adopted plans apply to this proposed legislative rezoning:

- Comprehensive Plan 2040
- Blueprint Denver
- 38th & Blake Station Area Plan (including height amendments)
- River North Plan
- Elyria Swansea Neighborhood Plan
- Northeast Downtown Neighborhoods Plan

**Comprehensive Plan 2040**

The proposed rezoning is consistent with Denver’s *Comprehensive Plan 2040* goals and strategies, which are organized by vision element.

- **Equitable, Affordable, and Inclusive**
  - Goal 1 – Ensure all Denver residents have safe, convenient and affordable access to basic services and a variety of amenities.
  - Goal 2 – Build housing as a continuum to serve residents across a range of incomes, ages and needs.
Goal 3 – Develop housing that is affordable to residents of all income levels.

**Strong and Authentic Neighborhoods**
- Goal 1, Strategy A – Build a network of well connected, vibrant, mixed-use centers and corridors.

**Environmentally Resilient**
- Goal 8, Strategy A – Promote infill development where infrastructure and services are already in place.
- Goal 8, Strategy B – Encourage mixed-use communities where residents can live, work and play in their own neighborhoods.
- Goal 8, Strategy C – Focus growth by transit stations and along high- and medium- capacity transit corridors.

*Blueprint Denver*

*Blueprint Denver* is Denver’s citywide, long range, land use and transportation plan, adopted by City Council in 2019 as a supplement to *Comprehensive Plan 2040*. The area of the rezoning is identified as Regional Center, Community Center, Community Corridor, and High-Medium Residential future places within the Urban Center Neighborhood Context. These centers, corridors, and residential places in the Urban Center context are among the most active and highest growth categories, particularly given their proximity to a major transit facility like the 38th & Blake rail station. The rezoning accounts for this and makes appropriate adjustments to base zone districts to enable a level of development intensity that is equivalent to the current IO-1.

Several recommendations in the Land Use & Built Form section are also clearly met through the rezoning including:
- 02 – Incentivize or require efficient development of land, especially in transit-rich areas, and
- 06 – Increase the development of affordable housing and mixed-income housing, particularly in areas near transit, services, and amenities.

The proposed EHA height incentives are partly modeled on the existing IO-1 and will further enhance the provision of affordable housing in all projects regardless of whether they are within the base or incentive height. The proposed rezoning will continue to promote development that supports the complete neighborhood and transportation network vision in *Blueprint Denver*, including neighborhood context, place, street type and growth guidance.

*Small Area Plans*

The proposed rezoning is consistent with the land use and building height recommendations in the small area plans that apply to this area including the 38th & Blake Transit Station Plan and 2016 Height Amendments, River North Plan, Elyria Swansea Neighborhood Plan, and Northeast Downtown Neighborhood Plan. All of these plans envision the 38th & Blake area as a vibrant, mixed-use neighborhood that combines housing, commercial uses, and light manufacturing near transit in an active and engaging place that supports local businesses and artists. The IO-1 was developed as an outcome of the 38th & Blake Station Area Height Amendments and established a pilot program to encourage additional development in exchange for meeting higher affordable housing requirements. The EHA program and concurrent rezoning build upon this idea to expand incentive height opportunities across the city and generate both more housing units overall and more income-restricted units so residents can live near transit, employment, and other amenities. The proposed rezoning honors the maximum height framework established by the 2016 Height Amendment and IO-1, and brings this area into alignment with the citywide incentive approach.

2. Uniformity of District Regulations and Restrictions

The proposed legislative rezoning will result in the uniform application of zone district building form, use, and design regulations.

3. Public Health, Safety, and General Welfare

The proposed legislative rezoning furthers the public health, safety, and general welfare of the city by bringing this area into alignment with a citywide system that provides a robust commitment to affordable housing as part of the implementation of numerous adopted plans. The Expanding Housing Affordability project responsible for creating the new citywide system includes zoning height incentives to increase the overall supply of housing and generate more affordable housing in mixed-income developments. This approach ensures that residents at a range of income levels will be able to live in areas rich with transit options, employment opportunities, and other neighborhood amenities.

Learn more:

[Expanding Housing Affordability]
Area 1

That the 38th and Blake Incentive Overlay District Designation “IO-1” as established in zone districts described in ordinances: 15 and 17 series of 2018, and 58 and 964 series of 2019, are hereby removed.

Area 2

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from

C-MX-3 to C-MX-5, retaining all associated Overlay District Designations except “IO-1”

Hyde Park Addition
Block 1, Lots 16 to 30

All Vacated Street or Alley Rights of Way lying adjacent to described areas.

In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Area 3

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from

C-MX-5 to C-MX-8, retaining all associated Overlay District Designations except “IO-1”

First Addition to Ironton
Block 18, Lots 33 to 40
Block 19, Lots 25 to 32

All of Blake Resubdivision

H. Witter’s Addition
Block 2, Lots 25 to 32
Block 3, Lots 1 to 16
Block 9, Lots 9 to 16
Block 10, Lots 17 to 28

Parcels
0227120030000
0227120032000
That portion of parcels
0227120029000
0227120031000
0227126008000
0227127026000
0227120036000
Not within H. Witter’s Addition Lots

That portion of Master Parcel 0227126114999 3377 Blake St. containing 57 condo owner parcels
EXCLUDING those owner parcels with addresses 3309 and 3317 Blake St. also designated as PUD #190
described in Ordinance #63 series of 1986

All Vacated Street or Alley Rights of Way lying adjacent to described areas.

In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which
are immediately adjacent to the aforesaid specifically described area.

Area 4

That the zoning classification of the area in the City and County of Denver described as follows or
included within the following boundaries shall be and hereby is changed from
C-MX-8 to C-MX-12, retaining all associated Overlay District Designations except “IO-1”

Ironton Addition
Block 6, Lots 10 to 12 and 21 to 32

First Addition to Ironton
Block 6, Lots 10 to 12

Baldwin’s Addition

Riverside Addition to Denver
Block 19, Lots 1 to 4
Block 20
Block 25

H. Witter’s Addition to Denver
Block 13, Lots 17 to 32
Block 14
Block 15

That portion of parcels
0227115014000
0227115017000
0227120035000
Not within H. Witter’s Addition Lots
All Vacated Street or Alley Rights of Way lying adjacent to described areas.

In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Area 5

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from I-MX-3 to I-MX-5, retaining all associated Overlay District Designations except “IO-1”

Provident Park
Block 4
Block 5

Hodgson’s Addition to Swansea
Block 1
Block 2

Parcel 0223400002000

All Vacated Street or Alley Rights of Way lying adjacent to described areas.

In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Area 6

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from I-MX-5 to I-MX-8 retaining all associated Overlay District Designations except “IO-1”

Ironton Addition
Block 40, Lots 8 to 14

First Addition to Ironton
Block 16, Lots 5 to 20 and 41 to 56
Block 40, Lots 11 to 14

St. Vincent’s Addition Second Filing
Block 40, Lots 1 to 13
Block 41, Lots 9 to 14 and 51 to 56
Block 42, Lots 1 to 9 and 51 to 64
H. Witter’s Addition to Denver
Block 3, Lots 17 to 32
Block 9, Lots 17 to 32

Riverside Addition to Denver
Block 28, Lots 5 to 22

Provident Park
Block 1, Lots 1 to 17

All Vacated Street or Alley Rights of Way lying adjacent to described areas.

In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.

Area 7

That the zoning classification of the area in the City and County of Denver described as follows or included within the following boundaries shall be and hereby is changed from I-MX-5 and I-MX-8 to I-MX-12, retaining all associated Overlay District Designations except “IO-1”

Riverside Addition to Denver
Block 21
Block 22
Block 23
Block 24

That portion of parcels
0223310001000
0223310024000
0223310030000
0223310031000
0223310018000

Not within Riverside Addition to Denver Blocks

Parcels
0223309013000
0223309014000

St. Vincent’s Addition
Block 29, Lots 1 to 25
Block 30
St. Vincent’s Addition Second Filing
Block 39
Block 40, Lots 58 to 64
Ironton Addition
Block 2
Block 3
Block 6, Lots 13 to 15 and 17 to 20
Block 7, Lots 1 to 27 and Lots 33 to 64
Block 8, Lots 13 to 26
Block 9, Lots 46 to 63

First Addition to Ironton
Block 6, Lots 1 to 9
Block 7, Lots 23 to 32
Block 9, Lots 33 to 51
Block 12, Lots 27 to 32

All Vacated Street or Alley Rights of Way lying adjacent to described areas.

In addition thereto those portions of all abutting public rights-of-way, but only to the centerline thereof, which are immediately adjacent to the aforesaid specifically described area.
Appendix 3

EHA full policy approach (updated March 29, 2022)
EXPANDING HOUSING AFFORDABILITY

Through Market-Based Tools

RECOMMENDED POLICY APPROACH

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Revised Municipal Code (RDMC) and Denver Zoning Code (DZC)
public review draft
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Section 1: Project Purpose and Background Context

Section 1 provides background and context for why the City & County of Denver is exploring new and expanded policy tools to promote affordable housing.

We have an immediate and growing need for housing in Denver. The city has made it a priority to address that need by working to create more options and affordability for everybody. As housing costs go up, more families in Denver are spending more of their budgets on where they live or finding themselves priced out of neighborhoods.

Additionally, citywide plans and policy documents reflect this need and call for new tools to create more housing opportunities.

The Expanding Housing Affordability project will create tools to drive the construction of affordable and mixed-income housing across the city. Creating new housing at various income levels where people can live near jobs, transit and amenities will help create a more sustainable Denver—and address housing needs.

Along with a zoning incentive and a reexamination of the current linkage fee, the project was expanded to consider changes to state law that allow local governments to pursue mandatory affordable housing requirements (commonly referred to as “inclusionary housing ordinance” or “IHO”) on new residential rental, as well as for-sale housing.

Project Objective

To establish market-based programs for new development that complement existing tools and resources, enabling the city to address housing needs for low-to-moderate income households in every neighborhood.

Guiding Principles:

- An **equitable** program that addresses housing needs for low- and moderate-income households in every Denver neighborhood
- A **predictable** program that provides clarity and transparency of process, requirements, and outcomes
- A **market-based** program that responds to varied market conditions and partnerships

What does equity mean for Denver?

**Equity Defined:** Equity is when everyone, regardless of who they are or where they come from, has the opportunity to thrive. Where there is equity, a person’s identity does not determine their outcome. Equitable, inclusive communities are places of value that provide access to resources and opportunities for all people to improve the quality of their life. As a city, we advance equity by serving individuals, families and communities in a manner that reduces or eliminates persistent institutional biases and barriers based on race, ability, gender identity and sexual orientation, age and other factors.

**Equitable Development:** Equitable development is an approach to meeting the needs of underserved communities through policies and programs that reduce disparities, while fostering places that are healthy and vibrant. Truly equitable development leads to greater choice and opportunities and improves everyone’s quality of life.

— *Denver Comprehensive Plan 2040*, p 30

**Blueprint Denver Key Equity Concepts**

**Improving Accessing to Opportunity:** Creating more equitable access to quality-of-life amenities, health and quality education.

**Reducing Vulnerability to Displacement:** Stabilizing residents and businesses who are vulnerable to involuntary displacement due to increasing property values and rents.

**Expanding Housing and Jobs Diversity:** Providing better and more inclusive range of housing and employment options in all neighborhoods.

— *Blueprint Denver*, p 30
Policy Tools Proposed

This project developed requirements for three interrelated policy tools1 to establish market-based programs for new development to better address housing needs for low-to-moderate income households:

- **Linkage Fee** is a fee-based tool that currently applies to all new development. This fee is legally justified through a Nexus study which identifies the impacts of new development to the need for affordable housing. These fees play a critical role in funding affordable housing throughout the city in conjunction with other important funding sources.

- **Mandatory (“Inclusionary”) Housing** requires new residential developments, both rental and for-sale, to include a portion of affordable housing units and create mixed-income housing. See page 5 to learn more about the recent legislation that enabled this tool more broadly.

- **Incentives** are an important tool to pair with mandatory housing programs. The City is evaluating how to maximize the impact of a new mandatory housing policy by pairing them with appropriate financial and zoning incentives to improve the economic feasibility of complying with these new requirements.

As each of these tools leverage new development to create and contribute to affordable housing needs. Therefore, financial feasibility analysis has been conducted to understand the impacts of a change to the linkage fee and implantation of mandatory housing and associated incentives.

Each of these tools will play an important role in providing complementary solutions to a range of Denver’s housing programs and initiatives, all of which are critical to addressing Denver’s housing needs. To learn more about Denver’s housing priorities and programs, check out the HOST 5-Year Strategic Plan, and the Denver Affordable Housing Dashboard for additional details on market conditions, housing production, and funding allocations.

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Key Considerations

Based on other city analysis, evaluation of Denver’s 38th & Blake incentive pilot program2, and extensive stakeholder feedback3, the following key considerations have been identified. These key considerations informed the City’s policy recommendations.

**Create mixed-income housing.** The program should prioritize the on-site unit creation of affordable housing units, creating mixed-income housing and neighborhoods, especially in areas of opportunity with good access to transit, parks, and employment.

**Create affordable housing that serves unmet needs.** The program should prioritize outcomes that serve populations who are severely cost burdened and where existing programs are insufficient to meet housing needs.

**Promote clarity and predictability.** Establish a clear and easy-to-understand/administer program that provides long-term developer expectations.

**Increase funding for affordable housing.** Increasing the current linkage fee on non-residential and low-scale residential development will provide further funding opportunities to support housing needs along the entire housing continuum.

**Create market-based requirements.** These tools enable the private development market to contribute to the growing need of affordable housing. Requirements should maintain overall project financial feasibility and respond to market factors such as land costs, construction costs, rents achieved, operating costs, and housing needs. See the financial feasibility report for the feasibility analysis that informed each of the tools.

**Pair incentives with mandatory requirements.** Meaningful incentives can mitigate some of the loss in revenue/profitability from providing affordable units and lead to more affordable and market rate housing units.

**Complement existing programs and funding sources for affordable housing.** Program requirements should fill the gap in housing needs between areas where government subsidy is focused and where the private market is serving through new development.

**Create long-term affordability.** Long-term affordability covenants ensure long term benefits of affordable housing as federal and or state funds may diminish, or covenants expire. Additionally, this supports key city preservation goals and long-term housing needs.

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1 Each of these tools leverage the private development market to produce and fund affordable housing. Therefore, to be successful, they need to work within the market. This effort will conduct the necessary financial analysis and outreach to determine, refine and calibrate program requirements.

2 See Background Report and Peer City Video online.

3 See Phase One Engagement Summary online.
CO House Bill 21-1117

Prior to the passage in May 2021 of HB21-1117, the state ban on rent control along with the Telluride decision by the Colorado State Supreme Court had significantly limited municipalities’ ability to leverage mandatory housing tools for rental housing developments. However, with the recent passing of HB21-1117, Denver and other communities across the state may require affordable housing (including rental) on all new housing, provided they also meet certain other criteria.

Specifically, the bill…

- Enables “local governments to regulate the use of land to promote the construction of new affordable housing units”
- Requires a “choice of options… and creates one or more alternatives to the construction of new affordable housing units on site.”
- It also requires that local governments demonstrate their commitment to “increase the overall number and density of housing units… or create incentives to the construction of affordable housing units.”
- Does NOT authorize a local government to adopt or enforce any ordinance or regulation that would have the effect of controlling rent on any existing private residential housing unit in violation of the existing statutory prohibition on rent control.

The proposed alternatives included in this Proposed Policy Recommendation are intended to align with the requirements of this state bill.
Current and Future Housing Needs

Given recent state law changes that enabled Denver and other communities across the state to enact affordability requirements on new development, the following summary identifies the housing needs and market gaps that could be addressed as part of a mandatory (or inclusionary) housing program.

The following summarizes key findings related to current and future housing needs. Given current rates of production and pricing, the private rental market will more than adequately accommodate renters earning more than 80% AMI. Similarly, if for sale price trends continue, most homes for sale will serve 151% AMI households. These trends will reduce the homeownership rate in the city and drive would-be-owners into rentership longer term, potentially increasing the need for 61-80 percent rental units, or drive them to purchase homes elsewhere.

Therefore, given current and future housing needs, public-private partnerships should be focused on closing the gap in unit production in the 51-80% AMI range, freeing up public sector investments to serve less than 50% AMI households with growing needs. Interventions in the ownership market should focus on creation of new units to serve the 80 – 100% AMI range, preservation of existing affordable units, facilitating land trusts, and promoting attainable (commonly attached) ownership housing opportunities.

Further details can be found in the Housing Market Analysis, conducted by Root Policy Research, and the 5-Year Strategic Plan, produced by HOST, adopted in November of 2021.

Key Findings

Denver’s growth has not benefited everyone.

From 2010 to 2019, Denver added 56,000 households, an average of 6,300 households each year. While many of Denver’s households have been able to manage rising rents and the costs of homeownership, others did not have the resources to stay in the city.

Growth was highly concentrated among high income households. Those with incomes of more than 120% AMI ($100,6084 and higher) accounted for 68 percent of household growth, totaling 45,000 households. This growth was equally split between renters and owners.

Households with incomes between 61 to 100% AMI ($51,305 and $83,840) grew at about the same pace as the city overall, representing 25% of overall growth or 14,000 households. Growth was concentrated among renters.

In contrast, households earning less than 60% AMI declined by 10,500. Nearly all these households were renters. This occurred as they left the city, doubled up to afford rent or experienced increases in household income.

As a result of these growth patterns, the city has become slightly less racially and ethnically diverse, much more highly educated, higher income, and older.

Incomes have not kept pace with the cost of housing.

Between 2010 and 2019 in Denver, the median rent increased by 77%, and the median home value increased by 79%. In comparison, the median 2-person household income only increased by 32%5. Despite moderate wage growth and the raising of the city’s minimum wage, in 2019, 58,913 households pay more than 30% of their income on housing (housing cost burdened), and 51,935 households pay more than 50% of their income on housing6 (severely housing cost burdened). Households that are cost burdened or severely cost burdened are at greater risk of losing their housing.

Cost burden continues to be the greatest for those with lower incomes, particularly those earning less than 60% AMI.

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4 Assumes a 2-person household, 2021 AMI income limits
As of 2019, 81% of households earning less than 60% of AMI ($56,640 for a three-person household) are housing cost-burdened, meaning they pay more than 30% of their gross income on housing costs. That number has increased dramatically from 61% in 2010. As a result of these rapidly rising housing costs, the number of these households in Denver declined by 10,500. Nearly all these households were renters. No longer able to afford to remain in Denver, many of these households either left the city or doubled up with other households to afford rent. Further, because of these growth patterns, the city has become slightly less racially and ethnically diverse, more highly educated, with higher incomes, and older than a decade ago. See the Appendix for 2019 data on cost burden by AMI.

New market rate rental is not providing housing at affordable rates.

Responding to housing demand, the housing market added 34,000 rental units between 2010 and 2019, with half of those built between 2017 and 2019. Overall, rental supply has kept up with rental demand.

Most of the units added were priced to serve households earning 80% of the AMI and more. Of those affordable to less than 80% AMI households, all were studio units, and most were priced at 70% AMI. Therefore, where housing needs are the greatest, at 60% AMI and below, no new market rate rental housing is serving this need.

New for-sale housing serves higher-income households.

New for-sale housing production tends to serve higher income households above 120% AMI with condos and rowhomes serving ownership needs for moderate income households. Specifically, the vast majority (73%) of single family units are priced at 120% AMI and above, with 61% at 150% AMI and above.

Naturally Occurring Affordable Housing (NOAH) is rapidly declining.

Naturally occurring affordable housing is housing that may rent or sell at an affordable rate; however, these units do not have any affordability restrictions that guarantee long-term affordability. NOAH commonly serves 51 – 80% AMI households. Once affordable to 60% AMI renters and lower, the supply of NOAH has declined significantly. Compared to 2010, Denver has 28,000 fewer rental units affordable to 0-60% AMI renters, largely due to the loss of NOAH.

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7 Source: Apartment Association of Metro Denver, Quarterly Rent & Vacancy Survey, ACS 1-year estimates, Root Policy Research.
9 Note: The 2020 HUD AMI for a two-person household of $80,000 was used. Source: Denver Property Taxation and Assessment System and Arland, LLC
New affordable (income restricted) housing has been focused on serving households 60% AMI and below.

From 2010 to 2020, new affordable housing production with HOST funding has resulted in 5,842 new construction affordable units and 2,230 units preserved or acquired. As shown in the graphic below, over the past few years from 2018 - 2019, ownership has served 51 – 80% AMI owners, with the majority focused at 61 – 80% AMI. Rental preservation has served 0-60% AMI renters with a focus to serve households at or below 30% AMI. Rental unit creation has served 0-80% AMI renters with a focus towards 51–60% AMI renters. However, despite the continued preservation and creation of units to serve renter households at and below 60% AMI, a notable rental shortage of 11,400 units exists for renters earning 51 – 60% AMI and an even greater shortage for those earning less than 50% AMI.

Current Housing Needs

The greatest affordability needs continue to exist below 60% AMI. As shown in the figure below, existing market rate stock and new development are priced to serve 80 to 100% AMI households. Unit shortages exist for renters with incomes of 60% AMI and lower—especially for renters at the 50% AMI level and below. Publicly assisted housing provides a large share of housing for these households, yet is nowhere near the level needed. As such, renters often must “rent up” to find housing, resulting in cost burden.

Note: Housing Choice Vouchers are included in Publicly Assisted Inventory; accounts for a 40% estimated overlap in HCVs and other publicly subsidized units (e.g., HCV use in LIHTC). The 2020 HUD AMI for a two-person household of $80,000 was used.  

Source: Denver Affordable Housing Dashboard, Denver Department of Housing Stability (HOST)
Future Housing Needs

For Denver to continue to grow and thrive, the public sector (local, state and federal funds), non-profit sector and the private market will need to build partnerships to address housing needs.

The market’s tilt toward higher priced housing is likely to continue, driven by projected employment growth in high-paying fields, continued in-migration of high-income households and continued increases in the price of land.

Denver’s affordable housing challenges will not be solved by increased housing supply, employment growth and wage increase alone. Three of the industries anticipated to grow fastest between now and 2040—Health Care, Social Assistance and Educational Services—pay wages in the 50 to 80% AMI range. Accommodating the affordable housing needs of these new workers will be critical to ensure that workers in these critical industries can both work and live in Denver.

At current rates of production and pricing, the private rental market will more than adequately accommodate renters earning more than 80% AMI. Rental housing gaps will be increasingly compressed in the 51 to 80%, and by 2040, 81-100% AMI ranges, where new production and NOAH will become increasingly diminished.

Similarly, if for-sale price trends continue, the vast majority of homes for sale—an estimated 86%—will serve 151% AMI households. These trends will reduce the homeownership rate in the city and drive would-be-owners into rentership longer term, further increasing the demand for rental homes affordable to middle-income households or drive them to purchase homes elsewhere.

Therefore, given current and future housing needs, public-private partnerships should be focused on closing the gap in unit production in the 51-80% AMI range, freeing up public sector investments to serve less than 50% AMI households with growing needs. Interventions in the ownership market should focus on creation of new units to serve the 80 – 100% AMI range, preservation of existing affordable units, facilitating land trusts, and promoting attainable (commonly attached) ownership housing opportunities.
Section 2: Other City Program Summaries

Section 2 is a high-level summary of cities with similar mandatory programs. Complete details of the cities programs, outcomes and market impacts can be found in the Background Report online.

Other Cities’ Commercial Linkage Fees

Many cities use linkage fees, sometimes called “impact fees,” to assess the impact of new development to affordable housing needs. Some cities (Boston) have one single fee across the city, whereas others (Seattle, Los Angeles, San Jose) vary the fee amount by geography with the central business district commonly paying the highest fee per square foot and less dense, lower cost areas paying a lower fee.

The following table provides a high-level summary of other cities’ commercial linkage fees. To ensure that fees remain up-to-date and relevant, most cities adjust them on a regular basis, commonly annually to adjust for inflation.

<table>
<thead>
<tr>
<th>Other Cities’ Commercial Linkage Fees</th>
<th>Commercial linkage fee per/sf</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin, TX</td>
<td>$12 – 18 per/sf</td>
<td>Texas law bans inclusionary (mandatory) housing and linkage fees, therefore the fees assessed only apply to the bonus height.</td>
</tr>
<tr>
<td>Boston, MA</td>
<td>$15.29 per/sf</td>
<td>Updated in winter of 2021. The prior fee was $8.34 per/sf.</td>
</tr>
<tr>
<td>Cambridge, MA</td>
<td>$12 per/sf</td>
<td>Last updated in 2015.</td>
</tr>
<tr>
<td>Los Angeles, CA</td>
<td>$3.11 – 5.19 per/sf</td>
<td>Fee based on low, medium, and high market areas. Residential fees range from $1.04 – 18.69 per/sf based on four different market areas and the number of units.</td>
</tr>
<tr>
<td>San Jose, CA</td>
<td>$3 – 15 per/sf</td>
<td>Smaller developments pay a smaller fee. Additionally, the fee on commercial projects is $12 per/sf if paid at time of CO and $15 per/sf if paid in phases.</td>
</tr>
<tr>
<td>Seattle, WA</td>
<td>$5.58 – 17.50</td>
<td>Fees range by market area and zoning entitlement with Downtown and South Lake Union having the highest fees.</td>
</tr>
</tbody>
</table>
Other Cities’ Mandatory (Inclusionary) Housing

The following is a high-level summary of cities with mandatory (inclusionary) housing programs. For more details on the programs and outcomes, see the Background Report.

Applicability

Some cities have citywide applicability regardless of development size, whereas others only apply a mandatory requirement to developments of 10 units or more (e.g., San Jose), a particular process (e.g., variance requirements); or a specific geography (e.g., Atlanta’s beltline).

Geographic Variants

Depending on cities size and market variations, some cities have up to four different cost zones that inform the affordability requirement and/or the fee-in-lieu. Cities with different geographic variants assess the greatest proportion of units or charge the highest fee in high-cost zones which are commonly the central business district.

On-Site Affordability Requirement

Mandatory housing programs can serve residents earning 30% AMI to 120% AMI; however, most programs focus between 60% AMI and 80% AMI. Most are designed to focus production to serve households with the greatest needs (below 60% AMI) and/or at an AMI level that is complementary to other funding and programs at the local, state and federal level, which commonly targets households earning less than 60% AMI.

Related to the affordability level served is the percent of units required to be affordable. These range anywhere from 5 – 20% of units, with the most common outcome around 10% of total units. Additionally, many of these programs offer one or two developer options to build onsite or provide a mix of incomes. For example, in Atlanta, the developer can build 10% of units at 60% AMI or 15% of units at 80% AMI. In San Jose a total affordability requirement of 15% is required with the units split between 50% AMI and 80% AMI. Many cities also differentiate between ownership and rental, with ownership units serving a slightly higher AMI than the rental units.

Alternative Compliance

All cities offer a form of alternative compliance or alternative satisfaction to meeting the requirements. Depending on the intent of the program (payment v. performance) the alternative compliance requirements are calibrated accordingly.

All cities provide a fee-in-lieu. These fees are sometimes assessed per square foot of the total building (e.g., Seattle which ranges from $5.58 – 17.50 per/sf). Others assess a fee per each residential unit in the development (e.g., Los Angeles which ranges from $53,233 - $69,927 per market rate unit). And some cities charge a fee for the affordable units required (e.g., Boston which ranges by market area from $200,000 - $380,000 per unit)

Incentives

Nearly all cities include some form of incentive. Incentives provided include density bonus, zoning variance, expedited review, fee reduction/waiver, tax relief, and parking reduction/waiver. The most common incentive is a density bonus. Some communities set up the incentives to be a menu in which the developer may select one (e.g., Atlanta) whereas other communities enable the developer to access multiple incentives.
### Other Cities’ Affordable Housing Requirements

<table>
<thead>
<tr>
<th>City</th>
<th>On-Site Build Requirement</th>
<th>Alternative Compliance</th>
<th>Incentives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atlanta, GA¹¹</td>
<td>10% of units at 60% AMI or 15% of units at 80% AMI</td>
<td>Fee-In-Lieu: $124,830 – 131,950 per affordable unit required at 15%</td>
<td>FAR Bonus, Reduced Parking, Streamlined Project Meeting</td>
</tr>
<tr>
<td>Austin, TX¹³</td>
<td>10% of units affordable to 60 – 120% AMI</td>
<td>None – Incentive only program</td>
<td>Fee Waivers</td>
</tr>
<tr>
<td>Boston, MA</td>
<td>13% of units at 70% AMI</td>
<td>Off-Site: 15-18% at 70% AMI</td>
<td>Zoning Variance</td>
</tr>
<tr>
<td>Longmont, CO</td>
<td>12% of all units at 60% AMI rental and 80% AMI ownership</td>
<td>Fee In-Lieu: $53,233 - $69,927 per market rate unit</td>
<td>Density bonus, zoning variance, fee reductions, water/sewer subsidy</td>
</tr>
<tr>
<td>Los Angeles, CA</td>
<td>Rental: 10% of units at 40% AMI; 15% of units at 65% AMI; 20% of units at 80% AMI. Ownership: S – 20% of units of 135% AMI</td>
<td>Fee In-Lieu: 1-7 stories $15 psf of residential area; 8+ stories $22 psf of residential area, off-site; Land Dedication, or Voluntary Alternative Agreement</td>
<td>Density Bonus, Reduced Parking, Zoning Variance</td>
</tr>
<tr>
<td>Minneapolis, MN</td>
<td>8% of units at 60% AMI; or 4% of units at 30% AMI; or 20% of units at 50% AMI¹⁵</td>
<td>Fee-In Lieu: 1-7 stories $15 psf of residential area; 8+ stories $22 psf of residential area, off-site; Land Dedication, or Voluntary Alternative Agreement</td>
<td>Direct Subsidy, TIF, Property Tax Reductions</td>
</tr>
<tr>
<td>Portland, OR</td>
<td>8-10% of units at 60% AMI or 15-20% of units at 80% AMI¹⁹</td>
<td>Off-Site; Designate existing units²⁰; Fee In Lieu: $23 – 27 gsf</td>
<td>Property tax exemption; Density FAR bonus; other tax exemptions; parking exemptions</td>
</tr>
<tr>
<td>San Jose, CA²¹</td>
<td>Total of 15% of units with 5% at 100% AMI; 5% at 60% AMI; and 5% at 50% AMI; or 10% at 30% AMI</td>
<td>Off-Site: 5% at 80% AMI, and 5% at 60% AMI, and 10% at 50% AMI</td>
<td>Density bonus, Streamlined development process</td>
</tr>
<tr>
<td>Seattle, WA</td>
<td>5 – 11% of units at 40 – 80% AMI²²</td>
<td>Fee In Lieu: $5.58 – 17.50</td>
<td>Reduced parking, multi-family tax exemption</td>
</tr>
</tbody>
</table>

¹¹ Incentives are only available for those building the affordable units on-site. Developer may select one of the provided incentives.

¹² Assumes $120,689 as the construction cost and varies land cost by 11 subareas leading to a small pricing difference based on project geography.

¹³ Austin has multiple density bonus programs from the early 90s to today. The information in the table summarizes their various incentive systems. The latest density bonus program “Affordability Unlocked” which is geared towards supporting affordable development rather than incentives for market rate developers to provide affordable housing. Additionally, important to note that Texas state law bans both inclusionary housing and linkage fees, as such the only tool available in Texas are through incentives.

¹⁴ Fee varies by geography and ownership/rental.

¹⁵ Los Angeles has smaller percentage requirements for small projects (less than 15 units) which requires about half the percent of units at each income tier. Additionally, the program allows for income averaging so long as the units average the requirement.

¹⁶ The fee is higher for residential projects in neighborhoods where unit types were formerly disallowed to incentive production in those areas.

¹⁷ Density bonus in TOD areas are required by California state law.

¹⁸ Projects providing 20% of units at or below 50% AMI are eligible to the Revenue Loss Off-Set Assistance which provides financial assistance to facility project feasibility.

¹⁹ Requires 20% of units to be affordable is central city and gateway areas at 80% AMI and 10% of units at 60% AMI.

²⁰ Requires greater depth of affordability 30 or 60% AMI and a greater percentage of units, up to 25% of units.

²¹ San Jose recent changed their ordinance in spring of 2021. Former program required: onsite 15% total units, 9% of units at 80% AMI and 6% of units at 50% AMI; and off-site: Off-Site: 12% at 50% AMI and 8% at 50% AMI. Changes have been made to lower the applicability to 10 or more units, serve a wider range of income levels and increase the fees from $125,000 for 20% of units. Additionally, the affordability increased from 55 years to 99 years.

²² Affordability level and percent dependent on geography with South Lake Union and Downtown with the highest requirements. AMI also varies by unit type.
Section 3: Proposed Policy Approach

Section 3 details the recommended policy approaches for the three tools: linkage fee, mandatory (inclusionary) housing, and associated incentives.

Linkage Fee

Policy Objective: Increase generation of fees to fund the creation of affordable housing.

In 2016, Denver created a permanent funding source by adopting the linkage fee and dedicating a portion of property tax revenue to fund affordable housing. While these funds have been critical to the creation and preservation of over 3,000 affordable homes since 2018, the funding is still insufficient to meet growing housing needs.

Applicability: The updated linkage fee will apply to all new commercial, industrial, and residential development of 1-923 units, as well as additions to said development.

The linkage fee does not apply to tenant finishes, Accessory Dwelling Units (ADUs), or additions of 400sf or less to existing single-unit or duplex buildings as noted below. Additionally, the fee does not apply to zoning or trade-specific permits (mechanical, electrical, etc.).

Exceptions: The current linkage fee provides a series of exceptions, which can be found in the Denver Revised Municipal Code (DRMC) chapter 27-154. As part of this effort, we are proposing to revise what exemptions will be allowed.

Exemptions (a) – (i) are existing exemptions, exemption (j) is new. See the DRMC Public Review DRAFT Section 27 – 154 for full language.

(a) Project is a part of a property subject to an affordable housing plan or other preexisting contractual commitment or covenant to construct affordable housing.

(b) Projects subject to an obligation as a condition of zoning to provide affordable housing on the property.

(c) Affordable housing projects that are constructed with the support of any combination of federal, state or local financial resources, including private activity bonds, tax credits, grants, loans, or other subsidies to incentivize the development of affordable housing, including support from the affordable housing permanent funds created in section 27-150, and that are restricted by law, contract, deed, covenant, or any other legally enforceable instrument to provide housing units only to income-qualified households. This exception shall apply to any housing project financed or constructed by or on behalf of the Denver Housing Authority.

(d) Project built by a charitable, religious or other non-profit to be used primarily to provide housing, shelter, housing assistance or related services to low-income households or persons experiencing homelessness.

(e) Project is constructed by or on behalf of the federal, state or local government, or any department or agency thereof, that will be used solely for a governmental or educational purpose.

(f) Project is constructed by or on behalf of an entity that will be used solely for an educational purpose.

(g) Project is a reconstruction of a structure that was destroyed due to a natural or man-made involuntary disaster.

(h) Project is an addition of 400 square feet or less to an existing single-unit or duplex structure.

(i) Project is for an Accessory Dwelling Unit.

(j) Any gross floor area of a structure containing an education use as defined in article 11 of the Denver Zoning Code. This exception shall also apply to the gross floor area of a structure occupied by housing provided for students, staff or faculty of the education use and operated by the governing board of the education institution, regardless of the zoning use category determined for that student, staff or faculty housing.

23 Per stakeholder feedback and further analysis, this has been changed from the prior threshold of 7 units to 9 units.
**Geographic Variants**

The linkage fee program can be more responsive to market opportunities and constraints by offering a two-tiered fee structure where high-cost markets can support a slightly higher fee than typical cost markets, particularly for commercial uses.

**Policy Objective:** In alignment with the findings of the financial feasibility, calibrate the linkage fee requirements to the market.

**Defining High-Cost Market Areas**

Areas with the highest land values in the city. The city is updating these areas with the latest ACS data and updated maps will be published prior to adoption.

**Defining Typical-Cost Market Areas**

All other areas of the city that are not high-cost market areas are considered typical-cost market areas.

Market areas would be updated on a regular basis to ensure that the regulations adjust to geographic market changes.
EXPANDING HOUSING AFFORDABILITY
PROPOSED POLICY APPROACH
February 2022

Linkage fee assessed by use

Different types of uses differently impact the need for affordable housing. Therefore, the Nexus Study from 2016 determined the legally justifiable fee based on the development's impacts to the need for affordable housing. Additionally, there was the Denver Affordable Housing Nexus Study conducted in 2016 to determine what level of fees could be supported by development while still meeting measures of feasibility.

Through this effort, the city worked with consultants to conduct updated financial feasibility findings across a series of prototypes. The summary of these studies for linkage fees is found in the below table. The latest feasibility report from Root Policy can be found online.

Staff Recommendations

Staff's recommendations for updated linkage fees for various development types are included in the table below.

As shown in the table, staff proposes to add in more nuance to the Single Unit, Two-Unit, or Multi-Unit developments of 1-9 units as a means of incentivizing smaller (1,600 sq ft or less) more attainable units. Therefore, the recommended fee for smaller units would reach $5 per/sf and $8 per/sf for units larger than 1,600 sf in 2025.

For commercial uses, staff proposes a slightly lower fee than found to be feasible given recent COVID impacts to this industry have been most significant. Additionally, to provide time for these markets to stabilize, a four-year phased increase is proposed. As these fees only apply to new construction, not tenant finishes or changes in use. The recommended fee would be reach $6 per/sf in typical cost market areas and $9 per/sf in high-cost market areas in 2025.

For industrial uses, this is the smallest segment of new construction in Denver and therefore generates very little fees for affordable housing. In balancing the City's desire to increase funding for affordable housing and attract industrial businesses and trade jobs, we are proposing to reach $2.50 per sq/ft fee on new industrial developments in 2025, again substantially lower than what was deemed financially feasible in the report.

Similar to today's structure, the adopted linkage fees would be adjusted for inflation in an amount equal to the percentage change from the previous year in the national Consumer Price Index for All Urban Consumers (CPU-U). See the DRMC Public Review DRAFT Section 27 – 153 for additional details.

<table>
<thead>
<tr>
<th>Use Category</th>
<th>2016 DR&amp;A Study</th>
<th>2021 Root Study</th>
<th>Current Fee (Feb 2022)</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nexus Max Fee (2016)</td>
<td>2021 Root Study</td>
<td>Effective July 1, 2022</td>
<td>Effective July 1, 2023</td>
</tr>
<tr>
<td>Dwelling unit(s) of 1,600 sf or less of GFA within a structure</td>
<td>$9.60 per/sf</td>
<td>$9.6 - $14 per/sf</td>
<td>$0.66 or $1.64 (building code depending)</td>
<td>$1.75</td>
</tr>
<tr>
<td>Dwelling unit(s) of 1,600 sf or less of GFA within a structure</td>
<td>$9.60 per/sf</td>
<td>$9.6 - $14 per/sf</td>
<td>$2.25</td>
<td>$3.83</td>
</tr>
<tr>
<td>Other residential uses other than dwelling units (e.g., congregate living)</td>
<td>$9.60 per/sf</td>
<td>$9.6 - $14 per/sf</td>
<td>$2.50</td>
<td>$4.33</td>
</tr>
<tr>
<td>Commercial, Sales Services &amp; Repair, Commercial, Office, Sales Services &amp; Repair, Civic, Public or Institutional</td>
<td>$56.74 - 119.29 per/sf</td>
<td>Typical: $6-9 per/sf High: $10 per/sf</td>
<td>$1.86 per/sf</td>
<td>Typical: $2.90 High: $3.65</td>
</tr>
<tr>
<td>Industrial, Manufacturing, Wholesale &amp; Agricultural</td>
<td>$28.51 per/sf</td>
<td>$6 per/sf</td>
<td>$0.44 per/sf</td>
<td>$0.96</td>
</tr>
</tbody>
</table>

24 Per stakeholder feedback, the unit size threshold has been increased from 1,400 sf to 1,600 sf.
25 Per stakeholder feedback, the fee amounts have been increased closer to financial feasibility maximum in a fourth year of increase.

26 Per stakeholder feedback, the proposed industrial fee to take effect in 2025 was reduced from $4 psf to $2.50 psf.
Notable Changes Made to the Linkage Fee in Response to Feedback

Given stakeholder feedback and continued market evaluation regarding the impacts of the proposed increase to the linkage fee, most notably for industries (office/retail/industrial) yet to recover from the impact of COVID-19, staff proposed a phased four year fee increase from 2022 – 2025 and is shown in the table above. Additionally, the proposed industrial fee is now $2 psf, which is more in alignment with Denver/Metro impact fees which is $1.89 psf\(^\text{27}\) for industrial development.

Additionally, significant feedback reported concerns about the impacts on small-scale redevelopment of residential homes, which often replace naturally occurring affordable housing or “starter homes” and are commonly priced in the $500,000s or higher, with larger unaffordable homes often priced well over $1M. This growing trend contributes to additional housing cost pressure on neighborhoods. Therefore, staff revised the proposal to assess a higher linkage fee -- $8 per/sf -- on larger (1,600 sf+) dwelling units in 2025.

Additional feedback called for an increase of linkage fees to amounts reaching the legally justifiable maximum. However, as linkage fees are assessed against market-rate development, it’s important the increased fees maintain financial feasibility. For example, the maximum legally justified fee for office development is $56.74 (see the 2016 Nexus study for additional details), however this additional fee would result in negative return metrics and therefore no new office development would occur, and no linkage fees would be paid.

Continued feedback pushed for fees to increase to the financial feasibility amounts as determined in the study. Therefore to balance the need for affordable housing funding and maintain a strong development market, a further increase to the fees into 2025 is reflected in the final proposal.

\(^{27}\) Fees evaluated for this comparison include Adams County, Jefferson County, Arapahoe County, Larimer County, Aurora, Fort Collins, and Greeley.
Mandatory (Inclusionary) Housing

Policy Objective: Promote the creation of new income restricted units creating new mixed-income developments throughout the city.

Applicability: The mandatory housing requirement is set to apply to all new residential developments (both ownership and rental) of 1,028 or more units. See DRMC Public Review DRAFT Section 27-220 and 29-219 Residential Development definition for additional details.

Exceptions:
See the DRMC Public Review DRAFT Section 27 – 221 for additional details.

(a) Project is part of a property subject to an affordable housing plan or other preexisting contractual commitment or covenant to construct affordable housing.

(b) Project has an affordable housing obligation from a development agreement tied to the site’s zoning.

(c) Affordable housing projects that are restricted by law, contract, deed, covenant, or any other legally enforceable instrument.

(d) Residential developments that are built by any charitable, religious, or other nonprofit entity and deed restricted to ensure the affordability of the dwelling units to low- and moderate-income households.

(e) Any structure that contains a residential development that is being reconstructed due to involuntary demolition or involuntary destruction as defined in article 13 of the Denver Zoning Code, but which also includes involuntary man-made forces.

(f) Projects that are high impact developments, which shall instead be required to comply with alternative standards in the division. (See the DRMC Public Review DRAFT Section 27 – 225 for additional details.

Relation to Key Considerations
- Create mixed-income housing
- Pair incentives with mandatory requirements
- Create affordable housing that serves unmet needs

What about mixed-use developments?
Developments with a mix of commercial and residential uses would be subject to both requirements. The linkage fee would apply to the commercial portion of the development, and the inclusionary housing requirement would apply to the residential portion.

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28 Per stakeholder feedback and additional analysis, threshold of applicability has been increased from 8 to 10 units.

29 This includes Former Chapter 59 zoning with affordability requirements embedded within the zoning through waivers and conditions. This does not apply to Denver Zoning Code districts with affordability incentives.

30 Per stakeholder feedback and additional analysis, an additional incentive has been created to exempt the ground floor commercial, sales, service and repair use category from the linkage fee when the developer is building affordable units on-site rather than paying the fee-in-lieu.
Geographic Variants

To address the varied housing needs across the city, along with the different market opportunities and constraints, a two-tiered geographic approach is proposed for the requirements.

**Policy Objective:** In alignment with the findings of the financial feasibility analysis, calibrate affordability requirements and fees-in-lieu to the market. See DRMC Public Review Draft Section 27-219 for the definition. The forthcoming Rules and Regulations will provide further regulation relating to the process and frequency for updating these areas and market distinctions.

**Defining High-Cost Market Areas**

Areas with the highest land values in the city. The city is updating these areas with the latest ACS data and updated maps will be published prior to adoption.

**Defining Typical-Cost Market Areas**

All other areas of the city that are not high-cost are considered typical cost.

**Areas that are Vulnerable to Displacement**

Blueprint Denver, the city’s adopted land use and transportation plan annually measures socioeconomic factors, like vulnerability to displacement.

To measure vulnerability to displacement, the city uses a vulnerability to displacement index from Denver Economic Development & Opportunity (DEDO) and Blueprint Denver. The index includes three components: median household income; percent of renters; and percent of population with less than a bachelor’s degree. For purposes of this policy, if a neighborhood hits all three indicators, the neighborhood is considered vulnerable to displacement.

See page 22 for more information on the approach to address housing needs in areas vulnerable to displacement.

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**Why do high-cost market areas have slightly higher affordability requirements and fees-in-lieu than typical market areas?**

The staff rationale for this approach is three-fold. First, our independent economic feasibility analysis indicates that the higher revenue potential of developments in these submarkets is sufficient to overcome the added land and construction costs barriers and accommodate slightly higher policy requirements. Second, in our analysis of other jurisdictions with related policy programs throughout the country, nearly all of them have two or more submarket tiers with the highest requirements specifically in downtown and other high-costs areas. And third, relative to the balance of the city, there are fewer income-restricted housing options in these submarkets given structural challenges with federal, state and local subsidy programs that support the vast majority of affordable housing production. These areas also tend to have a greater number of lower wage retail and service jobs, and nearby housing options are lacking for the individuals who are in those roles. Therefore, it is critical to leverage the higher revenue potential of these areas to achieve more affordable units.

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31 Data Source from ACS 1-year estimates. Most up to date map can be found here: https://geospatial.denver.maps.arcgis.com/apps/MapSeries/index.html?appid=3d4e30b0f2f48ae8eb0c3ae394ff01ff

32 For example, Seattle MAH program provides a matrix of three different market areas along with zoning intensity. The affordability requirements range from five percent or a fee of $7.64 psf to eleven percent and a fee of $35.75 (source: https://www.seattle.gov/Documents/Departments/HALA/Policy/How_MHA_Works.pdf)
On-Site Affordability Requirements

Policy Objective
Create a clear and predictable program to promote on-site unit creation resulting in mixed-income housing and therefore mixed-income neighborhoods.

- Top Priority: Affordable housing should serve those with greatest housing needs where existing programs and resources are insufficient. It should also be available to serve renters and those that want to own a home.
- Secondary Priority: Affordable units should serve a mix of incomes (up to 80% AMI-rental; 100% AMI - ownership) and complement existing programs and resources.

Note, these priorities were developed based on analysis of housing needs (summarized earlier in the document) and based on community feedback throughout the process.

Staff Recommendation for high market areas
The applicant may choose from two on-site build options:

On-Site Option 1:
- Rental: 10% of total units up to 60% AMI
- Ownership: 10% of total units up to 80% AMI; or

On-Site Option 2:
- Rental: 15% of total units averaging 70% AMI serving households with incomes up to 80% AMI
- Ownership: 15% of total units averaging 90% AMI serving households with incomes up to 100% AMI

Staff Recommendation for typical market areas
The applicant may choose from two on-site build options:

On-Site Option 1:
- Rental: 8% of total units up to 60% AMI
- Ownership: 8% of total units up to 80% AMI; or

On-Site Option 2:
- Rental: 12% of total units averaging up to 70% AMI serving households with incomes from 50% to 80% AMI
- Ownership: 12% of total units averaging up to 90% AMI serving households with incomes from 60% to 100% AMI

Note: The affordable units shall be of an equivalent value, quality, size, and bedrooms to the market rate units.

See the DRMC Public Review Draft Section 27-223 for more details. The forthcoming Rules and Regulations will provide further regulation relating to the process and frequency for updating these areas and market distinctions.

Notable Change Made in Response to Feedback
Given stakeholder feedback calling for more ownership housing opportunities, staff reduced the percent of ownership units required to align with rental development. As a result, the ownership requirements have greater financial feasibility.

Additionally, community stakeholders called for the program to serve both lower-income households and a greater range of household incomes. Therefore, staff has made additional revisions to on-site option two to serve households up to 80% AMI but resulting in an effective average up to 70% AMI. The result will enable the program to serve lower incomes and provide greater flexibility of options for applicants. The following represent different examples to reach a 70% AMI effective average for a 250 unit development requiring 30 income restricted units: 5 units at 30% AMI and 5 units at 70% AMI and 20 units at 80% AMI; or 5 units at 30% AMI, 5 units at 40%, 5 units at 50% AMI, 5 units at 60% AMI, and 5 units at 70% AMI, and 10 units at 80% AMI; or 30 units at 70% AMI. The AMI mix will be determined at the time of the affordable housing compliance plan and will be maintained for the duration of the affordability period.

See DRMC Public Review DRAFT 27-323 for additional details.

33 Per stakeholder feedback and additional analysis, the percent of affordable units required for ownership developments has been decreased from 12% to 10% to align with rental.
34 Per stakeholder feedback and additional analysis, option 2 has been revised to allow for a one-time (not annually) unit average to serve a broader range of incomes that the previously determined split between 60 and 80% AMI.
35 Per stakeholder feedback and additional analysis, the percent of affordable units required for ownership developments has been decreased from 18% to 15% to align with rental.
36 Per stakeholder feedback and additional analysis, the percent of affordable units required for ownership developments has been decreased from 10% to 8% to align with rental.
37 In alignment with the changes for option 2 in high-cost areas, the same changes have been made for typical cost areas.
38 Per stakeholder feedback and additional analysis, the percent of affordable units required for ownership developments has been decreased from 15% to 12% to align with rental.
Relation to Feasibility Findings
As outlined in the Financial Feasibility report, rental residential prototypes maintain financial feasibility thresholds under inclusionary housing policy with the following requirements:

- 50% AMI: 5% of units in typical-cost areas and 8% in high-cost areas
- 60% AMI: 8% of units in typical-cost areas and 10% in high-cost areas
- 70% AMI: 10% of units in typical-cost areas and 12% in high-cost areas
- 80% AMI: 12% of units in typical-cost areas and 15% in high-cost areas

Given the well documented need for rental housing at and below 60% AMI outline in the above section Current Housing Needs. The City’s preferred priority outcome is to serve households below 60% AMI who are most cost burdened, at risk of displacement and commonly communities of color. Additionally, by focusing market resources to fill this gap, local resources can be prioritized to serve households earning less than 50% AMI households. This On-Site Rental Option 1 was determined to be economically feasible across all residential development prototypes studied in the Feasibility Analysis.

Regarding ownership, the need is clearly documented at and below 80% AMI in the above section Current Housing Needs. Similar to the rental approach, the City’s priority is to serve ownership households at or below 80% who are unable to access affordable homeownership opportunities. This On-Site Ownership Option 1 as revised exceeds economically feasible across all residential development prototypes studied in the Feasibility Analysis.

Ultimately, it is up to each applicant developer to do its own analysis and decide which on-site option is a better fit for the proposed development. Applicants may also choose to pursue Alternative Compliance (see page 23 for more detail).

Additional financial evolution in response to feedback received

Given concerns around the impact of these policies to market-rate rents or sale prices, city staff had Root Policy study the potential impacts of the policy to market-rate rents. However, as with all regulatory and market-driven changes, local development economics are likely to adjust in response to regulatory changes. These adjustments commonly include shifts in land values as well as construction labor costs, development amenities or finish level, unit size/configuration, market-rate rents, and/or investor expectations.

The most likely scenario is some combination of the above market adjustments rather than solely placing the “added cost” on the market-rate rents/sale price. In reality, asking rents are not set only as a function of costs; they depend on a variety of market factors often separate from the actual development costs and fluctuate based on vacancy rates, demographic trends, competition, renter demographics, etc.

The findings of this supplemental analysis are provided in a Memo dated January 27, 2022 from Root Policy can be found on the project website.

Responding to Feedback
Throughout the process, we heard that these programs should serve those with the greatest housing needs (specifically those earning less than 60% AMI), however we also heard a desire to serve a greater mix of incomes and/or more “missing middle” (income) housing that can fill the gap between traditional affordable housing and market rate housing. Additionally, we heard that there was a need to balance predictability with flexibility and choice of options. Therefore, we are providing a clear set of requirements that clearly address housing needs at a mix of incomes.
Specific Advisory Committee Discussion

At the Advisory Committee meeting held in late July of 2021, staff asked the Committee members to select which affordability level and percent of affordability they would prioritize given the feasibility findings. Prior to any discussion, more than half of the members suggested a program targeted at 70% AMI for rental housing. Following robust discussion with the committee, staff asked Committee members to respond to the same question. This time, many of the responses shifted towards a 60% AMI target. Some members wanted to see greater flexibility to serve a mix of incomes. Others wanted to have options that better met housing needs but may not be feasible. Additionally, some members felt that overall unit generation (even at higher incomes) was the greatest priority. Given the conversation and various priorities within the committee, we feel that the proposal balances the guiding principles (equity, predictability and market-based) along with the feedback received and additional data specific to housing needs.

The complete meeting summary can be found on the project website.

Relation to Key Considerations

✓ Create mixed-income housing
✓ Create affordable housing that serves unmet needs
✓ Promote clarity and predictability
✓ Create market-based requirements
✓ Complement existing programs and funding sources for affordable housing

Length of Affordability

Policy Objective

To ensure that these programs not only create affordable units, but promotes long-term affordability, the affordability term is key to long term outcomes. Additionally, longer affordability terms support the city’s preservation goals.

Staff Recommendation

For both rental and ownership developments produced through EHA policies, staff recommends a 99-year affordability requirement. Consistent with the city’s Preservation Ordinance (DRMC chapter 27-49), these properties would have long-term affordability restrictions and therefore would not be subject to right-of-first-refusal (ROFR) requirements upon sale.

Relation to Key Considerations

✓ Promote clarity and predictability
✓ Create long-term affordability
Addressing Areas Vulnerable to Displacement

Blueprint Denver offers three major concepts to consider for future policies and investments. Integrating these concepts into planning and implementation will help to create a more equitable Denver.

- Improving Accessing to Opportunity: Creating more equitable access to quality-of-life amenities, health and quality education.
- Reducing Vulnerability to Displacement: Stabilizing residents and businesses who are vulnerable to involuntary displacement due to increasing property values and rents.
- Expanding Housing and Jobs Diversity: Providing better and more inclusive range of housing and employment options in all neighborhoods.

While this policy needs to look at all three measures of equity, we have heard a particular need for special attention to outcomes in areas identified as vulnerable to displacement.

To measure vulnerability to displacement, the city uses a vulnerability to displacement index from Denver Economic Development & Opportunity (DEDO) and Blueprint Denver. The index includes three components:

- Median household income – is it lower than Denver’s median household income?
- Percent of renters – is it higher than Denver’s percent of renters citywide?
- Percent of population with less than a bachelor’s degree – do fewer people have a bachelor’s degree than the citywide percentage?

For purposes of this policy, if a neighborhood hits all three indicators, the neighborhood is considered vulnerable to displacement.

Staff Recommendation

For neighborhoods that are vulnerable to displacement, the following additional requirements would apply.

- **Fee-in-Lieu funds generated in Areas Vulnerable to Displacement** will be prioritized for the creation and preservation of affordable housing including rental assistance. See DRMC Public Review Draft Section 27-217 for additional details.

- **Prioritization Policy** for all affordable units. A prioritization policy would provide priority to residents who are at risk of displacement or who have been displaced for newly developed affordable homes. A prioritization policy for housing increases the likelihood that residents who are at risk of displacement will obtain affordable housing. It could, for example, set aside a portion of newly developed affordable units for prioritized applicants for a set amount of time. Prioritization factors can include whether the household has already been displaced, is at risk of displacement, includes a household member with a disability, or is a family with children in school. Additionally, as a part of the prioritization policy, it’s likely that affirmative marketing will be required for all affordable units. Affirmative Marketing aims to reach underserved populations through community contacts and other direct methods of advertising to residents within the community, minority communities, or other targeted populations. Affirmative marketing ensures that those who are typically underserved have access to the new affordable housing units.

### Notable Change Made in Response to Feedback

Given stakeholder feedback seeking stronger considerations for communities vulnerable to displacement, the proposed DRMC draft sets forth requirements to prioritize funds received in areas vulnerable to displacement to be re-invested into these areas to create and/or preserve housing.

Additionally, through the proposed incentives, particularly height incentives, which produce a higher number of both market rate housing and affordable housing, will inherently increase the number, proportion, and availability of affordable units in areas of the city where adopted plans call for notable growth of housing and/or employment.

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39 Data Source from ACS 1-year estimates. Most up to date map can be found here: https://geospatialdenver.maps.arcgis.com/apps/MapSeries/index.html?appid=3d4e30b0f2f048ae0c3ae394ff011ff

40 The prioritization policy was identified in the HOST 5-Year Strategic Plan and is a near term priority, however the policy development is ongoing and may follow the implementation of the Mandatory Affordable Housing program. As such, a reference to this requirement is not currently included in the DRMC draft.
**Alternative Compliance**

**Policy Objectives**
Per the requirements of HB21-1117, the city must also provide at least one alternative to building affordable units on site.

- **Top Priority:** Meet the requirements of House Bill 21-1117 while still encouraging the creation of on-site affordable units, which is the primary goal of the mandatory housing program
- **Secondary Priority:** Increase funding for affordable housing creation, preservation and administration through the collection of monetary fees assessed in-lieu of providing units on-site.

**Data Background**
Two methods to determine a justifiable fee-in-lieu were evaluated in the Inclusionary Housing section of the Feasibility Report. The analysis includes:

- **Development cost method**—fee based on the actual cost to develop affordable units. This method takes into account the land cost, hard cost, soft costs, financing and contingency. As such, these are notably high figures. The following averages are provided from the feasibility report figure III-10.
  - Ownership residential: $613,575 development cost per unit in typical markets, $637,709 development cost per unit in high-cost markets.
  - Rental residential: $363,654 development cost per unit in typical markets, $392,880 development cost per unit in high-cost markets.
- **Affordability gap method**—fee based on the difference in price between market-rate units and affordable units (note for rentals this method reflects the difference in the capitalized value of market rate units and affordable units).
  - Ownership residential: $408,509 per unit in typical markets, $478,445 per unit in high-cost markets.
  - Rental residential: $268,370 per unit in typical markets, $311,192 per unit in high-cost markets.

As the on-site requirements for ownership developments were reduced, this will result in a lower requirement of fee in-lieu to ownership developments.

**Staff Recommendation for Alternative Compliance**

**Fee-In-Lieu**
Fee-in-lieu would be calculated for each affordable unit required under the build-on-site option #1. Therefore, if the mandatory requirement would have required 10 units, the developer would be required to pay the fee-per-unit multiplied by 10. The fee-in-lieu would be adjusted by market area (high-cost v. typical cost) and by tenure (ownership v. rental). While funding is not the desired outcome of the inclusionary program, it does lead to increased funds for the creation of affordable housing.

Through a review of other city programs and determination of fee methodology, staff is recommending the use of the affordability gap method along with some additional refinements made in response to stakeholder feedback to set the proposed fees.

**Notable Changes Made in Response to Feedback**
Staff received feedback detailing the impacts of fees in-lieu to smaller for-sale developments, and especially for townhome developments. Additionally, some expressed concern over the option of a fee-in-lieu and wanted to ensure that these fees were calibrated in accordance with the policy objective to promote the construction of mixed-income housing.

Therefore, instead of taking an average of the different development prototypes, the DRMC draft includes greater nuance for the fee structure based on development type. As such, the fee-in-lieu for townhomes, both rental and ownership, has been significantly reduced to $250,000 per affordable unit required. Fees-in-lieu for rental developments of 1-7 stories has been decreased to $250,000 per required affordable unit and increased to $295,000 for rental development of 8+ stories. No changes have been made to ownership fee-in-lieu amount, however since the fee-in-lieu is based on the on-site option one requirement which has been decreased from ten to eight percent, the overall effect on fee-in-lieu for ownership development has been decreased.
**Proposed Fee-In-Lieu**

<table>
<thead>
<tr>
<th></th>
<th>High Market Areas</th>
<th>Typical Market Area</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rental</strong></td>
<td>$311,000 per affordable unit required</td>
<td>Rental buildings 1-7 stories: $250,000(^{42}) per affordable unit required Rental buildings 8+ stories: $295,000(^{43})</td>
</tr>
<tr>
<td><strong>Ownership</strong></td>
<td>$478,000 per affordable unit required</td>
<td>Townhomes: $250,000(^{44}) per affordable unit required $408,000 per affordable unit required</td>
</tr>
<tr>
<td><strong>Unit Requirement</strong></td>
<td>10%(^{45}) of total units</td>
<td>8%(^{46}) of total units</td>
</tr>
</tbody>
</table>

See DRMC Public Review DRAFT Section 26-224 for more details.

Similar to the linkage fee, the fees-in-lieu would be adjusted for inflation in an amount equal to the percentage change from the previous year in the national Consumer Price Index for All Urban Consumers (CPI-U).

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\(^{42}\) Per stakeholder feedback and additional analysis, created a new fee category for rental developments of 1-7 units and decreased from $268,000 to $250,000

\(^{43}\) Per stakeholder feedback and additional analysis, created a new fee category and increased from $265,000 - $295,000 to better calibrate fee-in-lieu impacts to different development types.

\(^{44}\) Per stakeholder feedback and additional analysis, decreased from $408,000 to $250,000

\(^{45}\) Per stakeholder feedback and additional analysis, ownership decreased from 12% to 10% in High Market Areas alignment with the rental requirement.

\(^{46}\) Per stakeholder feedback and additional analysis, ownership decreased from 10% to 8% in Typical Market Areas in alignment with the rental requirement.
Alternatives

While a fee-in-lieu provides a clear and predictable alternative means of compliance, there may be instances when an alternative to the standard requirement is appropriate. Negotiated alternatives can enable creative outcomes that result in the creation of affordable housing in alignment with these program requirements and overall HOST housing goals as articulated in HOST’s Five-Year Strategic Plan.

Negotiated alternatives will generally fall into two categories:

- “High Impact” developments, or
- Discretionary agreements.

“High Impact” Developments

When a large scale and/or highly complicated development is proposed that necessitates additional consideration from the city, such as Tax Increment Financial (TIF) and/or Metropolitan District financing, a negotiated development agreement and/or other legal contracts, enumerating a variety of commitments on behalf of the developer for the benefit of the surrounding community, is likely to be more appropriate and effective than applying a citywide standard. In lieu of meeting the standard Mandatory Affordable Housing Agreement, the applicant must submit an affordable housing compliance plan that demonstrates how the proposed development meets or exceeds the standards set forth the standard program and furthers the goals of the city’s five-year housing plan, comprehensive plan goals, and any small area plan applicable to the area of high impact development at the time of execution of the plan.

Additional refinement made in response to community feedback.

Community members called for greater consideration for community needs and equity considerations. While this is not appropriate for all development, when a larger development is proposed and is leveraging city funding, additional community engagement and responsiveness is appropriate. Therefore, community outreach and responsiveness to identified housing needs is a requirement to the compliance plans for high-impact developments.

Additionally, comments requesting that any development leveraging TIF or Metro districts should be subject to the High-Impact development process.

Additionally, the developer must conduct outreach to the effective communities and detail how the proposed housing compliance plan is responsive to community needs. See DRMC Public Review Draft Section 27 –219 for the definition and applicability for high impact developments. See DRMC Public Review Draft Section 27-226 for additional details.

Negotiated Alternatives

To allow for needed flexibility, any negotiated agreements under this category would be at the discretion of the HOST Executive Director and only available in unique instances where an alternative outcome may be deemed by HOST to be more valuable to the city and/or more appropriate given identified neighborhood needs than the otherwise standard mandatory housing requirements. Examples of such limited agreements may include one or more of the following components:

- Land dedication for new affordable housing development
- Units restricted at a greater depth of affordability
- Developments providing larger unit formats and associated family-friendly amenities.
- Concurrent off-site development of affordable housing


Relation to Key Considerations

- Create market-based requirements
- Create affordable housing that serves unmet needs
- Complement existing programs and funding sources for affordable housing
Incentives

Common to nearly all comparable mandatory housing programs, incentives can be used to increase affordable housing requirements beyond the minimum standards and/or offset some of the cost of providing the affordable units. Additionally, incentives can be utilized to make building the affordable units on-site more economically attractive than alternative compliance, including fee-in-lieu.

Policy Objective

Pair incentives with mandatory requirements to promote the construction of affordable units on-site and use enhanced incentives to increase the supply of both market rate and affordable housing.

The incentives include:

- Increases in allowed building height (zoning tool)
- Parking reductions (zoning tool)
- Permit fee reductions (financial tool)
- Affordable housing review team (process permitting tool)

Staff Recommendation for Incentives

Staff recommend establishing two separate types of incentives available to all developments providing affordable units on-site (not paying the fee-in-lieu). Incentives are designed to operate administratively and therefore would not require a rezoning or other public process.

- **Base incentives** to make building the affordable units on-site more attractive than alternative compliance options and partially offset the cost of providing the affordable units. These proposed incentives are:
  
  - **Commercial Construction Permit Fee Reduction:** $6,500 per affordable unit in typical markets, and $10,000 per affordable unit in high-cost markets. Permit fee reduction will not exceed 50% of the commercial construction permit fee.
  
  - **Parking Reduction:** Reduced minimum parking requirement for all residential units by 0.5 spaces per unit. For example, in the Suburban zoning context, the current requirement is 1.25 spaces per dwelling unit. This incentive would reduce the requirement to 0.75. In the Urban Center zoning context, the current requirement is 0.75 spaces per dwelling unit. This incentive would reduce the requirement to 0.25 in this context.

- **Ground Floor Commercial Use Exemption**
  Exempt ground floor commercial, sales and service use as defined by the Denver Zoning Code from the linkage fee when providing affordable units on site.

  See DRMC Public Review DRAFT Section 27-223(b) and DZC Public Review Draft Article 10 for additional details.

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**Notable changes in response to feedback.**

Staff received additional feedback seeking greater incentives to minimize the financial impacts of these programs. Therefore, the draft includes three enhancements to the incentives. First, the applicability of the permit fee reduction has been expanded to all affordable units, not just those at the lower AMI designations. Second, the permit fee reduction per unit in high market areas has increased to $10,000 per affordable unit. Lastly, a new incentive to exempt ground floor commercial uses from the linkage fee has been introduced. For example, a mixed-use development providing affordable units on site and 6,000 sf of ground floor retail, would receive a linkage fee exemption of $36,000.

---

47 Base incentives do not have geographic applicability and are available city-wide.

48 Per stakeholder feedback and further analysis, the permit fee reduction has expanded to all income restricted units, not just those at 60% AMI.

49 Per stakeholder feedback and further analysis, the permit fee reduction in high-cost market areas has increased from $7,500 to $10,000.
• **Enhanced incentives** to increase the supply of housing, both market rate and affordable, by meaningfully changing the economics of the project, as well as partially offsetting the cost of providing the affordable units. These incentives would be available only to projects that, at a minimum, increase the percentage of on-site affordable units by the following standards:

<table>
<thead>
<tr>
<th>Enhanced Incentive Requirements</th>
<th>Typical Market Areas</th>
<th>High Market areas</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Enhanced Option 1</strong></td>
<td>Rental: 10% of total units at 60% AMI</td>
<td>Rental: 12% of total units at 60% AMI</td>
</tr>
<tr>
<td></td>
<td>Ownership: 10% of total units at 80% AMI</td>
<td>Ownership: 12% of total units at 80% AMI</td>
</tr>
<tr>
<td><strong>Enhanced Option 2</strong></td>
<td>Rental: 15% of total units averaging up to 70% AMI serving households with incomes up to 80% AMI</td>
<td>Rental: 18% of total units averaging up to 70% AMI serving households with incomes up to 80% AMI</td>
</tr>
<tr>
<td></td>
<td>Ownership: 15% of total units averaging up to 90% AMI serving households with incomes up to 100% AMI</td>
<td>Ownership: 18% of total units averaging up to 90% AMI serving households with incomes up to 100% AMI</td>
</tr>
</tbody>
</table>

- These proposed enhanced incentives include:
  - **Increase in allowed building height by-right** for sites with the following zoning: Mixed-Use (MX); Main Street (MS); Commercial Corridor (CC); Multi-Unit (MU), Residential Office (RO), and Residential Mixed Use (RX) of 3 or more stories.

<table>
<thead>
<tr>
<th>Height Incentives</th>
<th>Existing Height in stories (per zoning)</th>
<th>By-Right Incentive Height Bonus in stories</th>
<th>Height in stories with Incentive</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>5</td>
<td>2</td>
<td>7*</td>
</tr>
<tr>
<td></td>
<td>8</td>
<td>4</td>
<td>12*</td>
</tr>
<tr>
<td></td>
<td>12</td>
<td>4</td>
<td>16*</td>
</tr>
<tr>
<td></td>
<td>16</td>
<td>6</td>
<td>22*</td>
</tr>
<tr>
<td></td>
<td>20</td>
<td>10</td>
<td>30*</td>
</tr>
</tbody>
</table>

See Denver Zoning Code Draft Division 10.12 for more details.

*Note additional standards apply when within 175-feet of a protected district that may limit applicability of the incentive height. See the building form tables in the DZC Public Review Draft for more details.

Height and FAR increases for areas with existing incentive systems.

The city has several areas with existing incentive systems including the 38th and Blake Station Area Incentive Overlay (IO-1), Downtown Core and Theater District (D-C, D-TD), , Golden Triangle (D-GT), Arapahoe Square (D-AS, D-AS-12/20+), and Central Platte Valley-Auraria (D-CPV-T/R/C). The proposed draft brings these areas with unique incentive systems into a more consistent citywide system for mandatory housing requirements and incentives. As such, the entire DRMC section 180-188.5 are proposed to be repealed along with the DZC Incentive Overlay section in Article 9.

For **Downtown context zone districts**, the proposal applies the new mandatory affordable housing requirements to existing base/incentive structures and enables projects to qualify for increased FAR or height by meeting the enhanced affordable housing ratios described above and/or increased linkage fees. Existing FAR bonuses such as rehabilitation of historic structures, public art, and transfer of development rights (TDR) will be maintained along with a fee-based incentive for commercial projects. For example, a residential project in the Downtown Core (D-C) zone district may
exceed the maximum of 10.0 FAR and develop up to the maximum with incentives of 20.0 FAR by meeting the enhanced affordable housing requirement to provide 12% of total dwelling units at 60% AML. The same project could also use TDR for a portion of the total gross floor area. The TDR portion would still be required to meet the mandatory affordable housing requirement to provide 10% of dwelling units at 60% AML. See DZC draft Article 8 for more details.

For the 38th and Blake Station Area Incentive Overlay, two actions are proposed. (1) the existing incentive overlay (IO-1) will be removed and replaced by the citywide system proposed above for incentives. (2) some sites within the overlay area will be rezoned to maintain the existing incentive heights. For example, if a current site has a base height of five stories but can access incentives up to 16 stories, the site would be rezoned to a standard district of 12 stories and could still achieve the incentive height of 16 stories by providing a greater level of affordability per the enhanced incentive requirements.

The following map identifies the area in different shades of blue proposed for a map amendment concurrent to the adoption of the DRMC and DZC amendments. Further details on the specific Map Amendment can be found online.

<table>
<thead>
<tr>
<th>Proposed Changes to Base Height within the IO-1 District</th>
</tr>
</thead>
</table>

- **Vehicle parking exemption** for sites with existing zoning (Mixed Use Commercial Zone Districts; Multi Unit (MU), Residential Office (RO), and Residential Mixed Use (RX)) within 1/4 mile of a Rail Transit Station Platform. See DZC Draft Division 10.4 for more details.

- Potential to have the project’s SDP (including related DOTI submittals) and building permit review completed by the **Affordable Housing Review Team** (AHRT). This is a new team recently funded in the 2022 budget that would allow developments to be reviewed by a specialized team focused on reducing the number of review cycles to move more quickly through the review process. Workload for this team will be capped to ensure the team is able to provide a higher level of customer service. Prior to concept SDP submittal, a project may apply for inclusion in the AHRT program.

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**What about projects that are fully affordable (e.g., Low Income Housing Tax Credit or LIHTC)?**

As these projects would be building affordable units on site and exceeding the requirements for the enhanced incentives, all base incentives (permit fee reduction, parking reduction) and enhanced incentives where geographically appropriate (increased building height, parking exemption, AHRT review) would be available to these affordable housing projects. See DRMC Public Review Draft Section 27-223(c)(2).

**Relation to Key Considerations**

- ✓ Create mixed-income housing
- ✓ Create affordable housing that serves unmet needs
- ✓ Pair incentives with mandatory requirements
## Mandatory Housing Summary Table

<table>
<thead>
<tr>
<th>Option #1</th>
<th>Rental</th>
<th>Ownership</th>
<th>Rental</th>
<th>Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>On-Site Affordability Requirement</td>
<td>High-cost Markets</td>
<td>Typical Markets</td>
<td>High-cost Markets</td>
<td>Typical Markets</td>
</tr>
<tr>
<td>Permit Fee Reduction</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Parking Reduction</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Linkage Fee Exemption</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Base Incentives</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>Available Citywide</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
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</tr>
<tr>
<td>Enhanced Incentive Affordability Requirement</td>
<td>High-cost Markets</td>
<td>Typical Markets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enhanced Incentives</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
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<tr>
<td>Available Citywide</td>
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<td>☑</td>
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<td>☑</td>
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<tr>
<td>Available Housing Review Team</td>
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<td>☑</td>
</tr>
<tr>
<td>Option #2</td>
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<td>Ownership</td>
<td>Rental</td>
<td>Ownership</td>
</tr>
<tr>
<td>On-Site Affordability Requirement</td>
<td>High-cost Markets</td>
<td>Typical Markets</td>
<td>High-cost Markets</td>
<td>Typical Markets</td>
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<td>Available Housing Review Team</td>
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<td>☑</td>
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</tr>
<tr>
<td>Rental</td>
<td>$311,000 per affordable unit required</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ownership</td>
<td>$478,000 per affordable unit required</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- ✔ - Incentive available
- ✗ - Incentive not available
- * - Subject to staffing capacity

February 2022
Effective Date

The project is anticipated to conclude in spring of 2022. The effective date by which projects must comply to the new regulations is an important element of the ordinance.

In considering the effective date, the city is balancing the immediate need for construction of affordable units with:

- Adequate time for existing projects to receive approval under current regulations, or decide to follow new regulations
- Adequate time for the city to create the systems needed to effectively implement the new EHA requirements, especially mandatory housing. This includes new staff, software and compliance systems.

Staff Recommendation for Mandatory Requirement or Linkage Fee (projects under SDP review)

- Concept site development plan submitted by June 30, 2022
- Must have final SDP approved by August 30, 2023 (14-month window)
- Project subject to Large Development Review (LDR) and/or subdivision, must have final SDP approved by December 31, 2023 (18-month window).

Staff Recommendation for Linkage Fee (projects under residential review)

- Building permit submitted by June 30, 2022 and all applicable plan review fees paid.
- Must have building permit approved and issued by December 30, 2022 (6-month window)

Responding to Feedback

Throughout the process, we heard the importance for predictable requirements along with predictable effective date and implementation. Many times, larger projects have spent over $1 million by the time they are at concept, which does not factor in the purchase of the land which is also in the millions. As substantial regulatory changes such as mandatory housing and linkage fee increases impact project returns and underwriting, it’s important that applicants have sufficient time to understand and adjust to regulatory changes.

We heard a strong desire for the “cut-off” to be at time of concept, rather than formal SDP, as significant investments have been made by the applicant team to arrive at this point of concept submittal. Additionally, we wanted to provide sufficient time to allow for projects to successful move through the SDP or building permit process. As such, the review windows are based on the median review times.
Anticipated Outcomes

The mandatory affordable housing program and the linkage fee are intended to complement existing tools and funding resources to better meet Denver’s growing housing needs. Together, the linkage fee and mandatory housing program will help Denver meet its affordable housing goals by providing funding and directly creating affordable units. The Department of Housing Stability’s Five-Year Plan aims to create or preserve 7,000 units of affordable housing from 2022 to 2026, reduce housing cost burden among low- and moderate-income households (those earning at or below 80% of the area median income) from 59% to 51%, and increase the rate of homeownership among low- and moderate-income households from 36% to 41%.

The Linkage Fee provides critical funding to the Affordable Housing Fund, which also receives revenue from the Marijuana Sales Tax, Property Tax, and General Fund. For context, in 2022, the following funds are estimated as follows to support the affordable housing fund: Property Tax ($8.9M); MJ Sales & Use Tax ($12.3M); Linkage Fee ($14.1M).

As the linkage fee will no longer apply to all development (as developments of 10 or more units will be subject to mandatory affordable housing), there will be a smaller segment of developments paying into the linkage fee although at a higher rate. Given unpredictability of the private development market, and particularly for commercial developments, the city cannot provide a concrete estimation of future linkage fee funding generation.

The new mandatory affordable housing program is a market-based tool; therefore, the production of affordable units is dependent on the markets ability to produce units. As such, it’s difficult for staff to identify a set outcome of affordable that will be produced through this program. Additionally, it is important to note that the city is not only defining success through the number of units produced, but we are also tracking the AMI levels served, the household served, and the overall development market. Therefore, the following estimate is a projected range. This was informed by historical development trends\(^50\), feasibility modeling of likely outcomes\(^51\), and industry feedback\(^52\).

Assuming the Denver housing market remains strong, this program will likely directly produce 200 to 400 income restricted units annually and $2 – 10 million in fee-in-lieu funds annually, which could result fund additional unit creation and preservation.

Factors impacting these estimates include:

- **Overall housing production.** For this program to be successful, the housing market must remain strong and produce thousands of new units annually. Housing production has varied significantly over the past 10 years ranging from 1,232 units to 10,052 and the peak. We anticipate 4,000 – 6,000 units are likely to be created on an annual basis in the near future, however unanticipated market forces could impact overall production.

- **Number of units subject to the Mandatory Affordable Housing Requirements.** Many areas of the city such as Green Valley Ranch or Central Platte Valley have pre-existing housing agreements that include housing commitments and will not provide affordable units through this specific program. Additionally, smaller infill projects of 9 or fewer units will pay the linkage fee and not produce units directly as a part of an individual development.

- **Proportion of development occurring in different market areas.** The requirements for affordable units vary by these market areas, therefore if more development occurs in areas such as downtown, a greater proportion of units will be created as compared to other market areas.

- **Developer choice of options.** The proposed policy provides developers with three standard options. The two build on-site options provide a tradeoff on depth of affordability compared to percent of units. Therefore, if more developers select option one focused at lower AMIs, fewer overall units will be developed, but these will be at a lower AMI. Alternatively, if the developer selects option two, this will produce more units, however at a different range of AMIs. Additionally, if developers opt to pay the fee, this will reduce the number of units directly produced through this program but will produce funding for units serving other income levels.

- **Developer use of incentives.** The proposed policy provides a set of incentives. The use of both parking reductions/exemptions and height-based incentives will also drive up the overall supply of housing and provide more income restricted units.

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\(^{50}\) Data on historical unit production provided by Colorado Department of Local Affairs (U.S. Census Bureau, Building Permits Survey)

\(^{51}\) In typical development outcomes, build-on-site option one is the most feasible, build-on site option one is the slightly less feasible, and the fee in lieu is the least feasible. Exceptions to this are high-end luxury condos and areas with significant projected rent growth.

\(^{52}\) Per one-on-one discussions and focus group feedback, most developers indicated that per they were unlikely to pay the in-lieu fee for most projects.
These programs will play a critical role in meeting the projected housing needs identified earlier in the document, however these tools are not anticipated to be the only means of meeting our housing needs and other existing and new tools will need to be deployed.
Tracking and Reporting

Consistent with the Five-Year Strategic Plan, the city will provide regular access to the outcomes and successes of the City's efforts to expand access to affordable housing opportunities, which includes these programs, as well as other goals articulated in HOST's Five-Year Strategic Plan. This will include a dashboard reporting the program outcomes.53

Specific to the linkage fee, the city will track and report on the following annually:

- Amount of funding allocated to the Department of Housing Stability for affordable housing
- Use of funds including a summary of affordable housing projects and programs funded by the fee
- Projects granted and exception or reduction to the linkage fee

For the Mandatory Affordable Housing Program, the city will track and report the following annually:

- The options for compliance selected (e.g., on-site option 1, on-site option 2, enhanced incentives, fee-in-lieu or negotiated alternative)
- The number of affordable housing units planned, approved, construction ready, under construction, and constructed and open.
- Units created by tenure (ownership/rental), AMI levels served, and bedroom mix.
- Amount of fee-in-lieu funds allocated to the Department of Housing Stability for affordable housing and summary of affordable housing investments supported by the fee

To oversee projects’ compliance with the requirements established by these programs, HOST will perform ongoing internal monitoring and review data from properties on household characteristics such as demographics, association with Denver’s prioritization policy, target income verifications and use of additional subsidies such as housing vouchers.

To provide regular access to information on plan progress, HOST will employ a range of tools. First, HOST will create public-facing dashboards that track progress toward plan goals, as well as important contextual information like the affordable housing pipeline and HOST financial information. These will be updated on a regular basis at least quarterly. In addition, HOST will disseminate information on plan progress at City Council committee meetings and provide updates through the HOST website, newsletter, and press releases. To ensure information is accessible to interested community groups, HOST will provide updates on its progress to the Housing Stability Strategic Advisors. In addition, HOST will attend meetings with community groups that helped inform the strategic plan twice annually. These groups include Anti-displacement Policy Network, Homelessness Funders Collaborative, Homeless Leadership Council, and Neighborhood Development Collaborative. – HOST Five-Year Strategic Plan, Page 56

53 Most reporting for these programs will be provided by the Department of Housing Stability in alignment with its Five-Year Strategic Plan. However, some measures are tracked by Community Planning and Development and may be reported separately.
Defined Terms

Affordability/affordable — Housing costs are “affordable” if they do not exceed 30 percent of a household’s gross monthly income. The figure below shows affordable rents and home prices by AMI level.

Area Median Income (AMI)— The median income for a region as defined each year by the U.S. Department of Housing and Urban Development (HUD). Throughout the study, relevant data are presented by Area Median Income (AMI) brackets. For consistency purposes, AMI income brackets used in this study follow the 2020 income limits for a 2-person household, as maintained by the Denver Department of Housing Stability (HOST), as determined by HUD.54 These are calculated at the Denver-Aurora-Lakewood MSA level.55 The 2-person Denver Area Median Income for 2020 is $80,000. Throughout this study, data for the number of households at each AMI range is estimated using the closest ACS income brackets.

Cost burden— A cost burdened household is one in which housing costs—the rent or mortgage payment, plus taxes and utilities—consume more than 30 percent of monthly gross income.

Severe cost burden — A severely cost burdened household is one in which housing costs consume more than 50 percent of monthly gross income.

Naturally Occurring Affordable Housing (NOAH) - Naturally occurring affordable housing is housing that may rent or sell at an affordable rate without public subsidy or affordability restrictions. The rents are more affordable because these properties are typically older properties, likely in need of renovation, and located in less desirable neighborhoods or on busy streets. While these factors keep rents low in NOAH properties. Continued market pressures can lead to rent increases that no longer serve the housing needs for households at lower incomes.

![Diagram showing affordable rents and home prices by AMI level.](source)

Source: HOST 2021 Income Limits

54 A two-person household was chosen because it most closely reflects the average household size in Denver, which is 2.24 as of 2019.

55 The Denver-Aurora-Lakewood MSA median income is slightly higher than Denver’s median income according to the ACS. Counties included in the Denver-Aurora-Lakewood MSA calculation are: Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, and Park.
Appendix

Cost Burden by AMI, 2019

<table>
<thead>
<tr>
<th>AMI</th>
<th># of Households</th>
<th># of Households Cost Burdened</th>
<th># of Households Severely Cost Burdened</th>
<th>Total Cost Burden</th>
<th>% Cost Burden</th>
</tr>
</thead>
<tbody>
<tr>
<td>50% and below</td>
<td>24,399</td>
<td>6,239</td>
<td>11,319</td>
<td>17,558</td>
<td>72%</td>
</tr>
<tr>
<td>51-60%</td>
<td>5,758</td>
<td>1,746</td>
<td>1,096</td>
<td>2,841</td>
<td>49%</td>
</tr>
<tr>
<td>61-80%</td>
<td>14,821</td>
<td>4,517</td>
<td>1,186</td>
<td>5,703</td>
<td>38%</td>
</tr>
<tr>
<td>81-100%</td>
<td>14,456</td>
<td>4,065</td>
<td>812</td>
<td>4,877</td>
<td>34%</td>
</tr>
<tr>
<td>101-120%</td>
<td>12,616</td>
<td>2,750</td>
<td>305</td>
<td>3,054</td>
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</tr>
<tr>
<td>120+</td>
<td>85,602</td>
<td>4,303</td>
<td>737</td>
<td>5,040</td>
<td>6%</td>
</tr>
<tr>
<td>TOTAL:</td>
<td>157,653</td>
<td>23,619</td>
<td>15,454</td>
<td>39,073</td>
<td></td>
</tr>
</tbody>
</table>

Source: 2019 1-year ACS, Root Policy Research
Note: The HUD 2020 AMI for a two-person household of $80,000 was used

Denver Historical/Current Program Context

**Applicability**
The former Denver IHO program had an applicability of 30 ownership units or more. As a result of this high unit count, most of the new infill occurring in the city, and especially in high-opportunity areas was not subject to the former program. The high unit count, coupled with state law that limited the program to ownership units, led to the creation of very few affordable units in high-opportunity areas. See more in the Background Report on the IHO program outcomes.

**Affordability Requirement**
The former IHO generally required that 10% of ownership units be income restricted up to 80% AMI. In high-cost structures incomes up to 95% AMI could be served. The IHO did not apply to rental housing.

The current linkage fee offers the ability for a Build Alternative Plan which sets a formula to build the affordable units on-site or within ¼ mile of the site. The affordable units must serve households earning 80% AMI and below. While the outcomes vary, this commonly results in 1% of units at 80% AMI.

The current system that applies to the 38th and Blake incentive overlay district is also based on a requirement derived from the linkage fee formula, however it applies a higher multiplier. Affordable units must be restricted to 80% AMI and below and commonly result in an average of 5% affordable units. Similar systems that apply to Central Platte Valley-Auraria and Golden Triangle are relatively new and project data is not available. Potential project outcomes were modeled to be similar to 38th and Blake, with a slightly higher percentage of units at 80% AMI possible in Central Platte Valley-Auraria, and the same percentage of units but with a 60% AMI restriction in Golden Triangle.

The city has not had a formal program that required income restricted units on new rental developments. However, the city has recently entered into a series of voluntary affordable housing agreements commonly associated with a rezoning to increase development capacity. These commonly range from 60 – 80% AMI and range from 10-15% of total affordable units. The most common outcome is about 11% of units at 80% AMI.

**Length of Affordability**
The prior IHO had a fairly short affordability range of 15 to 30-year affordability commitment. As a result, many of those units have covenants that are about to expire, and most of the preservation funds are focused on extending covenants that are about to expire.
The current affordable housing requirement is 60-years and requires a right-of-first refusal (ROFR) per the Preservation Ordinance. However, if a developer/owner commits to 99-years of affordability, the City waives its ROFR. Most developers who have recently negotiated voluntary affordable housing agreements with HOST have opted for the longer affordability period in exchange for removal of the ROFR.

**Alternative Compliance**

The former IHO included a fee-in-lieu, off-site construction, and land dedication as alternative compliance means. Initially the fee-in-lieu was not appropriately calibrated by market area. As a result, development subject to the IHO in high-cost areas such as downtown paid the fee. In a later revision to the ordinance, the fee-in-lieu along with the cash subsidy was increased for high-cost structures. This change resulted in more developers opting to build the affordable units on site rather than pay the fee. Therefore, careful calibration of the alternative fee-in-lieu will be necessary.

In the current 38th and Blake incentive overlay district, and similar systems in Central Platte Valley-Auraria and Golden Triangle, residential developments leveraging the incentive cannot pay a fee-in-lieu, however they can build the units off-site within the overlay area. To date, this option has not been utilized.

**Incentives**

The prior IHO provided a series of incentives to meet the minimum on-site requirement. These incentives included cash rebates, parking reductions, and a small density bonus.

The 38th and Blake incentive overlay district operates as a height-based incentive only program. The increase of height varies by site and ranges from 2-11 additional stories in exchanged for approximately 5% of units affordable 80% AMI. More details on this pilot program and the outcomes can be found in the Background Report.
Appendix 4

Public comments specific to the EHA program and DZC text amendment
Written Comments Received in Response to Draft DRMC and DZC Amendments
(January 1, 2022 - March 30, 2022)
March 14, 2022

Dear CPD & HOST:

We, the undersigned organizations, **support the City of Denver’s efforts to generate affordable housing units as a condition of new market-rate development as detailed in the Expanding Housing Affordability (EHA) proposed ordinance and companion outline posted to the EHA project site in February 2022.** We recognize and appreciate the extensive research and justifications assembled by Root Policy Research and Community Planning & Development (CPD), review and input from the EHA Advisory Committee, and public feedback provided on the September 2021 proposed policy approach that have collectively informed the current draft ordinance.

We recognize the EHA proposal is a sorely needed policy tool that will create more affordable units through mixed-income development and generate more funding for the City to invest in deeply affordable and long-term housing development. In Denver, rent and mortgage costs have increased over 75% during the last decade while wages have only increased by 32%.1 As a result, over 100,000 households in Denver are considered cost-burdened, paying more than 30% of their wages on housing.2 The affordable housing crisis puts our friends, families, and neighbors at risk of losing the roofs over their heads, reduces access to healthy food and reliable transportation, limits access to adequate healthcare, and more. This critical policy is an important way to ensure all new development is contributing to housing cost relief.

Within the EHA proposal, we particularly support:

- **Tying the creation of new market-rate housing to mandatory, on-site affordable housing units** in all residential development with 10 or more units, with the requirement for a higher percentage of affordable units in more expensive markets. The proposal’s incentives for developers to create mixed-income developments is critical to advancing more equitable access to community benefits and economic opportunity.

- **Prioritizing development of affordable units that are attainable for renters and homebuyers with incomes at 60% and 80% of area median income (AMI),** respectively, while also providing developers the option and flexibility to include units affordable to households with even lower incomes in their developments.

- **Ensuring the fee that developers can choose to pay instead of building on-site affordable units (“fee in-lieu”) is high enough to disincentivize developers from choosing this alternative.** We appreciate the proposed fee is one of the strongest in the nation, higher than peer cities like Atlanta, Boston, and Los Angeles, according to data compiled by the Department of Housing Stability (HOST). This will spur more on-site mixed-income development and reduce economic and racial stratification in housing.

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Prioritizing neighborhoods where residents are vulnerable to displacement for the City’s investment of fees in-lieu collected from these neighborhoods. This is a welcome addition from the first proposed iteration of the EHA proposal that we hope will help preserve and produce more—and more deeply affordable—units available for Denverites to remain in their chosen communities.

Meaningfully increasing the existing linkage fee for nonresidential development and residential development with 9 and fewer units. The bolstered linkage fee is projected to create millions of dollars each year of sustainable and dependable funding for the creation and preservation of affordable housing across Denver. The final ordinance should not further lower, or further extend the phase-in of, the currently proposed linkage fees.

Greater accountability, tracking, and transparency on program outcomes from the City. In particular, we appreciate Community Planning & Development’s commitment to report not only the number of units and dollars generated through the EHA initiative on a public dashboard, but also what household incomes are being served and the details of negotiated alternative agreements struck by the City and developers and how they serve the City’s established housing and affordability goals. We urge CPD to provide this information in the most timely, widely accessible way possible.

We recognize the EHA proposal is one critical piece in the much bigger puzzle of Denver’s affordable housing solution, and that while a critical step forward, this market-driven policy cannot solve for all our challenges including disproportionate lack of access to homeownership for BIPOC Denverites, record-high (and increasing) market-rate rents and mortgages, and restrictive zoning policies that exclude affordable housing from a large portion of Denver neighborhoods and beneficial community resources.

Further, we understand that moderately affordable units created through this policy should ease investment demand for this AMI bracket, allowing the City to dedicate a greater share of its affordable housing resources—including those generated through EHA’s increased linkage fees and fees in-lieu—to providing homes for those with incomes below 60% AMI. We look forward to collaborating with the City to ensure this outcome.

The EHA policy must also complement existing resources and be thoughtfully integrated with the new tools developed in the process of implementing the Department of Housing Stability’s Five-Year Strategic Plan. This includes the housing prioritization policy currently being developed by the Department of Housing Stability, intended to connect those who have experienced or are at risk of involuntarily displacement from their communities with meaningfully affordable homes.

We urge your support of the proposed EHA ordinance, and we look forward to continuing to work with you to advance the many other policies, programs, and resources Denver so desperately needs toward ensuring every person can obtain healthy, safe, high-quality homes connected to community and opportunity.
Sincerely,

be well Health and Wellness Initiative
Colorado Children’s Campaign
Colorado Coalition for the Homeless
Colorado Poverty Law Project
Covid-19 Eviction Defense Project
The Denver Foundation
Elevation Community Land Trust
Enterprise Community Partners
Healthier Colorado
Mile High Connects
Mothers Advocate for Affordable Housing
Neighborhood Development Collaborative
O’Connor Jones: A People’s Law Office, LLC
YIMBY Denver
March 7, 2022

Re: Public Comment – Expanding Housing Affordability Project

Dear Ms. Hock:

We write to submit comment in response to the city of Denver’s Expanding Housing Affordability Project. We applaud the city’s efforts to begin to address the undeniable housing crisis plaguing Denver’s residents and agree that data undeniably indicates the city is correct when it stated “Denver needs more affordable housing across the income spectrum.”

Before we provide two comments, we include data critical to illustrating the challenges facing residents of this neighborhood:

- As of January 2022, the average cost to rent a one bedroom in Denver is $2,064
- 30% of residents in this neighborhood have incomes below $50,000 and 10% of residents have incomes below $24,999 annually (representing incomes just under 30% of median income and defined as at risk of homelessness)
- Home sales averaged $689,711 for detached housing and $450,244 for attached (e.g., condos and townhomes). New listings are down by 48% in as of January 2022 from the previous year.
- 60% of WWPNA residents are renters.
- The Denver Metro Economic Development Corporation estimates Denver’s population will continue to grow at a rate that outpaces comparable cities.
- An examination of residential zoning within the boundaries of this RNO show a predominance of single unit zoning; even existing parcels that presently have 3-story apartment buildings are now zoned as 2-story multi-family housing.

Considering this information, we submit the following comments:

1. We applaud the city in taking a first step with the drafting this policy and acknowledge that other cities have employed similar policies as part of a series of strategies to add affordable housing to the housing supply.

2. This policy puts the costs of building affordable housing on the development of new, mostly multi-family housing. Absent city-wide zoning reform to make multi-family housing legal on all residential parcels, the impact of this approach will be muted as the presence of multi-family housing is prohibited according to current zoning on most of the land within the city’s boundaries. In other words, Denver’s continued reliance on single unit zoning will work against the city’s stated goal to provide more affordable housing.

WWPNA is a Registered Neighborhood Organization in Denver. Our boundaries are Speer Boulevard on the north, I-25 on the south, Downing Street on the east and Broadway on the west and include approximately 19,000 total residences and businesses. Our membership is voluntary and we have approximately 583 members.

Sincerely,

Amy Kenreich, President
President@wwpna.org

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1 Expanding Housing Affordability - City and County of Denver (denvergov.org)
3 https://www.census.gov/
5 https://www.census.gov
6 https://www.metrodenver.org/data-central-preview/266
7 Denver Maps - Zoning (denvergov.org)
DATE: March 14, 2022

TO: Denver Department of Community Planning and Development
Analiese Hock, Principal City Planner

FROM: Denver Urban Renewal Authority
Tracy Huggins, Executive Director

SUBJECT: Requested Changes to Expanding Housing Affordability Draft Proposal

Thank you for including the Denver Urban Renewal Authority (“DURA”) as a member of the Expanding Housing Affordability Advisory Committee. Upon review of the proposed Denver Revised Municipal Code Amendment regarding Expanding Housing Affordability (Public Policy Review Draft 2/2/2022) (the “Amendment”), DURA is suggesting the following changes to the Amendment:

1. Revision of Article X, Division 1, Section 27-219 (l) to state:
   
   **High impact development means any combination of residential, mixed-use residential, non-residential, and mixed-use non-residential structures that are built as a part of a development where the development will be built on:**
   
   (1) ten (10) or more acres without the use of city approved financing tools; OR
   (2) five (5) or more acres and is leveraging a city approved financing tool such as **tax increment financing** or a metropolitan district; OR
   (3) an area of any size and is leveraging tax increment financing

Rationale: DURA is committed to the creation of affordable housing and believes that any development seeking the use of tax increment financing should be required to meet the standards for High Impact Developments as proposed in Article X, Division 3 of the Amendment.

2. Revision of Article X, Division 3, Section 27-229 (c) to state:

   The director shall review the plan and approve, approve with conditions, or reject the high impact development compliance plan. The director shall collaborate with the Denver Urban Renewal Authority when reviewing the compliance plan for a High Impact Development leveraging tax increment financing. The approved high impact development compliance plan shall result in an agreement to be signed by the owner or owners of the entire subject property, or the authorized agent of the owner or owners in advance of City Council approval of city financing tools, if applicable, and shall be recorded with the clerk and recorder of the City and County of Denver. For all high impact development compliance plans required under this section, no building permits shall be approved or issued for any structure within a high impact development area until an agreement is approved and recorded.
Rationale: DURA believes it is vital to collaborate on the review of compliance plans for a High Impact Development leveraging tax increment financing to assure that the plan is consistent with DURA’s expectations and DURA’s evaluation of the request for tax increment financing.

3. Addition of clarifying language to Division 3 – High Impact Developments that states:

   High Impact Development that does not include either residential or mixed-use residential structures shall be required to adhere to Article V, Division 2 of the Denver Revised Municipal Code including the payment of housing linkage fees as set forth therein.

Rationale: DURA believes it is helpful to explicitly state that High Impact Development which is non-residential must meet the requirements set forth in Article V, Division 2.

It is DURA’s request that suggested revisions 1 and 2 described above be considered in conjunction with each other.

Thank you for taking DURA’s requests under consideration.
Dear Ms. Hock,

In response to the public review period, attached please find a letter in regards to the updated Expanding Housing Affordability policy proposal on behalf of Denver’s local business, residential and commercial development community.

Thank you for your time and the opportunity to provide additional comment on this proposal. As noted in the letter, we continue to come to you collaboratively with a desire to work with City staff, the Mayor’s Office, and City Council on this important policy issue.

We thank you for your consideration of our collective feedback and look forward to next steps.

Sincerely,

The Downtown Denver Partnership and Signers listed in the attached letter

Kate Barton | Executive Vice President, Executive Office and Special Projects
Office: 303.571.8202 | Mobile: 303.815.5885
1515 Arapahoe St. Tower 3, Suite 100, Denver, CO 80202
March 14, 2022

Analiese Hock, Principal City Planner
Community Planning and Development, City and County of Denver
Wellington E. Webb Municipal Building
201 W Colfax Ave, Denver, CO 80202

Re: Expanding Housing Affordability Proposed Policy Approach

CC: Mayor Michael B. Hancock, Denver City Council, Laura Aldrete, Jill Jennings Golich

Dear Ms. Hock,

On behalf of Denver’s local business and development community, we want to thank you for the opportunity to provide additional comment on the Expanding Housing Affordability (EHA) process. We appreciate staff’s willingness to consider our letter dated December 21, 2021 and spend additional time addressing our follow-up questions. We value the work that has gone into crafting this proposal and the City’s efforts to increase access to affordable housing.

We are dedicated to being good partners as you work through the legislative process and continue to come to the table with experienced-based feedback. With that said, we have ongoing concerns within inclusionary housing policies and their overall impact on the cost of housing. We hope you’ll strongly consider addressing our latest round of comments as outlined below.

**Greater flexibility for projects moving through the review process in good faith**

We appreciate the City’s willingness to limit impacts to existing projects by grandfathering them under the current regulatory framework and impact fees. We also understand staff’s
decision to provide an outside date of approval (August 30, 2023) for projects that submit their concept site development plan (SDP) by June 30, 2022.

As you know, there are legitimate concerns about the City not currently having the staffing necessary to process approvals in a timely manner. While we urge the City to focus on bolstering staff to support this proposal, we also know that this issue will only be exacerbated as applications increase prior to the June 30, 2022 deadline. To be clear, this concern not only stems from developers, but also those in the architectural community who have limited capacity to handle the influx of development applications.

We, like the City, want to see projects move forward in good faith to increase the supply of affordable housing. However, that good faith must go both ways. Is it reasonable to not grandfather a project that has been working collaboratively with staff, but may miss the August 2023 deadline by a month or two? Too often the development community has seen significant comments raised at the eleventh hour in the review process.

Per our conversations with City staff, the 14-month window for approvals is based on current and median concept and formal SDP review times. But why base that window on current review times when staff ultimately knows, based on other peer cities, that review times will increase based upon the additional workload.

We’d like to work collaboratively with staff to foster greater flexibility for projects moving through the review process in good faith and codify this within the rules and regulations. Whether it’s providing a more realistic outside date or the ability to appeal to the Executive Director of Community Planning & Development for more time, we would like to see the City propose a solution that more accurately reflects current and future staffing challenges. We’d also appreciate the City providing greater clarity on when a final SDP is “approved.”

Concerns around the City’s review process have been a common theme in our conversations with Denver City Council. Again, we hope we can work on a collaborative solution to provide greater flexibility that ultimately is in line with the intent of this policy and supports those who are working to bring projects to market.

**High-cost vs typical cost markets (mandatory housing and linkage fees)**

While we understand the City’s ongoing position to maintain the high-cost and typical cost markets, we must again go on record and stress that more stringent inclusionary standards and higher linkage fee requirements will likely have the inverse effect and produce less affordable units in the areas where we need them the most.

Per our conversation with the City on February 23, 2022, we would respectfully request staff consider the following:

- Updating the high-cost and typical cost markets every three years to provide more predictability for the development community;
- Creating an interactive map that clearly shows the visual and statistical boundaries of high-cost and typical cost markets;
- Grandfathering projects into the high-cost and typical cost markets at the time of their concept SDP submittal;
Clearly communicating with the development community prior to changes in the high-cost and typical cost markets. Communication should occur at least six months prior to any changes and staff should be transparent about what typical cost areas may become high-cost so developers can plan accordingly.

**Maintaining flexibility through alternatives and the need for greater incentives**

We are supportive of, and would like to see, the City maintain discretionary agreements in the final EHA proposal. It’s critical for the development community and the City to have the ability to negotiate these agreements to ensure projects are getting built while meeting affordable housing goals.

While we appreciate the City’s willingness to provide incentives, we believe those currently proposed do not do enough to offset development costs which will ultimately be passed onto residents in future projects. Again, to offset rent increases for the “missing middle” (those in the 81-100% AMI range), we believe the City should provide direct credits from the Affordable Housing Fund or another source, or access to the existing loan fund to help cover some of the estimated six-figure delta between the required affordable and market rate units. We would also encourage the City to explore additional incentives such as property tax rebates through legislative change at the state level.

**Limiting the disincentive to build larger units**

While staff provided justification for disincentivizing the construction of larger residential units, we believe there are unintended consequences with the latest fee proposal. We believe, based on our collective experience, that higher fees will steer developers away from slightly larger units which can better accommodate families or those in unique living situations. We are aligned in the belief that it's important to make homeownership as attainable as possible for all, especially families. Increased fees will undoubtedly be passed onto the owners and renters of the slightly larger homes.

Most importantly, staff and Denver City Council spent a considerable amount of time advocating for changes to the City’s group living housing policy. The modernization of this policy provides flexibility for more unrelated individuals to live together. However, one could argue that slightly larger units would better accommodate unique living situations. Given our ongoing challenges with affordability and need for housing flexibility, we hope the City will lower the proposed fees for larger units to bolster all the work that went into the group living ordinance and ensure greater access to attainable housing for all.

Again, we thank you for your partnership and we welcome the opportunity to work closely with City leaders to take a more holistic, comprehensive approach to solving our city’s housing affordability crisis. We urge the City to consider market-based tools such as increasing supply, reducing overly-restrictive regulations, and leveraging the private market to meet the demand for those individuals and families at all different income levels – including the ever-growing “missing middle” population of Denver - where housing
options are becoming more and more out of reach due to restrictive and overly burdensome zoning and development regulations.

Thank you for taking the time to review our latest feedback. We look forward to working with you on this important effort and welcome the opportunity to provide additional feedback moving forward. Please do not hesitate to contact us if you have any questions regarding our requests.

Sincerely,

Michael Gifford  
President  
Associated General Contractors of Colorado

David Foster  
Chair  
Cherry Creek Business Alliance

J.J. Ament  
CEO  
Denver Metro Chamber of Commerce

Nobu Hata  
CEO  
Denver Metro Association of Realtors®

Rachel Marion  
CEO  
Denver Metro Commercial Association of Realtors®

Sarah Rockwell  
Chair  
Downtown Denver Partnership

Kathie Barstnar  
Executive Director  
NAIOP Colorado

Matt Joblon  
CEO  
BMC Investments

Betsy Laird  
Sr. VP of Global Public Policy  
International Council of Shopping Centers (ICSC)

Rodney M. Milton, Jr.  
Executive Director  
Urban Land Institute (ULI) Colorado

Stephen Shepard  
Chair  
Colorado Real Estate Alliance

Marc Savela  
VP of Development  
Broe Real Estate Group

Celeste Tanner  
Chief Development Officer  
Confluent Development

Tyler Carlson  
Managing Principal  
Evergreen Devco

Ian Nichols  
Senior Director  
Flywheel Capital

Kevin Foltz  
Managing Partner  
Forum Real Estate Group

Ferd Belz  
President  
L. C. Fulenwider

Ray Pittman  
President & CEO  
McWhinney

George Thorn  
President  
Mile High Development

Dorit Fischer  
Partner  
NAI Shames Makovsky

Rhys Duggan  
President, CEO & Managing Partner  
Revesco Properties

Tim Welland  
Development Manager  
Palisade Partners

Dave Davia  
Executive VP & CEO  
Rocky Mountain Mechanical Contractors Association

Bill Mosher  
Senior Managing Director  
Trammel Crow Company
From: Nathan Adams
To: Analiese M. - CPD City Planner Principal
Subject: [EXTERNAL] RE: Expanding Housing Affordability Office Hours Confirmation
Date: Sunday, February 27, 2022 11:50:16 AM

Analiese – Hope you are well, good to see your name again! I am registered for tomorrow and have exceptionally strong feeling on this one. I could not fit my comments in the limited 255-character space so I am providing them here:

We have a massive need for affordable housing BUT NOT at the expense of attainably priced housing. The policies as I understand them will have two major negative consequences that I do not believe are being thought through and would love to hear the cities disposition:

1) This policy will make fewer deals pencil meaning less housing, that is much needed, will not get built further exacerbating the problem.
2) At the benefit of affordable housing you are making hard-working middle-class people pay more for their homes, these added fees get passed on to end user, it is exceptionally naïve to believe land sellers will take less and developers will reduce margins. That means the cost gets passed on.

Are city officials aware we have an inventory crisis and runaway appreciation? Please do not try and fix an affordability crisis at the expense of hardworking people who are struggling to find reasonably priced housing. As a developer I will not build if the economics of the build do not pencil, and the problem gets worse. That is the disposition of nearly every developer/builder out there. The higher prices get the worse the problem gets as attainably priced housing disappears and the gap widens between market rate and affordable making your policies even harder to get more housing constructed.

Nathan

From: Analiese Hock <no-reply@zoom.us>
Sent: Sunday, February 27, 2022 11:47 AM
To: Nathan Adams <nathan@redThomes.com>
Subject: Expanding Housing Affordability Office Hours Confirmation

Hello Nathan Adams,

Thank you for registering for Expanding Housing Affordability Office Hours. You can find information about this meeting below.

Expanding Housing Affordability Office Hours

Date & Time: Feb 28, 2022 04:00 PM Mountain Time (US and Canada)
Meeting ID: 873 0890 3652
Passcode: EHA

Please submit any questions to: Analiese.Hock@denvergov.org.
You can cancel your registration at any time.

WAYS TO JOIN ZOOM

1. Join from PC, Mac, iPad, or Android

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If the button above does not work, paste this into your browser:
https://denvergov.org.zoom.us/j/87308903652?pwd=MDcyYW1yMGFlY3B5Q0NzZmJjYXlwYWxhc0VzZj09

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2. Join via audio

One tap mobile: US: +17209269295, 87308903652
Or dial: For higher quality, dial a number based on your current location.
US: +1 720 928 9299
Meeting ID: 873 0890 3652

International numbers
This is so weird. Denver has created this affordable housing crisis by choosing developers that elected to be land grabbers and then capitalizing on it. Denver is 35-44 $50,000 - $99,000 I whole heartedly agree with this proposal! My wife and I want to stay in Denver but need to be able to afford housing. Without good policy and a mandate, I think it is a much needed, if partial, solution to the affordable housing crisis. It’s become increasingly clear that unless we fail to provide more affordable housing $25,000 - $49,999 More units are needed for people who make below the 60% median. There are a lot of people that don’t want to live in a senior or disabled building that make 19-34 Hispanic,
Latin/Latina/Latino, or Spanish Rent $100,000 - $199,999 We want to hear from you. General questions or comments about the Expanding Housing Affordability project can be shared in the text box below. Please select if you are submitting a question or a comment. What is your gender? How old are you? What is your race or ethnicity? Please select all that apply. You may report more Do you rent or own your home? Please estimate your total household income, before taxes, in the last 02/03/2022 0:14 AM This is so weird. Denver has created this affordable housing crisis by choosing developers that elected to be land grabbers and then capitalizing on it. Denver is following suit with big cities like San Francisco and New York where taxpayers will spend more money on high-priced units probably 500K each and other budgets that are important like paying our police and firefighters a living wage will suffer. In the end, this will be one of the most expensive projects in Denver budgets. Lining the pockets of greedy development that caused the crisis in the first place. Not only cheating the taxpayers out of millions that will soon total to billions of dollars but doing so in a way that the perpetration of the crisis will control the land indefinitely because true ownership will never go to renters or affordable homeownership that will eventually have to give their units back to the developer. It is time to get HUD back into the picture and make homeownership just that; $50,000 - $99,000 Comment Female Prefer not to answer Prefer not to answer Prefer not to answer Prefer not to answer 02/03/2022 7:00 AM I have a property at 4365 cherokee denver 80216. The property is zoned CMX-8 which allows me to build an 8 story complex to provide affordable housing to the community. I have a conceptual approval from the City Planning office, I have a survey, soils report. But what I don’t have is the financing 5 million dollars to build the housing complex. The property free and clear and I owned it right. What I need from the city is subsidized financing. I can be reached at 303 667 4506 Comment Male 55-64 Hispanic, Latino/Latina/Latino, or Spanish Own $25,000 - $49,999 02/03/2022 8:17 AM Are you all going to release aggregated survey results or detail what changes have been made based on feedback? Question Female 45-54 Hispanic, Latino/Latina/Latino, or Spanish Rent $50,000 - $99,000 02/03/2022 8:43 AM The proposed expansion contains positive developments. I, however, do question references to caps at 70% and 80% of the area median income. While these demographics are currently out-priced of the housing market, what is being done for the folks who are making minimum wage and upon whom we rely for our essential services? I would appreciate clarification. I also would like clarification of what is done with monies paid in lieu of providing income-restricted units. $250-478,000 are grand amounts but for a one-time Question Female 65-74 White Own $50,000 - $99,000 02/03/2022 9:00 AM Is this a bill that the public will be voting on or just legislators? Question Female 55-64 White Own Prefer not to answer 02/03/2022 11:23 AM More permanent affordable housing should be made, as our housing situation for lower middle classes resembles the situation in New York, more and more. We should look more into how the East Coast and West Coast are handling their affordable housing issues. Comment Male 65-74 White Own $25,000 - $49,999 02/03/2022 12:19 PM I whole heartedly agree with this proposal! My wife and I want to stay in Denver but need to be able to afford housing. Without good policy and a mandate, developers won’t do it. Comment Male 35-44 White Own $25,000 - $49,999 02/03/2022 13:25 PM I think it is a much needed, if partial, solution to the affordable housing crisis. It’s become increasingly clear that unless we fail to provide more affordable housing works will go elsewhere or become homeless. Comment Female 75 and older White Own $50,000 - $99,000 02/03/2022 14:50 PM Hello Alanise, I am the inclusionary housing program manager for Boulder. I have looked over your policy documents and am impressed with the quality of the work. We anticipate a major update to our code/program later this year. I was wondering if you did most of your analysis and development of the tools in-house or if you used consultants. I assume you used consultants for some of the work, if so, can you tell me what consultants you used and a general idea of the scope of their work? Thank you. Question Female 55-64 White Own $50,000 - $99,000 02/03/2022 19:19 PM While I understand that this is a requirement under state law, I am never a fan of any kind of provision that allows a developer to opt out of including affordable units, either by moving them off-site or by paying a fee. This should be discouraged in whatever ways are possible. Furthermore, affordable units should not be permitted to be marked or differentiated in any way from market-rate units, either by location, amenities, etc., as this is stigmatizing. Comment Non-binary 35-44 White Rent $10,000 - $24,999 02/04/2022 9:52 AM More units are needed for people who make below the 65% median. There are a lot of people that don’t want to live in a senior or disabled building that make 40% and 30% of what’s considered Denver’s median for single people. Most cities allow people to sign an interest list on the developers website also. Comment Female 65-74 White Other $25,000 - $49,999 02/04/2022 13:45 PM The Public Review Draft Summary states that Projects under Site Development Plan (SDP) review could continue under existing rules if they have a: • concept SDP submitted by June 30, 2022; AND • final SDP approved by August 30, 2022 (14-month window). Can you clarify if this means a project needs to have a development concept submitted (initial submittal of a development concept) OR does the project need to have received approval from the project coordinator to advance to the next phase, submitting a formal site development plan? Question Male 35-44 Prefer not to answer Prefer not to answer Prefer not to answer $150,000 - $199,999 02/07/2022 15:18 PM I agree with the problem and the need to address it as a community, but I disagree with the poorly conceived proposed solution. Motivate, don't mandate. This solution does not solve the problem of where lower-income residents need to locate in order to thrive, such as along rail lines or adjacent to grocery stores. This solution will only pass the cost burden to the other 90% of homes in the development or simply deflate growth altogether, exacerbating the supply issue even further. At the end of the day, private investors/developers are in the business to make money and they WILL make their money at the expense of others. A better solution would be to motivate or incentivize developers. How about in exchange for 10% affordable homes the City gives expedited permit reviews? Tax credits? Fee waiving? Prompt inspections? One million clever ways to solve the problem exist, but the CCD decides to be the CCP by mandating where money is spent? Question Non-binary 19-34 Black or African American, Hispanic, Latino/Latina/Latino, or Spanish Own $50,000 - $99,000 02/08/2022 10:28 AM The 2 page summary states: "...all new residential buildings of 10 or more units" would look to Options 1 or 2 for building affordable homes on-site. Was this a purposeful use of the word "building" as opposed to referring to a new residential"development" of 10 or more units? The use of "building" may allow developments of 10 or more SF detached homes around this rule. I haven't read the full proposed language of the ordinance, just the summary. Question Female 55-64 White Own $100,000 - $149,999
There should be more clarity and flexibility when it comes to off-site agreements. Use the outdated section 27-101 for example. The DMC used to allow for
flexibility on location allowing for TOD to count as off-site affordability.

Leaving off-site agreements up to the discretion of the director has far too much uncertainty and will incur too much negotiation. Surely there is some amount that
warrants an off-site right? If the off-site developers exceed the number of affordable units required by 20% or provide an additional 10% affordability depth (50% AMI vs 60% AMI), does this not meet the goals of HOSt?

It would be lovely if developers would include affordable housing in every development. But will they? I doubt it. Their job (in a capitalist society) is to make a
profit. That's why the city must mandate the inclusion of affordable housing in every development. There is also an increasing need for affordable independent
senior housing for people over 62.

Zoning requirements should be weakened. As well as RNDs power to stop development. Single family unit zoning is the main culprit behind high housing costs.
To increase affordability the housing stock needs to be denser and higher.

I appreciate the incorporation of previous public comments, and support the newly developed proposal. Denver needs more affordable housing, more options, and
the local developers should be contributing more to that goal. It's fine if some of the developers leave this market due to a reduction in profitability - more will
come in the future.

I still don't think this revised plan goes far enough. These are half-measures that won't meaningfully impact the city's housing supply until several years from now.
There is a housing crisis NOW. The city's un-housed population has ballooned and will continue unless housing costs come down. I personally make around
100% of AMI and cannot afford to buy any type of home in the City of Denver right now (I'm talking condo, townhouse, rowhome, etc). This plan should abolish
parking requirements on ANY development and let the market decide how much parking to be provided. As long as this city continues to mandate valuable space
to cars, there will be more cars. Think about it: the more parking spaces REQUIRED, the less housing units that get built. The city needs to be doing absolutely
everything in its power to encourage more dense development and cede less space to cars. City should also consider expedited reviews on any housing project
and stop requiring 14 parking spaces for a 4 unit building. 7 is more than enough.

I beg you - just allow development by-right with clear rules for ensuring the buildings are safe. Stop trying to hit a double-reverse bank shot.

Market rate housing has historically allowed people at all income levels to afford housing. You used to be able to buy a house from the Sears catalog!
Unfortunately, we don’t allow the market to build sufficient numbers of houses to satisfy demand. We have a housing market that artificially limits supply (through
regulations, HOAs, existing homeowner demands).

I've been a full time real estate professional in Denver since 2000. I hold a BA in Architecture and a Masters in Real Estate & Construction Management from
DU. Last year I Chaired the Legislative Policy Committee for the Colorado Association of Realtors. This year I reverted back to my old position of Chairing their
Housing Sub-Committee. I am a Commissioner on the City of Centennial Planning & Zoning Commission. I've built 29 homes in the City of Denver since 2011.
All of my homes when listed for sale where the lowest priced or very close to the lowest price New Construction homes in the City of Denver. Most located near
great light rail. I'm shutting down my business because I cannot build homes here. The P’s do not work. And here is a proposal that makes that calculation even
risky living in a hotel type of environment as a leaseholder because there's a high probability for conflict of interest between the privacy, safety, and security of a
building owner vs the leaseholder. It would be lovely if developers would include affordable housing in every development. But will they? I doubt it. Their job (in a capitalist society) is to make a
profit. That's why the city must mandate the inclusion of affordable housing in every development. There is also an increasing need for affordable independent
senior housing for people over 62.

I fully support the City’s efforts in this regard. I think mandatory affordable housing, with incentives such as increased FAR, bulk waivers, and reduction in parking
requirements, is a wonderful and much needed proposal. I think the cash-in-lieu options have not produced the necessary affordable housing, especially in
neighborhoods that would most benefit from additional housing. So I encourage the city to limit cash-in-lieu options as much as the state law allows.

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<table>
<thead>
<tr>
<th>Response Submission DateTime</th>
<th>We want to hear from you. General questions or comments about the Expanding Housing Affordability project can be shared in the text box below. Please select if you are submitting a question or a comment.</th>
<th>What is your gender?</th>
<th>How old are you?</th>
<th>What is your race or ethnicity?</th>
<th>Please select all that apply. You may report more</th>
<th>Do you rent or own your home?</th>
<th>Please estimate your total household income, before taxes, in the last 12 months</th>
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</thead>
<tbody>
<tr>
<td>02/10/2022 14:40 PM</td>
<td>I think the easiest way to expand housing affordability is to zone for density around downtown and near transit hubs and major bike trails/lanes. Also, let anyone who owns SFH-zoned property in the city, subject to basic inclusionary parameters, to build an ADU or turn their SFH into a duplex on their property.</td>
<td>Comment</td>
<td>Male</td>
<td>19-34</td>
<td>White</td>
<td>Own</td>
<td>$200,000 or more</td>
</tr>
<tr>
<td>02/11/2022 9:25 AM</td>
<td>I appreciate the time and energy the City has put into this critical effort. As someone who is still very much fighting his way up the learning curve regarding housing and development, I only have broader input to offer, but wanted to submit it nonetheless. Like any other product or service, the more levers we pull to generate a specific type of product or outcome, the more cost implications are created. While I believe developers can likely adapt to these requirements and create projects that &quot;pencil,&quot; their concerns with this proposal should not be dismissed. Development requires investment and if the investor calculus becomes unattactive due to these pricing and project mandates, projects will not happen. While I am aware previous affordability policies met similar concerns and yet development remains robust, each time we lump more cost burden onto developers brings us that much closer to a tipping point where their warnings actually do come true. Scarcity remains a massive driver of growing unaffordability in Denver. We need more housing, not just more affordable housing. Focusing solely on the latter will only invite more interventions by the City as time goes on. Again, that will only push development in Denver closer to the point where it actually does tip into a crisis.</td>
<td>Comment</td>
<td>Male</td>
<td>35-44</td>
<td>White</td>
<td>Own</td>
<td>$150,000 - $199,999</td>
</tr>
<tr>
<td>02/11/2022 11:51 AM</td>
<td>I am contacting you to express my support for the proposed affordable housing mandate. Developers will publically balk at the proposal but, as we have seen time and time again, development continues and developers sustain healthy profits, even with mandated affordable housing. If anything, I believe the proposal could be more stringent and require a higher premium from developers. We have a surplus of luxury apartments in this city and a dearth of affordable housing. This only changes with strict and specific policy.</td>
<td>Comment</td>
<td>Male</td>
<td>19-34</td>
<td>White</td>
<td>Rent</td>
<td>$25,000 - $49,999</td>
</tr>
<tr>
<td>02/11/2022 11:54 AM</td>
<td>While I applaud the intentions of the Expanding Housing Affordability project, I worry its aims may be thwarted by local constraints. Simply mandating price controls has repeatedly been shown to fail, especially when not combined with addressing the underlying restrictions that prevent building more housing units. Despite being someone who has been unable to afford to live in the city proper even though I'd really like to, I worry this proposal will do little to help people like me. Ultimately, I'd like to see exclusionary zoning addressed. This could be done with protections such as the proposed mandatory inclusionary housing units. Without increasing incentives for development and reducing the regulations that prevent abundant building, I fear this plan will have little upside with the potential unintended effect.</td>
<td>Comment</td>
<td>Male</td>
<td>19-34</td>
<td>White</td>
<td>Rent</td>
<td>Prefer not to answer</td>
</tr>
<tr>
<td>02/11/2022 13:51 PM</td>
<td>We should be trying to increase new supply of housing by allowing densification. Imposing hurdles that will reduce new supply will have the opposite of the intended effect.</td>
<td>Comment</td>
<td>Prefer not to answer</td>
<td>19-34</td>
<td>Prefer not to answer</td>
<td>Prefer not to answer</td>
<td>Prefer not to answer</td>
</tr>
<tr>
<td>02/11/2022 14:31 PM</td>
<td>I support the Expanding Housing Affordability project. I grew up in Denver, went to Denver Public Schools k-12, and now live in zip code 80218. Denver has become increasingly unaffordable in my lifetime, and this project will help spur affordable housing, I also want to appreciate Councilor Robin Knich for her work on this issue; she is one of the few politicians in this city pushing for real solutions to the affordable housing crisis.</td>
<td>Comment</td>
<td>Male</td>
<td>19-34</td>
<td>White</td>
<td>Rent</td>
<td>$50,000 - $99,999</td>
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<td>02/11/2022 16:01 PM</td>
<td>I support this proposed Affordable Housing Mandate. It makes perfect sense for developers to include 8-15% affordable units in new construction, or pay a hefty penalty. Future development will not slow or stop as a result and 'mixed income' residents within a community/building is another societal benefit.</td>
<td>Comment</td>
<td>Female</td>
<td>49-54</td>
<td>White</td>
<td>Own</td>
<td>$150,000 - $199,999</td>
</tr>
<tr>
<td>02/12/2022 3:04 AM</td>
<td>Fully support this effort by the city, but it needs to go even further. It should have x % of units for low income. 1% of units for middle income. And remaining being uncontrolled. You're effort to help low income is good, but you are doing nothing for people who are in service professions and can't afford live in the metro because they won't qualify for the low income threshold, but don't make enough to afford increasing housing rates in metro with lower middle income levels. Austin, TX has something similar in place where some % of development in an apartment complex is reserved by income limits. Yet it has not slowed down the development rate, nor has it let to an excessive increase on the rent rates for non-income-controlled units. This is a better alternative to government run housing projects. This also does not lead to any additional overhead, as the same property managers are able to verify/validate application requirements for income-controlled vs non-income-controlled units. It also helps disperse and disband, instead of creating concentrated zones of oftentimes high crime rates that are associated with govt housing projects or only low income housing complexes. It gives low income tenants access to better schools, better walkability score neighborhoods, better community facilities that otherwise would not be available for low income only housing development projects built in economically depressed neighborhoods. Those opposing use the similar tactics as back when there was opposition to raising minimum wage to 15 $/hr, saying businesses will go out and there won't be any jobs ... Yet here we stand where 15-17$/hr is the norm for gas station convenience stores and you don't see them going out of business.</td>
<td>Comment</td>
<td>Male</td>
<td>35-44</td>
<td>White</td>
<td>Prefer not to answer</td>
<td>$100,000 - $149,999</td>
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Public housing is the accommodation of last resort in the U.S. Not so in Austria's capital city, Vienna. You ought to go and talk to your government counterparts in Vienna, which arguably has the best social housing program in the world, to learn, understand and implement similar social housing in Denver as well.

With its affordable and attractive places to live, the Austrian capital is fast becoming the international gold standard when it comes to public housing, or what Europeans call 'social housing' — in Vienna's case, government-subsidized housing rented out by the municipality or nonprofit housing associations. Unlike America's public housing projects, which remain unloved and underfunded, the city's schemes are generally held to be at the forefront not only of progressive planning policy but also of sustainable design.

Today, anyone earning up to $53,225 a year after taxes is eligible to apply for a subsidized apartment in Vienna in a country where the median gross annual income is about $31,500.

According to the municipality, 62 percent of Vienna's citizens currently live in social housing. Here, rents are regulated and tenants' rights are strongly protected. In contrast, less than 1 percent of America's population lives in public housing, which is limited to low-income families, the elderly and people with disabilities.

According to Councillor Gaál, Vienna's annual housing budget — which is spent refurbishing older apartments in the city as well as building new social housing

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I think a more generalized approach to creating affordable housing is needed in Denver. Rather than saddle builders and developers with having to create subsidies for their projects, while other existing multifamily apartments and condominiums not having to comply with those regulations will create an imbalance in the marketplace by raising prices and increasing delays. The effect will be diminished new housing being built, when the market demands require otherwise.

Nor should the City of Denver get involved in developing affordable housing, because this is not an expertise and will also have the opposite effect. The affordable housing fees charged on all new construction projects is a fairer way to spread the responsibility across a greater audience. If there is a way to expand this program, that, in my opinion, would be a better way to go.

Creating incentives for affordable housing, rather than penalties, will create greater opportunity for developers to want to include more affordable and subsidized housing. The old adage of taxing something you want less of applies here. Incentivizing developers to provide affordable housing through lower real estate taxes, sales tax reductions on the construction materials, and even subsidizing land costs will create this badly needed resource.

The city needs to think in terms of helping developers lower their costs to create those offsets. Fees in lieu can work, but not to 250,000 per unit that I've read about.

As an architect, I doubt that the city is in a position to expedite permit reviews, and if it is, it certainly needs to look into the essentially worthless, expensive and exceedingly time-consuming process of the Site Development Plan. This process was initiated in the 1990's as a way to help design teams to work with the city agencies in a more integrated manner in order to create efficiencies in the various plan reviews. But over the years, the SDP reviews have become a process unto itself with absolutely zero benefit to the design and construction team. It has added a completely new layer on the process, repeal this process and return to normal.

This project should include specific and strong incentives for re-use of existing structures, and disincentivize scraping and building new. Use of existing structures is far more environmentally sustainable and frankly will result in more modest and consequently more affordable housing units that integrate better into existing neighborhoods. There is plenty of opportunity for responsible affordable in-fill in Denver. Currently, most modest sized older structures, including many older duplexes and triplexes, are scraped in order to build giant all-new and very expensive single-family homes. Tiny bungalows sell for a million dollars only because a giant seven figure single family home can be built on the lot. This buy/scrape model contributes directly to the housing affordability crisis - by inflating the price of otherwise modest homes. Unused or underused commercial buildings could also be repurposed. When will Denver stop prioritizing easy profits for developers, and move towards incentives that are more about affordable housing?

I think I can best explain this thought by using what happened to my own neighborhood. When I moved to Capitol Hill in the 1990s, all of these apartment buildings had live-in managers. Those managers usually received free or greatly reduced rent for their services. They often had other jobs to make ends meet. They would handle all of the responsibilities of keeping the building maintained, keeping the grounds clean, and everything required to turn over units between tenants.

Now large management companies have pushed the live-in managers out. There is no one on site person to keep an eye on the premises and many of these places are not kept picked up and clean. Tenants don't like to complain to management companies for fear of being thought of as trouble makers and getting their rent increased. I have often reported problems about the building next to my house to both the city and the management company about trash that not being picked up frequently enough and spilling all over the neighborhood.

I believe creating an onus for developers to help carry this burden is completely unworkable. I only wonder if we can't help incentivize individuals and smaller entities to support the solution as well. Could we look at making ADUs easier (approved in more of the city) and even partially incentivized (subsidized) so that individual land owners can help solve the demand?
This proposal will have the OPPOSITE of the intended effect. If you want to lower the cost of housing, you need to INCREASE THE SUPPLY. In order to do that, you should be lowering the costs of, and barriers to, development. This instead substantially increases the cost of developing housing, which basic economics will tell you will result in a lower supply.

What changed allowing this proposal to come to the table? I am under the impression that this sort of plan was determined to be unlawful by the State Supreme Court already.

I just wanted to write in and say that I enthusiastically support this measure! We need more affordable options. Thank you all for your work!

We own property at 34th and Walnut, another at 4001 Walnut, and another at 1335 E 40th St. Would these properties be high market areas or typical market areas?

While I understand your desire to provide affordable housing, adding complexity and a tax to new housing only increase the cost of housing. Businesses are required to not lose money, or they can't be in business. This means if you raise costs on them, the cost gets passed along in the housing prices to the end consumer. It doesn't require an in-depth analysis to know what is going to happen here: complexity and higher taxes on contractors and developers is going to get passed to buyers... and prices are going to go up.

I am a for-sale condominium developer in Denver since 2009. Of course I don't want to raise costs of projects but I also do believe the City needs help with affordability. I am sure it is not intentional but the most recent details of the Affordable Housing plan disproportionately affect condominium sales vs apartment buildings. Revenue for the apartments would be decreased slightly less from a percentage or building valuation however this impact affects the investor return only slightly. This assumes that rents would not be raised to cover the reduced rent for the affordable units. If rents are raised then there is no financial impact at all. In for-sale housing the investment model is drastically different. Units are sold only once and the investment performance is simple, gross revenue less costs.

I am very concerned about the price of housing in Denver, especially for low income workers and family. The Expanding Housing Affordability is a step in the right direction and I very much support the program.

It seems to be that this is just going to drive up the cost of housing.

Hello-our company currently owns property in the 38th and Blake Incentive Overlay District. I was reviewing the DRMC Public Review Draft Dated 2/1/22 and had a couple questions. 1. What defines a high market area vs a typical market area. We own property at 34th and Walnut, another at 4001 Walnut, and another at 1335 E 40th St. Would these properties be high market areas or typical market areas? 2. The DRMC document I have reference above has base and enhanced incentive compliance options. Am I correct in my understanding that the enhanced incentive compliance options replace the 38th and Blake Incentive Height incentive compliance options.
Analiese,

This is a terrible idea! All it will ultimately do is DECREASE the total available housing in Denver since developers will be turned away, INCREASE rents for everyone NOT lucky enough to win this housing "lottery" of affordable units (i.e. MOST people are renters in Denver) and increase overhead costs due to all the extra administration required for this program. Don't make the same mistakes other cities have made! Artificially capping rents only creates more problems down the line. If you want to make housing more affordable you need to INCENTIVIZE building so there are more units on the market in places where they are needed.

Overall I completely support the desire to increase the amount of affordable housing in Denver. I work in public health and housing inaffordability is a huge public health issue across the income spectrum, but especially affecting low income folks. One of the primary reasons housing is so unaffordable here is that demand outstrips total supply. This means that even if a number of units are reserved at a certain AMI, housing as a whole will still remain unaffordable and it will become a matter of lottery who is able to stay affordably housed in Denver. This is not a long term solution.

Have there been discussions with developers about whether they believe this affordability requirement will disincentivize the construction of new buildings? My worry is that if fewer total housing units are constructed because of this initiative, it may not have the effect on housing price as you might expect. As any developer will tell you, it's all about supply and demand.

I'll continue to gather information and learn about this initiative. And as I wade through the wealth of useful materials at your web page, I am curious as to the top three to five resources you would recommend for me in assimilating the information, with particular emphasis on those materials that might be of greatest interest to a candidate for the City's Legal staff.

I look forward to hearing from you.

Regards.

02/28/2022 10:28 AM

Overall I completely support the desire to increase the amount of affordable housing in Denver. I work in public health and housing affordability is a huge public health issue across the income spectrum, but especially affecting low income folks. One of the primary reasons housing is so unaffordable here is that demand outstrips total supply. This means that even if a number of units are reserved at a certain AMI, housing as a whole will still remain unaffordable and it will become a matter of lottery who is able to stay affordably housed in Denver. This is not a long term solution.

Have there been discussions with developers about whether they believe this affordability requirement will disincentivize the construction of new buildings? My worry is that if fewer total housing units are constructed because of this initiative, it may not have the effect on housing price as you might expect. As any developer will tell you, it's all about supply and demand.

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I look forward to hearing from you.

Regards.

02/28/2022 11:37 AM

This is a terrible idea! All it will ultimately do is DECREASE the total available housing in Denver since developers will be turned away, INCREASE rents for everyone NOT lucky enough to win this housing "lottery" of affordable units (i.e. MOST people are renters in Denver) and increase overhead costs due to all the extra administration required for this program. Don't make the same mistakes other cities have made! Artificially capping rents only creates more problems down the line. If you want to make housing more affordable you need to INCENTIVIZE building so there are more units on the market in places where they are needed.

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I look forward to hearing from you.

Regards.

02/28/2022 12:39 PM

From the public health perspective - the legal / regulatory action as written and as implemented may not be designed to address the problem from an equity perspective. We know that the 30% AMI ($22,000) is where we have the largest gap yet the policy is designed for 65% ($48,000) and has loopholes so no units need to be built.

I'll continue to gather information and learn about this initiative. And as I wade through the wealth of useful materials at your web page, I am curious as to the top three to five resources you would recommend for me in assimilating the information, with particular emphasis on those materials that might be of greatest interest to a candidate for the City's Legal staff.

I look forward to hearing from you.

Regards.

03/01/2022 19:16 PM

I am a 26 year old white woman who has been pushed out by landlords or skyrocketing property taxes. It's past time for Denver to address this issue and finally take steps to protect its lowest income residents, and to show that they too have a place in Denver. I ask that the committee:

- Raise the Affordable Housing Linkage Fee to better align with the City's Housing & Stability role. We know that the 30% AMI ($22,000) is where we have the largest gap yet the policy is designed for 65% ($48,000) and has loopholes so no units need to be built.

I'll continue to gather information and learn about this initiative. And as I wade through the wealth of useful materials at your web page, I am curious as to the top three to five resources you would recommend for me in assimilating the information, with particular emphasis on those materials that might be of greatest interest to a candidate for the City's Legal staff.

I look forward to hearing from you.

Regards.

03/01/2022 21:04 PM

Yes, NOT homeless.

I'll continue to gather information and learn about this initiative. And as I wade through the wealth of useful materials at your web page, I am curious as to the top three to five resources you would recommend for me in assimilating the information, with particular emphasis on those materials that might be of greatest interest to a candidate for the City's Legal staff.

I look forward to hearing from you.

Regards.

03/02/2022 12:47 PM

Thank you for receiving feedback on the Expanded Housing Affordability project. I work for a church that has been trying to build an 8 story building for four years that would be majority affordable housing units. The issue has always been setting up the funding for the project. We are at a place where we are going to sell our property and due to this updated policy, the offer we have for our land has been decreased 57.5%. We are hearing this from other developers as well. So, for a church that is VERY pro affordable housing...we are torn... We want to see them built. But the economic impact is so great that developers are either

I'll continue to gather information and learn about this initiative. And as I wade through the wealth of useful materials at your web page, I am curious as to the top three to five resources you would recommend for me in assimilating the information, with particular emphasis on those materials that might be of greatest interest to a candidate for the City's Legal staff.

I look forward to hearing from you.

Regards.

03/05/2022 19:01 PM

Presently as a 2 year nurse I can not participate in the affordable housing project. I earn "too much" ha!  And they hold a training that is only offered in the evening - and I work night shifts - NO FLEXIBILITY totally discrimination against people who work shift work

I'll continue to gather information and learn about this initiative. And as I wade through the wealth of useful materials at your web page, I am curious as to the top three to five resources you would recommend for me in assimilating the information, with particular emphasis on those materials that might be of greatest interest to a candidate for the City's Legal staff.

I look forward to hearing from you.

Regards.

03/07/2022 7:40 AM

Will you expand the IMX-3 to IMX-5 on Latimer St. south of the current boundary?

I'll continue to gather information and learn about this initiative. And as I wade through the wealth of useful materials at your web page, I am curious as to the top three to five resources you would recommend for me in assimilating the information, with particular emphasis on those materials that might be of greatest interest to a candidate for the City's Legal staff.

I look forward to hearing from you.

Regards.

03/08/2022 17:53 PM

Please also consider first time home owners. I've lived in the Denver area my whole life. I work 40-50 hours a week and make decent money, but still can't afford to buy anything except a small basement condo with no outdoor access. Please consider developments for first time home owners that might want access to some green space. Small homes rather than all these McMansions developers keep building.

I'll continue to gather information and learn about this initiative. And as I wade through the wealth of useful materials at your web page, I am curious as to the top three to five resources you would recommend for me in assimilating the information, with particular emphasis on those materials that might be of greatest interest to a candidate for the City's Legal staff.

I look forward to hearing from you.

Regards.

03/08/2022 18:09 PM

I have read and am in full support of the letter dated 12/31/21 sent to the EHA4 committee (along with other city leaders) from a consortium of groups who work to support community members experiencing homelessness. I have long considered the commonly used definition of "affordable" housing as 80-120% of AGI as an inappropriate guide that excludes our most vulnerable community members who have been or are at risk of being displaced. I have seen my own neighborhood (Coles) rapidly gentrify over the past 10 years - and recognize that I am a part of that gentrification - and we have lost many long-time residents who have been pushed out by landlords or skyrocketing property taxes. It's past time for Denver to address this issue and finally take steps to protect its lowest income residents, and to show that they too have a place in Denver. I ask that the committee:

- Raise the Affordable Housing Linkage Fee to better align with the City's Housing & Stability goals and to meet the true needs of low-income and no-income community members in gentrifying neighborhoods.

I'll continue to gather information and learn about this initiative. And as I wade through the wealth of useful materials at your web page, I am curious as to the top three to five resources you would recommend for me in assimilating the information, with particular emphasis on those materials that might be of greatest interest to a candidate for the City's Legal staff.

I look forward to hearing from you.

Regards.

03/08/2022 18:15 PM

The market is the best allocator of resources. The less the city council interferes the better. If housing costs rises wages will rise to attract more workers. I support as minimal interference as possible. Forcing restrictions will deter development of new units limiting supply and without decreasing demand increased costs for everyone.

I'll continue to gather information and learn about this initiative. And as I wade through the wealth of useful materials at your web page, I am curious as to the top three to five resources you would recommend for me in assimilating the information, with particular emphasis on those materials that might be of greatest interest to a candidate for the City's Legal staff.

I look forward to hearing from you.

Regards.
<table>
<thead>
<tr>
<th>Response Submission Date/Time</th>
<th>We want to hear from you. General questions or comments about the Expanding Housing Affordability project can be shared in the text box below.</th>
<th>Please select if you are submitting a question or a comment.</th>
<th>What is your gender?</th>
<th>How old are you?</th>
<th>What is your race or ethnicity?</th>
<th>Please select all that apply. You may report more</th>
<th>Do you rent or own your home?</th>
<th>Please estimate your total household income, before taxes, in the last 12 months.</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/08/2022 19:10 PM</td>
<td>I am writing to you as a fairly new resident of Colorado with an urgent request to consider our most vulnerable neighbors as you move forward with the Expanding Housing Affordability Plan. I am not an expert on issues around housing but I do know that I want to live in a city that supports its residents who are struggling the most. I wholeheartedly believe that housing is a human right and, as a community, we need to take action to ensure that we can live up to this ideal. We have the opportunity to make some important changes now. That is why I am echoing the following requests put forth previously by 9 to 5 Colorado, Colorado Coalition for the Homeless, Colorado Cross-Disability Coalition, Colorado Homes for All (and other organizations). 1) Raise the Affordable Housing Linkage Fee to better align with the City's Housing &amp; Homelessness goals and to meet the true needs of low-income and no-income community members in gentrifying neighborhoods. An appropriate fee would be the Maximum Legally-Justifiable Nexus Fee per the 2016 Denver Affordable Housing Nexus Study for all land use categories, escalated in an amount equal to the changes in the Consumer Price Index for All Urban Consumers (CPI-U). 2) Eliminate Section 27-157 of the ordinance, which allows for the Executive Director of the Department of Economic Development to &quot;reduce or waive&quot; the total linkage fee if the applicant &quot;demonstrates that the required amount of fees exceeds the amount that would be needed to mitigate the actual demand for affordable housing created by the development.&quot; This reduction/waiver allowance ignores and dismisses the clear causal relationship between gentrification and homelessness, even when developments do not directly generate new residents or employees in need of affordable housing. 3) Dedicate a minimum of 20% of the total annual funds generated by the Linkage Fee directly to housing first solutions to those experiencing homelessness.</td>
<td>Comment</td>
<td>Female</td>
<td>19-34</td>
<td>White</td>
<td>Rent</td>
<td>$50,000 - $99,000</td>
<td></td>
</tr>
<tr>
<td>03/09/2022 10:53 AM</td>
<td>I think ADUs should be encouraged in all contexts, and should get a waiver on linkage fees, and permit fees as a policy matter. This will improve affordability of ADUs. This should also apply to the Tandem house TU building forms.</td>
<td>Comment</td>
<td>Male</td>
<td>55-64</td>
<td>White , Other: Hanessian</td>
<td>Own</td>
<td>$25,000 - $49,999</td>
<td></td>
</tr>
<tr>
<td>03/09/2022 10:53 AM</td>
<td>I appreciate the focus on housing affordability and finding a balance that increases new housing development available at a range of affordability levels. However, I am very concerned that the plan does not provide adequate focus on lower-income individuals and families, who are the most cost-burdened and likely to experience homelessness or housing instability without affordable housing. Affordable &quot;workforce&quot; housing for our teachers, child care workers, and others is quite important, but Denver needs an affordability plan that also includes those most in need.</td>
<td>Comment</td>
<td>Female</td>
<td>35-44</td>
<td>White</td>
<td>Own</td>
<td>$200,000 or more</td>
<td></td>
</tr>
<tr>
<td>03/09/2022 14:22 PM</td>
<td>Why aren't you just using the maximum linkage fee? Why do we commission studies, reports, commissions, etc. to not implement the recommendations? Why does the city not use boldness to meet our challenges and instead chooses cowardice and the status quo? People will die sleeping outside tonight.</td>
<td>Comment</td>
<td>Female</td>
<td>19-34</td>
<td>White</td>
<td>Own</td>
<td>$200,000 or more</td>
<td></td>
</tr>
</tbody>
</table>
I support affordable housing and I support the creation of an inclusionary housing requirement. However, I believe the implementation of the program and the requirements proposed in the city’s policy should be revised prior to adoption in two ways.

1) First, the Policy’s higher burden placed on for-sale condo development versus rental development should be reversed so that rental is the higher percentage requirement and condo has a lower requirement. This policy as proposed penalizes condo development relative to rental, is fundamentally flawed in its logic, and is bad policy for a City that needs more urban home ownership in general.

2) Second, the fee in lieu seems to be grossly exaggerated and should be based on the “difference” in the cost to develop/produce an affordable unit as opposed to the “total” cost to produce a normal unit. If it is based on the total cost of producing a unit, not just the incremental cost of making a market rate unit affordable, then it is a grossly exaggerated fee. The reasonable cost should be the takes the incremental funding / subsidy it takes to make an affordable unit viable.

I’d like to dig in a little more on the condo issue, as it is particularly perplexing and troubling...

Despite compelling the complications and arguable lower benefit associated with for-sale units, Staff is inexplicably placing a much higher value on “for sale” units than “rental” with a materially higher linkage fee. The fee should be one flat fee regardless.

Benefits of Deed-Restricted For-Sale Housing are Frequently Compromised – The value of for sale deed restricted housing relative to rental housing is undermined by several factors:

a. It is difficult to qualify buyers, and as a result, a material percentage of the buyers who ultimately do qualify are young adults with parents who help them with qualification rather than the long-term workforce households meant to be served.

b. Often, AMI qualifications only matter at time of purchase, and so the housing is not turned over to a new household in need when the occupant exceeds qualification.

c. Maintaining compliance on deed restricted housing can be difficult, as the City’s historical problems indicate.

In contrast… Rental housing is actively managed at all times and is always being maximized for the appropriate households in need.

Proposed policy inappropriately penalizes condo development – The proposed policy takes the position that because for sale housing, such as condo, is more expensive and harder to develop, then the city should charge it more per unit. This makes absolutely no sense! There are reasons why condo development in Denver is so limited and why the City is being overrun with rental units and suffering a shortage of for sale housing units. The policy completely ignores these market forces and realities. For sale housing is hard. The idea of making it even harder to do for-sale than rental by imposing higher fees and higher percentages of units is completely backwards and the City’s analysis is fundamentally flawed in both logic and economic analysis. The City’s proposed policies make the development of condo projects even harder relative to rental, make new “attainable” condo’s impossible and make the only condos viable be the ones...

$2.0 million additional over and above a rental execution, pushing the developer towards rental housing development.

Considering the realities of development, the economic burden to a for-sale project (~$320k-$340k lost income / unit) is materially higher (~65%) than the economic burden of a rental unit (~ $180k-$220k per unit). On a 150 unit project, the developer faces a $4,950,000 loss of revenue on 150 units of condo versus a $3.9 M loss of revenue to a rental project, a difference of $1.95M. Similarly the policy proposed fee in lieu of $408k for condo and $250k-295k for rental would be an increase of $1.7M to $2.4M for a condo project. So the policy approach effectively penalizes the 150-unit condo development in this example by roughly $2.0 million additional over and above a rental execution, pushing the developer towards rental housing development.

The underlying logic behind the higher fee in lieu for condo, I presume, is that the City is looking for on-site production of units, and they realize that condo units are more expensive to develop. Hence the fee has to be higher to promote on-site units.

The main point I was hoping to make was that condo development is hard, and we should not be adopting policies that make condo development relatively harder...
Dear CPD Board,

The EHA proposal can be a useful piece in solving the housing problem. But, housing won’t be affordable until more housing is LEGAL across all of Denver. Fourplexes, ADUs, missing middle...whatever shape it takes, we know that building more housing is the most important part of making housing affordable. Not only is more housing better for affordability, better for the environment, better for traffic, and better for neighborhoods, it’s popular! Denver upheld the group living changes by defeating 2F by a 70-30 vote last November. Thanks for your consideration, and I look forward to continued and stronger housing efforts in the future.

Sincerely,
Mark Schuler

The EHA proposal can be a useful piece of the housing puzzle, but housing won’t be affordable until more housing is legal across all of Denver. Fourplexes, ADUs, missing middle...whatever shape it takes, we know that building more housing is the most important part of making housing affordable. Not only is more housing better for affordability, better for the environment, better for traffic, and better for neighborhoods, it’s popular! Denver upheld the group living changes by defeating 2F by a 70-30 vote last November. Thanks for your consideration, and I look forward to continued and stronger housing efforts in the future.

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Sincerely,
Mark Schuler
We want to hear from you. General questions or comments about the Expanding Housing Affordability project can be shared in the text box below. You may report more details on the general comments page. We would also like to hear your feedback on the survey.

Please reduce parking minimums and allow taller buildings throughout Denver as you require affordable housing. It has repeatedly been demonstrated that higher density and less parking produce more financially productive neighborhoods with smaller carbon footprints per resident. Instead of using these as bargaining chips for even more affordable housing in new developments, please just universally grant them to improve our city.

Dear CPD Board:

Please consider the broader picture when trying to create affordable housing in Denver. We are chronically behind on building enough new housing units to keep up with demand, and we need to make it easier for developers to build a lot of units, and to build them densely so that we can have more units in the neighborhoods where people want to live.

I support the incentives in the EHA proposal. Developers should be incentivized to include affordable housing in their new developments, and I like the fee reductions for including affordable housing in developments.

But more important than forcing developers to have a certain number of affordable units is to incentivize multifamily units and disincentivize single-family-unit developments. As fine as "affordable housing" is, most people either cannot access it, have to wait too long to access it, or don't know how to access it. Most of Denver relies on market-rate housing for their housing needs, and the only way to solve the housing crisis is to build more housing in the neighborhoods where people want to live.

Here's some ideas that will really help Denver build more housing and stabilize/decrease housing prices:

- In all places zoned for residential, allow ALL types of residential housing. Multi-family units (even duplexes, townhouses, and other gentle-density units) are banned in most residentially-zoned areas. This is an artificial and arbitrary rule that suppresses housing supply.
- Make the permitting process easier. The quicker developers can build, the quicker we will have new houses, and the cheaper the process will be for them.
- Increase permitting fees on single-family-unit developments, and decrease permitting fees on multi-family-unit developments, especially apartment/condo buildings that greatly increase housing supply.
- Eliminate parking minimums. Parking spaces take up space that can be used for housing units or other apartment complex amenities. They also contribute to urban sprawl, which makes it harder to increase housing supply and makes people more reliant on cars (which are a huge burden in the average family's transportation budget).

Without liberalizing our zoning code to allow for missing middle housing, we're just going to do what Portland did. They passed an Affordable housing ordinance in 2019 turning Portland into a ghost town. We need to be prepared to densify our city in response to increasing urbanization. Traffic and air quality concerns will only get worse here in Denver unless we make systematic change.

The EHA project is a great step in the right direction. Streamlined permitting, parking reductions, and height bonuses are concrete changes that will move us in the right direction.

Not only is more housing better for affordability, better for the environment, better for traffic, and better for neighborhoods, it's popular! Denver upheld the group living changes by defeating 2F by a 70-30 vote last November. Thanks for your consideration, and I look forward to continued and stronger housing efforts in the future.

Sincerely,

Hi,

I grew up in Denver and I am about to turn 30. Over my lifetime, I have seen Denver go from a sprawling yet affordable city to a sprawling "and" unaffordable one. At the same time, traffic and air quality problems have become unsustainable.

The EHA project is a great step in the right direction. Streamlined permitting, parking reductions, and height bonuses are concrete changes that will move us in the right direction.

However, affordable multi-family housing is still illegal in over 75% of Denver. We cannot fool ourselves into thinking that this single piece will solve the puzzle of affordable housing. Denver's population will only continue to grow as the climate crisis affects quality of life in nearby states such as California, Arizona and New Mexico. We need to be prepared to densify our city in response to increasing urbanization. Traffic and air quality concerns will only get worse here in Denver unless we make systematic change.

Not only is more housing better for affordability, better for the environment, better for traffic, and better for neighborhoods, it's popular! Denver upheld the group living changes by defeating 2F by a 70-30 vote last November.

I urge you to continue the momentum started by the EHA project and focus on broad, systematic changes that will allow more housing to be built in Denver.
I support YIMBY Denver, and I'm asking for you to put the whole housing puzzle together.

The EHA proposal can be a useful piece of the housing puzzle. I appreciate the steps our city is taking to improve access to reasonably affordable housing. However, housing won’t be affordable until more housing is legal across all of Denver. In my neighborhood (East Colfax), most homes are small (600-1400 sq ft) 2 bedroom homes that were built on large 6000+ sq ft parcels throughout the 1940s and 50s. Most of these structures are now reaching the end of their lifespan, which really shows if you take a drive around the area! With current zoning, it’s only possible to replace these older houses with new single family homes (with or without an ADU). This leads to an unfortunate dichotomy of modern “luxury” homes right next door to aging modest cottages—basically a visual representation of the “missing middle.” East Colfax would greatly benefit from changing zoning rules to allow for triplexes, Fourplexes, and micro-apartment blocks, and also eliminating setback requirements. This would allow the area to adopt gradually and also increase density along the Colfax corridor.

Dear CPD Board,

I support YIMBY Denver, and I’m asking for you to put the whole housing puzzle together.

The EHA proposal can be a useful piece of the housing puzzle. Market-rate development is the engine that drives this policy. Market-rate addition of housing, rather than just housing replacement, is illegal across 70+% of buildable land in Denver.

Housing won’t be affordable until more housing is legal across all of Denver. Fourplexes, ADUs, missing middle…whatever shape it takes, we know that building more housing is the most important part of making housing affordable.

Dear CPD Board,

I support YIMBY Denver, and I’m asking for you to put the whole housing puzzle together.

The EHA proposal can be a useful piece of the housing puzzle. But, housing won’t be affordable until more housing is legal across all of Denver. Fourplexes, ADUs, missing middle…whatever shape it takes, we know that building more housing is the most important part of making housing affordable.

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Sincerely,

I support YIMBY Denver, and I’m asking for you to put the whole housing puzzle together.

Denver is experiencing a widespread housing crisis - we lack the number of homes we need, and so we are experiencing extreme price increases. This policy, while well intentioned, imposes the cost of adding affordable housing on primarily those who buy or rent multi family housing. This strikes me as highly inequitable. What expectation is there that existing property owners start to take ownership in the problems we have created for ourselves? To that end, please consider the following:

1. Legal multi family housing on every single parcel in the city. If we are going to require that the costs be funded largely by users of multi family housing (development costs will obviously be passed down), we at least have a chance of building more units. Right now multi family housing is illegal on most residential parcels.
2. Can we just re-evaluate our entire zoning code and process? Our zoning code is entirely too complicated, which results in significant added expense at every point in the process. It should be easy to build multi family housing.
3. Remove all parking requirements - people say how much they like the smaller apartment buildings, but literally none of those can be constructed now due to inequitable. What expectation is there that existing property owners start to take ownership in the problems we have created for ourselves? To that end, please consider the following:

The Colorado Gerontological Society has followed closely with Denver’s Expanding Housing Affordability Project. Over the last few months, CGS has worked closely with diverse community members in our grass-roots Affordable Housing Coalition, educating members and seeking their input regarding the City’s three tools that are being utilized to promote the creation of affordable housing. We have outlined a few comments and recommendations based off our conversations:

Consumer Perspective:

1. When defining “affordable” within this project, it is unclear exactly what the City’s definition is. The Office of Economic Development defines affordability as spending 30% or less of your total income on housing costs. That includes rent or mortgage plus utilities.

   a. We want to bring to attention that even if affordability addresses those living at the 30% AMI threshold, there remains a vulnerable and very low-income group of people who cannot afford housing at the 30% AMI standard. This is of deep concern and should be addressed. This population would include those living on Disability, Old Age Pensioners, Social Security income, and the homeless.

   b. What is the City doing to ensure those who cannot afford housing at 30% AMI are being considered and protected in this project?

Developer Perspective:

1. Propose the idea of a “pre-packaged” deal between the City and the developer. This would create yet another incentive for developers who choose to invest in building affordable housing. This proposed package could include a streamlined application process relating to zoning/regulations, permitting, land acquisition, etc.

   After receiving feedback from developers, it has been brought to attention the grave “red tape” that surrounds the process in developing housing within the City of Denver. The current oversight processes in place creates a complicated and time-consuming process for developers before they can actually start building. We are concerned that these pain points in the development process may deter future developers. We do not have time to wait—people need affordable housing.
I am writing to you as a fairly new resident of Colorado with an urgent request to consider our most vulnerable neighbors as you move forward with the Expanding Housing Affordability Plan. I am not an expert on issues around housing but I do know that I want to live in a city that supports its residents who are struggling the most. I wholeheartedly believe that housing is a human right and, as a community, we need to take action to ensure that we can live up to this ideal. We have the opportunity to make some important changes now. That is why I am echoing the following requests put forth previously from 9 to 5 Colorado, Colorado Coalition for the Homeless, Colorado Cross-Disability Coalition, Colorado Homes for All (and other organizations),

1) Raise the Affordable Housing Linkage Fee to better align with the City’s Housing & Homelessness goals and to meet the true needs of low-income and no-income community members in gentrifying neighborhoods. An appropriate fee would be the Maximum Legally-Justifiable Nexus Fee per the 2016 Denver Affordable Housing Nexus Study for all land use categories, escalated in an amount equal to the changes in the Consumer Price Index for All Urban Consumers (CPI-U).
2) Eliminate Section 27-157 of the ordinance, which allows for the Executive Director of the Department of Economic Development to “reduce or waive” the total linkage fee if the applicant “demonstrates that the required amount of fees exceeds the amount that would be needed to mitigate the actual demand for affordable housing created by the development.” This reduction/waiver allowance ignores and dismisses the clear causal relationship between gentrification and homelessness, even when developments do not directly generate new residents or employees in need of affordable housing.
3) Dedicate a minimum of 25% of the total annual funds generated by the Linkage Fee directly to housing first solutions to those experiencing homelessness.

I appreciate the effort to do something about the housing affordability problem in Denver. It is a problem that is seen in cities across the country and has been building for a long time. Subsidized Affordable Housing is definitely needed for our lowest income residents so I applaud the effort to increase the availability of those type of homes. However, much more needs to be done to address the overall problem of affordability. When median home prices have risen to over half a million dollars, it's clear that a few subsidized units don't come close to addressing the root cause of our problem. We have a shortage of housing, brought on by decades of land use policy that prevents housing construction. These same policies have created the same problem in cities all over the country. We've downzoned and downzoned to the point where we have very little capacity to grow. For many years we were able to push population growth out onto the plains in the form of suburban sprawl. This has its own host of problems, including traffic and air pollution, but it did create new housing which kept home prices within a range reachable by people of average incomes. That sprawl now has begun to reach the limits of what people are willing to put up with in terms of travel distance from the city, and we have a new generation of people that do want to live in the city, if they can afford to. With this rising demand to live in the city, we must be able to

Dear CPD Board,

I support YIMBY Denver, and I’m asking for you to put the whole housing puzzle together. The EHA proposal can be a useful piece of the housing puzzle. I like parking reductions and height bonuses because they allow more and better housing. But, housing won’t be affordable until more housing is legal across all of Denver. Fourplexes, ADUs, missing middle...whatever shape it takes, we know that building more housing is the most important part of making housing affordable.

Not only is more housing better for affordability, better for the environment, better for traffic, and better for neighborhoods. It’s popular! Denver upheld the group living changes by defeating 2F by a 70-30 vote last November. Thanks for your consideration, and I look forward to continued and stronger housing efforts in the future.

I support YIMBY Denver, and I’m asking for you to put the whole housing puzzle together.

The EHA proposal can be a useful piece of the housing puzzle, but, housing won’t be affordable until more housing is legal across all of Denver. Fourplexes, ADUs, missing middle...whatever shape it takes, building more housing is the most important part of making housing affordable.

More housing is better for affordability, better for the environment, better for traffic, and better for neighborhoods. Great cities evolve and change. Thanks for your consideration, and I look forward to continued and stronger housing efforts in the future.

Sincerely,

I currently would not qualify for “affordable” housing and may not qualify for low income housing because I'm on Soc Sec disability. There should be automatic Section 8 vouchers for low income citizens who need housing.
<table>
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<tr>
<th>Date/Time</th>
<th>Comment</th>
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<tr>
<td>03/13/2022 6:51 AM</td>
<td>Hi, I'm Luke Teater, I'm an independent housing policy consultant and the former Chief Economist for Governor Polis, commenting on my own behalf. I'm asking you not to pass the EHA proposal in its current form because it does not address the root cause of our housing crisis, and in fact will make it worse. The root cause of the housing crisis we're facing right now is a severe shortage of available homes. Colorado has a shortage of 175,000 homes, and Denver makes up the plurality of that total. The financial incentives already exist for developers to provide that much housing at very little cost to the city, all we have to do is change our zoning and land use policies to allow them to end that shortage for us. Inclusionary zoning (IZ) serves as a tax on new development. Given that we need substantial amounts of new housing development in order to end this crisis, that is the wrong approach. It will result in higher rents for new market-rate units and fewer housing projects that pencil out, reducing new housing at exactly the time when we need it most. I'd encourage you to look at how new housing construction sharply declined in Portland after they passed their IZ policy (<a href="https://bit.ly/3KWFmVn">https://bit.ly/3KWFmVn</a>). While IZ can and does work well if the additional benefits and incentives to developers outweigh the costs of providing additional income-restricted units, this proposal does not offer sufficient benefits or incentives to meet that standard. I would encourage you to increase the zoning and financial incentives available in the proposal to meet that standard. Finally, I would encourage you to prioritize further easing zoning and land use restrictions in order to add the tens of thousands of new units that Denver desperately needs right now. Rather than use lower parking requirements as an incentive, let's eliminate parking minimums citywide. Rather than using height increases as an incentive, allow much taller buildings by-right throughout the city, but especially near transit. Denver is thriving, but our housing shortage threatens that by making it an increasingly unaffordable and exclusive place to live. If we truly believe that Denver is</td>
</tr>
<tr>
<td>03/13/2022 14:53 PM</td>
<td>Dear CPD Board, I support YIMBY Denver, and I'm asking for you to put the whole housing puzzle together. The EHA proposal can be a useful piece of the housing puzzle. As evidenced in Portland and other cities, IZ housing policies are well-intentioned, but definitively fail to create the scale of housing that a city like Denver desperately needs, and prevents market rate units from coming online as quickly as we need. Housing won't be affordable until more housing is legal across all of Denver. Fourplexes, ADUs, missing middle...whatever shape it takes, we know that building more housing is the most important part of making housing affordable. Not only is more housing better for affordability, better for the environment, better for traffic, and better for neighborhoods, it's popular! Denver upheld the group living changes by defeating 2F by a 70-30 vote last November. Thanks for your consideration, and I look forward to continued and stronger housing efforts in the future.</td>
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<tr>
<td>03/13/2022 19:24 PM</td>
<td>Dear CPD Board, I support YIMBY Denver, and I'm asking for you to put the whole housing puzzle together. The EHA proposal can be a useful piece of the housing puzzle. Affordable housing is a major issue for young, old, poor, rich, and all those in between. But, housing won't be affordable until more housing is legal across all of Denver. Fourplexes, ADUs, missing middle...whatever shape it takes, we know that building more housing is the most important part of making housing affordable. Not only is more housing better for affordability, better for the environment, better for traffic, and better for neighborhoods, it's popular! Denver upheld the group living changes by defeating 2F by a 70-30 vote last November. Thanks for your consideration, and I look forward to continued and stronger housing efforts in the future. Sincerely,</td>
</tr>
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</table>
Dear CPD Board,

I support YIMBY Denver, and I am asking for you to put the whole housing puzzle together.

The EHA proposal can be a useful piece of the housing puzzle. It's important that we have housing that works for everyone, and EHA moves in that direction. But, housing won't be affordable until more housing is legal across all of Denver. Fourplexes, ADUs, missing middle...whatever shape it takes, we know that building more housing is the most important part of making housing affordable.

Not only is more housing better for affordability, better for the environment, better for traffic, and better for neighborhoods, it's popular! Denver upheld the group living changes by defeating 2F by a 70-30 vote last November. Thanks for your consideration, and I look forward to continued and stronger housing efforts in the future.

Sincerely,

Casey Roberts

03/13/2022 20:53 PM

Hi Team,

I just learned about today's (March 14) public hearing and the associated deadline for public comments. What happens during today’s hearing and what’s next? Are there future opportunities to comment? If so, when and where?

Also, is a project calendar or timeline posted anywhere? Would love to get a list of 2022 meetings, deadlines and critical dates?

Thanks for the hard and important work you do!

Meghan Osborn
919-265-7812
meg.osborn@gmail.com

03/14/2022 4:04 AM

I am opposed to this proposal. While I agree that affordable housing is a huge problem, this proposal is just a tax on the middle class. Looking at the future.

03/14/2022 8:35 AM

Berkeley Regis United Neighbors Zoning & Planning Committee (BRUN ZAP), in consultation with the Berkeley Regis United Neighbors Board (BRUN RNO), has reviewed the Expanding Housing Affordability draft DZC Text Amendment. BRUN RNO is generally in agreement with the concept and goals of this text amendment to facilitate the construction of more affordable housing. BRUN RNO has the following specific comments:

There is sensitivity to any impacts on the recently adopted DO-8, although at this juncture there appear to be none. There is concern about any zoning changes that potentially increase the bulk and height of projects in neighborhoods like Tennyson and the embedded commercial district at West 44th and Lowell, that potentially conflict with the existing neighborhood character.

There is concern about any zoning changes that potentially increase the amount of on-street parking from larger scale projects in neighborhoods like Tennyson and the embedded commercial district at West 44th and Lowell, where added on-street parking from new projects in the commercial district would overflow into the existing street network.

There is sensitivity to the possible increases in parking from larger scale projects in the commercial district at West 44th and Lowell, where added on-street parking from new projects in the commercial district would overflow into the existing street network.

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Additionally, there is concern about any zoning changes that potentially increase the bulk and height of projects in neighborhoods like Tennyson and the embedded commercial district at West 44th and Lowell, that potentially conflict with the existing neighborhood character.

03/14/2022 10:39 AM

It was forecasted that by the year 2050 90% of the world's population will have to live in urban centers. That has now been moved up to 2045. Currently, 82% of the world's population has to live in urban centers. It is projected that the United States will need to add 600,000 units of not just affordable, but attainable units by 2030. If we need to throw everything and the kitchen sink at this problem that is coming and its coming sooner than you think.

I haven't cross-analyzed the proposed fee structure but I think it's in everyone's, and most importantly the City of Denver, best interest to at least extend the

03/14/2022 15:08 PM

The proposal is looking good

03/14/2022 17:04 PM

Hi - I'm providing comment regarding the SDP date of August 30th, 2023 as being too soon for when an SDP needs to be completed in order to vest to the existing affordable housing requirements. Given City staffs current review timelines with workload, differing reviewers having different review timelines on projects, additional workload with new submittals spurred by the legislation and additional layers of review required in different districts (ex. golden triangle design review) I recommend that the completed SDP date be moved out a few months longer in order to allow for all projects to have a more equal chance of making it through SDP by the ending vesting date regardless of where the are located in the City of Denver, what their additional process might be to obtain an SDP and who their specific reviewers are.
We want to hear from you. General questions or comments about the Expanding Housing Affordability project can be shared in the text box below. Please select if you are submitting a question or a comment. What is your gender? How old are you? What is your race or ethnicity? Please select all that apply. You may report more. Do you rent or own your home? Please estimate your total household income, before taxes, in the last month.

More should be required for lower AMI’s not higher AMI’s. Not enough is being done for our service workers.
- Close the gaps in the linkage fees
- Linkage fees should be higher
- Each area should have affordable units
- Each neighborhood should have a say in the development of these units and not get a pass simply through zoning. Residents who make 100% AMI’s have more opportunity for locations whereas the lower income workers do not.

As part of the City’s Expanding Housing Affordability initiative, we have an opportunity—and in fact, an obligation—to expand the existing Affordable Housing Linkage Fee to create a dedicated funding source for housing-first solutions for our neighbors experiencing homelessness.

Since the linkage fee was adopted in 2017, rent in city proper has risen by 50% on average. The linkage fee proposal is weak, heavily influenced by the development community intent on extracting wealth from already struggling neighborhoods, and will severely limit the city’s responsibility in ensuring affordable housing stock for Denver residents.

Here are some major problems with the proposed changes under consideration:
1. Current amounts for each category are not within the range recommended by the City’s own feasibility study.
2. Current levels do not account for inflation, which is expected to rise 7-8% over the next year.
3. It is not comparable to peer cities, including Austin and Boston, which have linkage fees ranging from $12-$18 per sq foot.

It is imperative that we increase the linkage fee for each category to align with the range indicated in the City’s feasibility study. What I have heard city officials say is that developers need time to adapt; well residents don’t have time to adapt, especially those who are unhoused. The City’s response falls short with overreliance on feedback from developers at the expense of residents.

Additionally, the proposed linkage fee schedule is too drawn out for effective implementation. If the proposal is passed as is, the full linkage fee will not apply until July of 2024. That means we’ll be waiting several more years to collect the funding we so desperately need to begin building more affordable housing. This does not match the urgency of residents in Denver – homelessness doubled since COVID and 1 in 3 renters are cost burdened. Therefore, the linkage fee should be applicable immediately upon passage of this policy proposal, not three years down the road. Many vulnerable residents cannot wait any longer.

The percent of affordable housing required needs to be higher than what is proposed. Current proposed percentages are not comparable to peer cities, nor the levels of affordability achieved in rezones. Neighborhoods vulnerable to displacement that are mostly naturally occurring affordable housing need a higher requirement of affordability at the neighborhood median income or lower. Thus, Denver should require 15% affordability and 20% in areas vulnerable to displacement.

“Affordable” housing, while supporting some income brackets of renters, does not provide the support needed to help the city’s most vulnerable populations making 30% of the Area Median Income (AMI) or less. Much of our city’s affordable housing stock is priced for people making between 80% and 120% AMI. This means that in 2020, much of the city’s affordable housing stock was priced for single people making between $54,950 and $84,000 per year, or families with children making up to $139,200 per year. The lower-tier affordable housing stock developed by the Denver Housing Authority, priced at 50% AMI, requires single tenants to make $35,000, and families to make up to $58,000.

Working a minimum wage job at $15.87/hour full-time with no days off, a single mother with two children makes $33,010 each year, and wouldn’t qualify for this...
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I think this is wonderful idea. Providing a way to have more families affordably live in the area will better help the community. I believe it will help to lessen those experiencing homelessness because they will have an affordable option for housing. I also think it will give newly married couples and young families a chance to buy or live in an affordable residence. My husband and I are recently married, we both work and are having a hard time finding an affordable house to buy. Our rent has been going up. I hope we will be able to buy a house one day and I think expanding this will help.

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Written Comments Received in Response to Draft Policy Proposal

(October 1 - January 30, 2021)

Note - formal comments closed on December 31, 2021
Enterprise Community Partners appreciates the opportunity to share feedback on the Expanding Housing Affordability (EHA) project proposed policy approach published October 1, 2021. I was pleased to have been an active member of Advisory Committee that was integral to creating the draft proposal; we value the thoughtful, evidence-driven process of the Committee, Community Planning and Development (CPD), the Department of Housing Stability (HOST), and Root Policy Research.

Enterprise fundamentally supports the EHA proposal. It is critical for the City to enact such market-driven policies to further the production of much-needed affordable housing. Based on the extensive research and justifications assembled by Root Policy Research and CPD, we back the proposal as a logical and realistic way forward that has the potential to meaningfully advance the availability of desperately needed affordable homes throughout Denver.

At the same time, Enterprise hears and agrees with community concerns that the EHA proposal should go further to help prevent involuntary displacement and should include clearer guidelines for the City’s capacity to negotiate alternatives to the standard mandatory housing requirements. We urge CPD and HOST to proactively address these areas of concern before moving to finalize the policy.

**The EHA policy should more directly serve Denver’s neighborhoods that are particularly prone to involuntary displacement.** Specifically, we urge:

- directing linkage fee revenue to the development of affordable units in these geographic areas and providing for a process for meaningful community input for projects funded through this mechanism.

- increasing the fees associated with development of single-family homes larger than 1,400 square feet to partially offset the impact that scrape-offs and development of large homes have on affordability, causing displacement of long-time residents and contributing to increasing home prices.

- intentionally advancing this policy in tandem with HOST’s forthcoming housing prioritization policy to ensure those who have experienced or are at greatest risk of displacement benefit from production enabled by the EHA proposal.
The EHA policy should also articulate guidelines on when and to what community benefit the City will negotiate alternatives. We understand there are and will continue to be instances in which the City’s ability to negotiate with a developer will allow for creative outcomes benefitting unique communities, and appreciate the examples detailed in the draft proposal. However, we urge greater detail be provided, particularly on the HOST Executive Director’s ability to negotiate discretionary agreements. The final policy should include clearer parameters on when HOST would deem such negotiations appropriate and what types of outcomes would be desirable, as well as offer ways for community to be involved in those determinations. Doing so would help ensure CPD and HOST’s intent for negotiated alternatives long-term, as well as promote community accountability and the adoption of community-identified priorities.

Finally, Enterprise acknowledges that while a critical step, the EHA policy proposal is just one piece in the much bigger puzzle of Denver’s affordable housing solutions. Mandatory units, linkage fees, and incentives cannot and were never intended to address the full range of our city’s dire housing needs. The EHA proposal must be thoughtfully integrated with current and new tools HOST develops in implementing its 5-year strategic plan—particularly the housing preference policy. This market-driven policy must also be augmented by ongoing, additional public investments in producing and preserving affordable homes for people with extremely low incomes.

We look forward to working together with CPD, HOST, and other city policymakers to ensure passage and implementation of a meaningful EHA policy, alongside the full range of solutions necessary to advance stable, healthy, affordable homes connected to opportunity for all Denverites. Please reach out to Kinsey Hasstedt, State and Local Policy Director (khasstedt@enterprisecommunity.com) with any questions.

Thank you for your consideration,

Jennie Rodgers
Subject: Expanding Housing Affordability Policy- Recommendations to Ensure Equitable Outcomes

On behalf of Mile High Connects (MHC), a broad partnership of nonprofits, community organizers, philanthropic organizations, and private and public sector partners working to advance racial equity and prioritize equitable investment into community driven solutions, we are writing to commend the City and County of Denver for its ongoing work and commitment to creating new, mixed-income communities within reach for those that need it the most.

The Expanding Housing Affordability (EHA) proposed policy is a critical step to provide housing opportunity and stability for Denver residents, particularly those that continue to be disproportionately impacted by lack of housing affordability and displacement. This moment is an opportunity to institutionalize policy shifts that will enhance the long-term impact of housing affordability and accessibility.

MHC recognizes that this policy is just one piece of a larger housing strategy to create and preserve affordable housing. We greatly appreciate the following components listed in the EHA proposed policy:

- The City and County’s acknowledgement of the cost burden of housing and that new housing tends to only serve higher income households.
- Creation of a mandatory affordable housing requirement sets a precedent that affordable and mixed-income developments are crucial for a more equitable and inclusive Denver.
- Requirement of developer-built affordable units to remain affordable for 99 years is an effective way to ensure longer-term affordability.
- Increased incentives around development of affordable housing, including waiving of municipal fees for developers.
- Inclusion of additional financial and zoning incentives for projects that create all-affordable developments, not solely the minimum percentage.

Nevertheless, MHC believes that further measures should be addressed within the policy to ensure that it meets the needs of those who are most disproportionately impacted by Denver’s housing environment and provides deeper opportunities for equitable investment and programs within our most vulnerable neighborhoods.

As MHC, we urge you to consider the following recommendations that seek to create a more equitable process and outcome for new, affordable housing developments in Denver:

1. **Prioritize Disproportionately Impacted Communities and Center Racial Equity:** For too long Black, Brown, Indigenous, and People of Color (BIPOC), low-income, immigrant and refugee communities have received the brunt of lack of affordable housing, gentrification, and
While the proposed policy focuses on providing housing options for those with lower average median income levels, it fails to provide explicit measures for community benefit and does not emphasize the need to center racial equity. To prioritize community benefit and advance racial equity, the policy should result in the creation and implementation of a Racial Equity Scorecard to assess the community impact of new developments prior to a project’s approval. Assessment criteria should be vetted by community and address community-voiced needs and priorities. Furthermore, the City and County of Denver should increase opportunities for community engagement and outreach to identify housing disparities among community. Continued data collection and analysis of project metrics is also imperative to ensure projects are indeed abiding by the EHA policy mandates. Evaluation metrics should be shaped based on community input to determine the specific equity and housing improvement metrics and outcomes used to measure development benefits. Additionally, City resources and funding should be dedicated to promoting and amplifying community informed processes to assess and co-create solutions that mitigate the impact of displacement and gentrification.

2. **Incentives for Increased Number of Affordable Housing Units:** The current policy includes incentives for developments that incorporate baseline percentages of affordable housing options within projects. To further increase the number of affordable and accessible homes, additional incentives and prioritization should be granted to developers who exceed the minimum requirement. Additional incentives and prioritization should be granted to projects that preference multi-family units, that provide more affordable bedrooms and access to 3–4-bedroom units as part of the existing discretionary agreements. The policy should also incorporate weighted reviews for developments that provide deep accessibility for legacy residents, disproportionately impacted communities, and neighborhoods most at-risk of displacement. Lastly, greater incentives should be available for developments that provide flexibility in affordable housing building type, such as cooperative housing and Community Land Trusts (CLTs).

3. **Initial Uses of Funds Collected:** Mile High Connects would like to make recommendations on how linkage fees and Fee in-Lieu payments are utilized to advance community pathways to building assets and wealth. Specific uses for these funds include:
   a. Support community capacity building programs that increase community ownership and shared equity structures for housing. Community ownership models have proved an effective way to ensure power stays within communities and increases the opportunity for intergenerational wealth and cultural preservation.
   b. Prioritize the use of linkage fees and Fee in-Lieu payments toward supporting community programs like CLTs and cooperative housing for communities most vulnerable to displacement.
   c. Prioritize collected fees for community benefits outside of housing to encourage economic development such as workforce training options and promoting minority owned, women-owned, or emerging small businesses.

4. **Transparency and Accountability to Community:** It is crucial that the City and County commit to timely, readily available information that can be accessed by community. Implementation
processes should also include mandatory community reporting through meaningful assessments of policy success, progress, and any unintended consequences of the policy. Effective and open communication with the community is a must to ensure that future research, development, and policy is informed by those who are impacted the most.

5. **Additional Considerations to Ensure a More Equitable and Resilient Denver:**
   
   a. Establish adequate, permanent revenue sources dedicated to supporting community pathways to building assets and wealth.
   
   b. Consider the impacts on BIPOC developers within future policy development. Centering racial equity, BIPOC developers should be beneficiaries of the policy and ensure that if implemented, the policy works to reduce barriers to participating and incentivizes to engage in the development of affordable housing.
   
   c. To ensure long-term and future affordability in Denver, the City should acquire strategic properties such as undeveloped public land, City owned land, and parking lots for future affordable housing sites. These sites should then be given first to affordable housing developers.
   
   d. Prioritize equitable transit-oriented development for community benefit. The current policy includes parking exceptions for developments that provide a greater percentage of affordable housing options than the minimum requirements. To offset unintended consequences of lack of parking, affordable housing developments should be coupled with transit passes or discounted fares to promote multi-modal transportation and greater access to transportation options.

We appreciate your commitment to addressing housing insecurity and affordable and workforce housing in Denver, and your consideration of these recommendations.
Dear Analiese and Brad,

Thank you for all of the time and effort you have invested in crafting the City’s draft proposal for Expanding Housing Affordability. The Neighborhood Development Collaborative has been following the process very closely and appreciates the thoughtful approach as well as the nuance that is woven into the proposal.

Many NDC members have been involved with past efforts to better engage the market with workforce housing goals. These include the Denver Inclusionary Housing Ordinance for for-sale housing, the 38th and Blake Overlay District, and efforts in other metro-area communities such as Longmont and Boulder. From this experience, NDC would like to recommend a few additions, changes, and clarifications to the current draft proposal.

1. **Negotiated Agreements**

   **Concern:** The option for negotiated agreements opens up the opportunity for protracted negotiations that delay getting essential housing in service; additionally, the discretionary agreements may be vulnerable to political pressure in future administrations.

   **Recommendations:** Create a process for negotiated agreements that is completely transparent and measurable. The City should:
   a. Go beyond providing examples of project components that would lead to a discretionary agreement. Instead, we recommend using the goals in the 5-year Strategic Plan to create a list of objectives that could trigger a discretionary agreement.
   b. Create clarity around how each negotiable component of a project is valued. Example: Are 3+ bedroom units worth more in certain parts of the city over others? In short, codifying the value of negotiated items creates less room for perceived bias.
   c. Leverage the “but for…” test when entering into a negotiated agreement to ensure that negotiated alternatives are *only* used in cases where a preferred outcome could not be reached without them. In addition, each use of a negotiated alternative should be reported in reference to identified housing needs. These reports should be analyzed for patterns and used to inform future adjustments to the Mandatory Housing Program.

2. **Single-Family Residential Development**

   **Concern:** The current design of the mandatory housing requirement asks developers of large-scale multi-family developments to help address the housing needs of our community in a way that is both impactful and creates mixed income communities. Meanwhile, developers building single-family or small-scale multi-family housing are asked to pay a relatively small linkage fee. This despite the fact that the business model for some
developers and investors is to purchase and flip many single-family homes spread across multiple neighborhoods or communities. These homes are often converted into luxury for-sale or rental units. The impact of these conversions, while dispersed over a larger area, can have a greater impact on displacement than larger developments due to the erosion of affordable single-family for-sale housing stock, and the resulting increase in property taxes for nearby homeowners.

Furthermore, by not applying the mandatory housing requirements to residential development that produces fewer than 8 units, many areas of the city that restrict multifamily development will remain exempt from including affordable housing options by default. This precludes access to high-amenity areas in the City, continues to promote income/racial segregation, and is in direct opposition to the equity goals of the City.

Recommendations: To incorporate affordability more equitably across the city, developers who build or rebuild 8 or more single-family homes in a year should be subject to the mandatory housing policy. Affordable single-family homes created through this process should be deed-restricted or placed in a land trust to preserve long term affordability. 

Note: We recognize that 2-7 unit developments will still be exempt from the mandatory housing policy. While this does create some inconsistencies, it may also motivate increased development activity in this under-utilized range.

3. Linkage Fee & Fee-in-Lieu Uses

Concern: Some housing advocates argue that new affordable housing should be focused in lower-income neighborhoods that are facing displacement pressure. This is especially called for in cases where these neighborhoods are unlikely to see the new multifamily development that would include affordability through EHA. While we agree that it is essential to support these neighborhoods, we feel that it is also critical to create affordable housing options in high-amenity areas that have traditionally excluded low-income and minority residents. These two priorities can sometimes be perceived as in opposition to one another.

Recommendation: The City should take an intentional approach to new affordable housing that will leverage funds from the linkage fee and fee-in-lieu programs. This approach should balance creating housing in both contexts: areas vulnerable to displacement and areas that have a history of exclusion, thus, offering Denverites more choice to determine what best meets the needs of their households and addressing all 3 of the Blueprint Denver Equity Concepts.

4. Linkage Fee Exemptions for Affordable Commercial Space

Concern: Similar to how affordable housing providers work in partnership with the City to address local housing goals, some commercial landlords offer favorable, below market terms to support Denver entrepreneurs, nonprofit facilities, and general economic development within the City. Unfortunately, assessing a linkage fee on these properties will have the unintended consequence of reducing the ability of landlords to keep costs low for community-serving commercial tenants.
Recommendations: As affordable housing providers are exempt from the mandatory housing requirements, landlords providing affordable commercial space should also be exempt from the linkage fee. NDC recognizes that there are less agreed upon metrics to measure affordable commercial space. Some places to start may include basing exemption eligibility on:

a. Triple Net Lease Structure - this supports the regularity of tenant costs and encourages landlords to make building efficiency upgrades, also addressing the goals of Energize Denver.

b. Below Market Rate Rent Standardization - require eligible units to be rented out at a specified percentage below market rate, ranging between 20-50%* relative to the typical and high-cost submarkets already identified.

c. Due to the volatility of the commercial market, the parameters for linkage fee exemption should be evaluated regularly.

*Exact numbers should be derived in collaboration with landlords working in this space.

5. Periodic Review of Expanding Housing Affordability Policy

Concern: As was stated throughout the EHA proposal, for inclusionary housing policies to be effective they need to be finely calibrated to local market conditions. As market conditions change, the inclusionary policy will diminish in effectiveness if not reviewed and revised.

Recommendation: The Expanding Housing Affordability policy should be assessed on a regular schedule to respond to the changing market and to additional lessons that emerge over time. For this assessment to be successful it should:

a. Incorporate an objective perspective to avoid politicization and balance the realities of development feasibility with the need for affordable options.

b. Leverage the patterns that emerge from tracking negotiated alternatives and incorporate them into the policy in a way that reduces the need for these alternatives.

c. Create a transparent review process through which adjustments to the policy incorporate feedback from market rate developers and affordable housing advocates.

Again, NDC would like to acknowledge all of the work and outreach that has gone into shaping this proposal. We appreciate the research, the technical knowledge, as well as the time you spent with us and other groups to create a tool that can help Denver meaningfully advance our collective housing goals. Hopefully, the above recommendations can further strengthen the Expanding Housing Affordability policies, and we look forward to continued engagement with CPD and HOST as this proposal moves forward.

Sincerely,
Jonathan Cappelli

Executive Director,
Neighborhood Development Collaborative
December 22, 2021

Analiese Hock, Principal City Planner
Community Planning and Development, City and County of Denver
Wellington E. Webb Municipal Building
201 W Colfax Ave, Denver, CO 80202

Re: Expanding Housing Affordability Proposed Policy Approach

CC: Mayor Michael B. Hancock, Denver City Council, Laura Aldrete, Jill Jennings Golich

Dear Ms. Hock,

As members of Denver’s local business, residential and commercial development community, we are committed to building diverse housing options that serve all income levels to meet the overwhelming demand and need for housing in our city. We share a common goal: the creation and use of sound market-based tools that address all housing needs in all Denver neighborhoods.

We come to you collaboratively, with a goal to partner with City staff, the Mayor’s Office, and City Council in this important endeavor. In that spirit, we believe it is critical to highlight some of the well-intentioned, yet often-times unintended consequences of inclusionary housing programs.

After providing extensive comments during Expanding Housing Affordability (EHA) feedback sessions, participating in EHA Advisory Committee meetings, and sharing an in-depth technical review of the draft proposal, we share four specific areas of concern. These concerns revolve around proposed linkage fee increases, high-cost vs. typical-cost submarkets requirements, proposed offsets/incentives, and current processes and regulations that hinder supply today.

We respectfully ask that you consider the following requests as you finalize the EHA proposal:
**A phased approach to the significant linkage fee increases.**

The City must understand that fee increases will be passed on to the end user, no matter the asset class, increasing commercial rents to businesses large and small. As proposed, the linkage fees in the draft policy represent 200%+ to 900%+ increases to existing linkage fees depending upon the asset class.

These dramatic fee increases will disproportionately hurt independent, neighborhood-serving retail, and “mom and pop” establishments that make Denver unique and attractive. Increasing the financial barriers to entry for “mom and pop” tenants will result in the homogenization of commercial space by large, corporate tenants who can more easily absorb and pass on the proposed fee increase.

We support staff’s current policy direction to exempt mixed-use retail from the proposed linkage fee. This exemption will avoid additional financial burdens on leasing challenging retail/commercial space in mixed-use buildings that are less attractive to retail/commercial tenants due to inconvenient parking, lack of brand identity and increased operational challenges.

For all asset classes, we respectfully request that the proposal phase in the increases over a minimum of a three years, to allow for the market to absorb and adapt to these significant changes. Reasonable, phased-in increases will generate dollars for the Affordable Housing Fund while moderating detrimental policy outcomes that limit job growth for our city’s residents and increase the cost of doing business for mom-and-pop tenants.

Also of note, we believe that during the phase-in period, the City could use American Rescue Plan Act dollars to bolster the Affordable Housing Fund.

**Remove the high-cost vs typical cost submarket requirement differences (mandatory housing and linkage fees).**

We understand the intent to subsidize more affordable units through higher rents in high-cost submarkets. However, economics and development project realities demonstrate otherwise. Members of the development community have provided feedback since early in the process that this proposal will have the inverse effect – exacerbating not mitigating affordability in high-cost submarkets. Despite our consistent and clear communication there have been no modifications to reflect these concerns.

Variables such as land price, high-cost construction materials and labor, and other development-related expenses are exponentially higher in high-cost submarkets like Downtown, Golden Triangle and Cherry Creek. Creating more stringent inclusionary standards and higher linkage fee requirements in these areas, serving only to exacerbate the lack of affordable housing in areas that need more affordability.
Strengthen the offset and incentive programs to mitigate loss of market rate units and encourage the development of affordable units.

We see ourselves as important partners in the City’s efforts to produce more affordable units in Denver. As such, we are not requesting any changes to the mandated affordable housing requirements or asking for lower fees-in-lieu.

However, the offsets identified in the EHA proposal do not go far enough to mitigate the financial impact to market rate units and overall project feasibility. Proformas run by developers on recently completed and future projects demonstrate that rents on non-subsidized units would need to increase $50-$150 a month per unit to accommodate the proposed affordable housing requirements. These are very real housing cost increases for the majority of renters that will require them to either work more hours or sacrifice other spending in their lives.

To offset rent increases for the “missing middle” (those in the 81-100% AMI range), the city should provide direct credits from the Affordable Housing Fund or another source, or access to the existing loan fund to help “bridge the gap” or cover some of the estimated six-figure delta between the required affordable units and market rate units. Leveraging the linkage fees already paid into the Affordable Housing Fund by developers to help bridge this gap can help create more affordable units while mitigating increased housing costs passed onto others. These costs will have an even greater impact when developers chose to build 8% of their units at 60% AMI. In that scenario, residents between 61%-100% AMI will bear the burden of rent increases to account for the city’s requirements.

We also request the city explore more robust offsets and incentives to encourage development of affordable units and offset impacts of the program. This includes exploring height incentives that are more consistent with the city’s current zoning code districts (i.e., allowing height increase from 5 to 8 stories, rather than the proposed 5 stories to 7 stories to incentivize even more affordable and “missing-middle” units), as well as increasing permit fee waivers on a 1:1 basis for both market rate and affordable units (or essentially doubling the current permit fee waiver proposal).

Streamline development processes and re-examine the city’s regulations to increase the supply of housing.

Finally, as noted above, we applaud and support the city in its efforts to create an inclusionary housing program that is grounded in economics and market-based feasibility. That said, any inclusionary zoning program – as a whole – is not a golden ticket to solving the city’s housing affordability crisis. As expressed during many EHA forums, EHA advisory committee meetings, and other communications to staff, our city needs to encourage the overall supply of homes at all income levels for all our residents. Our affordable housing issue cannot be solved solely through increased regulations or requirements administered by the city because housing affordability is dictated by the balance (or imbalance in Denver’s current case) between supply and demand. The City can facilitate increases in the housing supply by streamlining and accelerating its development and permitting processes, removing inconsistencies between its permit
review and field inspection requirements and examining other regulations that contribute to housing unattainability.

We welcome the opportunity to work closely with city leaders to take a more holistic, comprehensive approach to solving our city’s housing affordability crisis. We urge the City to consider market-based tools such as increasing supply, reducing overly-restrictive regulations, and leveraging the private market to meet the demand for those individuals and families at all different income levels – including the ever-growing "missing middle" population of Denver - where housing options are becoming more and more out of reach due to restrictive and overly burdensome zoning and development regulations.

Thank you for taking the time to review our concerns and considerations. We look forward to working with you on this important effort. Please do not hesitate to contact us if you have any questions regarding our requests.

Sincerely,

Michael Gifford  
President  
Associated General Contractors of Colorado

David Foster  
Chair  
Cherry Creek Business Alliance

J.J. Ament  
President & CEO  
Denver Metro Chamber of Commerce

Nobu Hata  
CEO  
Denver Metro Association of Realtors®

Rachel Marion  
CEO  
Denver Metro Commercial Association of Realtors®

Sarah Rockwell  
Chair  
Downtown Denver Partnership

Katie Barstnar  
Executive Director  
NAIOP Colorado

Betsy Laird  
Sr. VP of Global Public Policy  
International Council of Shopping Centers (ICSC)

Michael Leccese  
Executive Director  
Urban Land Institute (ULI) Colorado

Michael Gifford  
Chair  
Colorado Real Estate Alliance

Marc Savela  
VP of Development  
Broe Real Estate Group

Celeste Tanner  
Chief Development Officer  
Confluent Development

Tyler Carlson  
Managing Principal  
Evergreen Devco

Ian Nichols  
Senior Director  
Flywheel Capital

Kevin Foltz  
Managing Partner  
Forum Real Estate Group

Ferd Belz  
President  
L. C. Fulenwider

Ray Pittman  
President & CEO  
McWhinney

George Thorn  
President  
Mile High Development

Dorit Fischer  
Partner  
NAI Shames Makovsky

Rhys Duggan  
President, CEO & Managing Partner  
Revesco Properties

Tim Welland  
Development Manager  
Palisade Partners

Tim Schlichting  
Chief Development Officer  
Prime West

Bill Mosher  
Senior Managing Director  
Trammel Crow Company
November 23, 2021

Via email: analiese.hock@denvergov.org

Analiese Hock
Principal City Planner
Community Planning and Development
City and County of Denver

Re: Feedback on Denver Affordable Housing Expansion Proposal:

Dear Ms. Hock:

Thank you again for presenting the draft work on the Denver Affordable Housing Expansion Proposal to the Joint Legislative Advisory Council for the Apartment Association of Metro Denver and Colorado Apartment Association. It was a well put together presentation and you did a fantastic job of fielding our councilmembers’ questions. The Council engaged in a lengthy discussion of the Proposal following the presentation and by resolution provides this feedback.

We share and support the City’s goal of increasing the supply of housing to combat the rising cost of housing. However, the Proposal will have the unintended (but unavoidable) consequence of increasing rent rates in Denver.

Low vacancy rates and the corresponding increase in rents are caused by housing supply not being allowed to keep up with the growing demand for housing. Creating additional costs for housing development or limitations on the cashflow derived from that development will slow the creation of new housing. Building new units will be artificially curbed until the resulting unmet demand for housing inflates rent rates sufficiently to offset the increased costs/loss of revenue.

The least costly of the options under the Proposal reduces cashflow from new rental housing developments by 4% in the area defined as the High-Cost Markets and 3.2% in the areas defined as the Other Markets. The impact of the Proposal will be an artificial reduction in housing development until such time as rents inflate by 4% in the High-Cost markets and 3.2% in the Other Markets.

As we have listened to the advocates for the Proposal and tried to understand why their analysis differs from ours, it seems the fundamental difference in approaching the problem is the proponents do not acknowledge that creation of housing in one market segment effects the price of housing in other market segments. Specifically, they maintain that creation of new market rate units won’t improve the price and availability of lower priced or “affordable units”.
We do not claim building market rate units will make someone who is unable to afford those units suddenly able to afford them.

However, when insufficient housing units are available at the top end of the market, some higher-income households will substitute housing units at the next quality or cost tier down, contributing to higher prices of housing units in that tier. Those households that are outbid for housing in that (second) tier will then substitute to housing at the next quality or cost tier down, outbidding lower income households which would otherwise have been able to afford housing in that (third) tier, and so on. Similarly, as new housing is built in the higher or highest cost tiers, some higher-income households will vacate homes in the second tier, which will free up housing units in the second tier for households that may have substituted to housing in the third tier, and so on. Accordingly, the construction of new homes serving higher income households alleviates price and rent pressure in lower tiers in the ladder of the housing market. New homes at the top of the market will increase supply for middle, moderate and lower income households.

We recommend Denver encourage the production of market-rate housing. Denver will facilitate housing affordability more by encouraging builders and developers to construct new homes and multi-family housing units. Although the homes created may be sold or rented at market rates, their creation promotes affordability by helping to satisfy the demand of higher-income households, which would otherwise compete for (and bid up the price of) existing units.

The crux of our concern with the Proposal is that Denver housing prices will be lower if more total housing units are built (even if all those units are priced at market rates) than they will be if a lower number of total units are built and 10% are rent restricted.

As to your request for input on the most problematic elements of the Proposal and how to fix them, we highlight those issue in descending order of importance:

- The incentives offered by the City (reduction in fee, parking reductions and increased height limitations allowances) are insufficient to offset the 3.2% / 4% decrease in the revenue stream required by the Proposal. Any imbalance between the two will result in fewer new units. The only way to eliminate this chilling impact on development is to increase the value of the incentives offered by the City. The most obvious way to increase the value of the incentives is to increase Permit Fee reduction above the $7,500.00 proposed. The more impactful way to increase the value is apply the Permit Fee reduction to all the units in the development (not just the rent-controlled units).

- The Option 1 scenarios (requiring only 60% AMR units) are significantly less expensive than the Option 2 scenarios (requiring a blend of 60% and 80% AMR units). This will mean that no 80% units will be built (unless subsidized by some other program). Denver’s availability of 60% AMR housing compared to the population that requires it is at a nationally normal level. The missing piece in Denver’s market is 80% AMR housing, where there are far more people in need than housing units available. The most impactful thing that could be done to lessen the negative impact of the Proposal would be to target 80% AMR units rather than 60%. Changing the Proposal to require that 8% of the new units be restricted to 80% AMR would only create a 1.6% increase in rents through the Denver markets and would target the most underserved market segment.
• The biggest incentive that can be offered by Denver is allowing development of multifamily units in the vast areas of the city zoned only for single-family structures. This arbitrary limitation on density is at direct odds with housing availability and affordability.

• The proposed fees in lieu ($311,000 and $268,000 respectively) represent close to 100% of the current cost of constructing a multifamily housing unit in Denver and are exponentially out of balance with the economic costs of the other options under the Proposal. We realize Denver wants to encourage the construction of affordable units rather than the opting for the Fee in Lieu. However, these fees are so high that they represent only an illusion of choice and don’t meet the statutory requirements of HB21-1117.

• The two-tier approach between High Cost Markets and Other Markets should be abandoned. It makes the Proposal more complex than it otherwise needs to be and will have the unintended consequence of subtly shifting the location of development from where it is wanted to where it is artificially less expensive.

Our members and our staff would be delighted to be of any assistance we can in your work. We all want the same thing. We, like you, want our children to be able to afford to live here.

Sincerely,

Andrew C. Hamrick
General Counsel and Sr VP Government Affairs
Apartment Association of Metro Denver
Colorado Apartment Association
December 28, 2021

Analiese Hock  
Principal City Planner  
Community Planning & Development (CPD)

Brad Weinig  
Director of Catalytic Partnerships  
Department of Housing Stability (HOST)

Advisory Committee  
Expanding Housing Affordability (EHA)

Dear Ms. Hock, Mr. Weinig and Members of the EHA Advisory Committee,

I am writing to share our thoughts, concerns and feedback regarding the City and County of Denver’s proposal for mandatory affordable housing requirements.

These comments are being provided on behalf of the Home Builders Association (HBA) of Metro Denver. The HBA of Metro Denver represents nearly 500 homebuilders, developers, remodelers, architects, subcontractors, suppliers and service providers in the eight metro-area counties we serve.

In Denver, the HBA represents 17 different builders with over 600 registered permits just this year.

Our members have taken considerable time to meet with City staff and officials and review the proposed mandatory affordable housing policy released by the City. These comments are focused on the types of homes our members create, which are primarily for-sale, attached, duplex and single-family homes for families and others.

Our concerns fall into the following categories:

(1) The negative impacts to overall housing affordability and supply caused by shifting higher costs onto newly developed market rate units.

(2) The disincentive to build for-sale units due to new ownership units having higher percentages of required affordable units. This disincentive is exacerbated by Colorado’s construction defect laws.

(3) The lack of meaningful incentives and/or trade-offs to help create much needed “missing middle” for-sale housing units in the ranges of 80-120% AMI and beyond.
Background:
It should be noted that the housing affordability crisis is due to a severe shortage of units and is reaching a breaking point in many markets across Colorado – including the City of Denver. May 2021 set a record-low number of listings in the Denver Metro Area at just 2,075 compared to the monthly average of 15,563. The 12-month increase in the price of the average single-family detached home sold grew by 29%, and the price of the average condominium grew by almost 12%. However, this is not a new problem in Colorado.

The average annual number of new homes built every year in Colorado since the 2008 financial crisis is 46% lower than the annual average in the eight years leading up to the recession. If Colorado were to return to the average housing population ratio between 1986 and 2008, it would require an additional 175,000 housing units across the state today. To close that gap and meet future population needs, Colorado will need to develop 54,190 new housing units annually over the next five years.

If Denver had more housing, and more housing types (something we fear this proposal does not adequately address), our affordability challenges would look much different. But currently and for the past 15 years, the amount of available housing supply within the City has fallen drastically short of the amount of demand. While Denver has enabled certain arterial and commercial corridor locations to obtain much higher densities primarily in the form of apartments and mixed-use buildings—the implementation of the Blueprint Denver Plan from 2002 rezoned large swathes of the City from residential multi-unit zoning, down to strictly single unit zoning. This prevented the creation of duplexes, row homes and other higher-density building forms. A review of the City’s zone map shows the large inequities and inadequacies throughout the City, which are exacerbated by the shortage of multi-family housing stock.

We do not think Denver’s housing policies should be done in a vacuum or without recognition of the State of Colorado’s construction defect laws which make it extremely costly and infeasible to develop for-sale condominiums at scale. While we recognize the responsibility to resolve this issue rests largely upon the State Legislature, Denver enacting a policy that puts for-sale condominium and attached housing construction at a further disadvantage will have additional unintended consequences of further limiting this already dreadfully low, much needed housing type. We understand the City’s proposal raises the income threshold for affordable units from 60% area median income (AMI) on for-rent projects to 80% AMI (on for-sale); however, ownership housing would have to provide a higher percentage of affordable units than for-rent housing—10% of total ownership units in typical cost markets and 12% of total ownership units in high-cost markets (or 15% and 18% of total units under Option 2 of 80% and 100% AMI). Having these higher percentages of units will undoubtedly serve as another disincentive toward building for sale/ownership housing units as the AMI trade-offs are negated by the increased percentage of units on a housing type that is already more expensive and riskier to build.

A fundamental concern with Denver’s proposal is the amount of cost burden that will shift onto market-rate units, which under the City’s proposal represents roughly 90% (or 88-92%) of all new housing units in the city. It cannot be stressed enough - this policy will increase in the cost of housing for roughly 90% of new housing units. Whether it is the higher prices of market rate units to make up for the added cost of constructing the percentage of below-market units, or the fee-in-lieu option, both options involve substantial cost increases which will be borne by buyers of market
rate units. It is important to understand that for every dollar increase in costs, a builder needs to raise the price by more than that to cover the corresponding increases in commissions, closing costs, financing costs and other costs. Additionally, banks and investors expect builders to have some return on every dollar of cost.

Unfortunately, the City keeps talking about the need for affordable housing, while at the same time introducing new policies and requirements, such as net-zero construction, which drive up the cost of building housing without adequate offsets. These cost increases on market rate housing will drive people and families further from Denver and into other markets, often meaning people are living farther away from work and core services in order to find attainable homes.

This predicament points to the larger issue of how the City can actually leverage its collective resources to make more of an impact on affordable housing than the “inclusionary” approach of having market rate units cover the cost of the percentage of affordable units. The HBA provided input similar to this back in 2016-2017 when the City repealed the previous Inclusionary Housing Ordinance (IHO) and enacted the linkage fee requirement. We believe a far better way to increase affordability in a more equitable manner would be to leverage a reliable funding source such as the sales tax for housing or additional mills of property tax left over from De-Brucing, combined with other, more equitable funding sources (some already in existence), to purchase, partner and retrofit existing buildings into affordable housing, buy down rents and implement other large unit generation strategies rather than imposing new cost-raising requirements on an already record high level of building costs for new construction.

Before we lay out some of our recommendations, we want to remind City officials that building new housing does not create affordability problems. In actuality, building new housing (especially in a housing supply crisis) does quite the reverse. Building all types of housing creates a pipeline of supply and brings balance in the housing market that currently does not exist in Denver or the greater Metro Area. In contrast, the creation of new commercial space and primary jobs creates demand for housing and Denver and many other markets are at an imbalance of housing vs. the other drivers impacting affordability.

The HBA of Metro Denver recommends the City consider the following suggestions and improvements to the proposed policy:

(1) **For-sale linkage fee only.** For-sale housing should be subject to a reasonable linkage fee and not a percentage of affordable units, which provides a win-win of helping to create more of a significantly low segment of the Denver housing inventory (for-sale housing), while at the same time, generating additional revenue the city can use in innovative ways to lower housing costs.

(a) In lieu of the above, we recommend reconsidering the 8-unit threshold for onsite affordable units. This policy will disinterestve the types of housing projects that are seeking to help the housing market from an affordability perspective. A single home scrape that replaces an existing affordable unit with a much more expensive unit can continue to do this at the linkage fee rate and not help the city’s overall housing shortage, while an infill for-sale project of ~10, 20, or 30+ units would be faced with much higher costs due to having to provide the mandated percentage of onsite affordable units.
(b) Another option worth considering is lowering affordability percentages for sale/ownership projects to 5% of units and/or some staggered tiering of project size and percentage of units and AMI requirement that goes from 80% to 120% AMI (the missing middle), which would provide more opportunities to build this undersupplied type of housing.

(2) **Single-unit zoning.** The majority of the City that is zoned under a single unit zone district needs to be re-envisioned in ways that allow for a more contextual approach to infill housing redevelopment that provides opportunities for more housing density and supply, diversity of product types such as duplexes, row homes, garden court projects and other approaches that will lead toward more affordable and attainable housing options than the very constrained single unit zoning that covers so much of our City. It seems disingenuous to be enacting mandates on residential development while not addressing how the majority of the city is zoned in a way that discourages affordability. (Note: we support the use of quality infill design standards to help with the neighborhood feel and context elements while at the same time not unreasonably driving up costs)

(3) **Height incentives only apply to certain types of development.** The current proposal’s height incentives apply mainly to certain contexts of the city with existing mixed-use or multi-unit zoning, predominantly along commercial and arterial/collector corridors or the inner city. A simple look at the zoning map shows how limited in size and area these areas are and how large majorities of Council districts are predominantly zoned single unit. Furthermore, the height incentives (3 to 4; 5 to 7; 8 to 12; 12 to 16; 16 to 20) are skewed toward multi-family apartment building forms and offer little to nothing toward the building forms where for-sale product is occurring—duplexes, row houses and townhomes. We encourage the City/EHA team to explore possible incentives for building forms under 3-stories that ensure important segments of the housing market are not left out of any meaningful density bonus or incentive structure.

(4) **Other incentives.** Offering a permit fee reduction exclusively to affordable units and not all units within a development is a missed opportunity to provide a more meaningful balance and trade off when considering the significant cost increases the policy creates. While the parking reduction does not do enough to move the needle from a project feasibility standpoint, a more meaningful permit fee reduction, or other financial incentive(s), would help provide more balance, recognizing that building costs for housing are at an all-time high and constantly increasing and piling up.

(5) **Incentives for fee-in-lieu.** Given the extremely high and cost prohibitive nature of the fee in-lieu option, it doesn’t make sense to disqualify a fee in-lieu project from benefiting from some of the potential benefits of incentives such as permit fee reductions and/or parking reductions. The incentives won’t be near enough to offset the cost increases, but this double whammy doesn’t make sense.

(6) **Flexibility and accountability.** How is this policy expected to change as the housing market evolves or outside forces or factors impact the Denver housing market? We never saw regular reporting or high levels of administrative accountability the last time
Denver had an IHO and the data we’ve seen from other inclusionary markets does not indicate a reduction in housing costs or a meaningful increase in affordable units. We believe the city should incorporate meaningful standards for reporting, tracking metrics and continual engagement and dialogue of not only the City Council and the Planning Board but also the stakeholders tasked with alleviating the current housing shortage.

In summary, while we recognize why the City and County of Denver is considering a proposal like this, we urge extreme caution and recommend City officials work earnestly with the residential development community to avoid unintended consequences and provide adequate incentives and support. The increased costs from this proposal will be significant, so it is imperative the city do everything possible to minimize these impacts, recognizing that they will be shouldered by roughly 90% of the new market-rate units created under this proposed ordinance.

The HBA of Metro Denver welcomes and encourages additional opportunities to participate in this policy dialogue and we hope revisions from the first round of formal public input will take into account this letter and others received by the development community. While there are many ways to approach affordable housing, an inclusionary ordinance that targets new development needs collaboration with the development community, so it does not end up doing more harm than good.

Thank you for the opportunity to continue to participate and provide meaningful stakeholder input. Please don’t hesitate to contact the HBA with questions or for further discussions.

Sincerely,

Ted Leighty
Chief Executive Officer
Home Builders Association of Metro Denver
Dear Mayor Hancock, Denver City Council, Ms. Laura Aldrete, Ms. Analiese Hock, and members of the Expanding Housing Affordability Advisory Committee:

As part of the City’s Expanding Housing Affordability initiative, we have an opportunity—and in fact, an obligation—to expand the existing Affordable Housing Linkage Fee to create a dedicated funding source for housing-first solutions for our neighbors experiencing homelessness.

“Affordable” housing, while supporting some income brackets of renters, does not provide the support needed to help the city’s most vulnerable populations making 30% of the Area Median Income (AMI) or less. Much of our city’s affordable housing stock is priced for people making between 80% and 120% AMI. This means that in 2020, much of the city’s affordable housing stock was priced for single people making between $54,950 and $84,000 per year, or families with children making up to $139,200 per year. The lower-tier affordable housing stock developed by the Denver Housing Authority, priced at 50% AMI, requires single tenants to make $35,000, and families to make up to $58,000.

Working a minimum wage job at $15.87/hour full-time with no days off, a single mother with two children makes $33,010 each year, and wouldn’t qualify for this housing option. She’d have to wait in line for one of the few housing developments priced for “Extremely Low-Income Populations,” filling out required paperwork to verify her income all while she and her children sleep in their car, on a couch, in a shelter, or on the street. And since there is no long-term affordable housing option available in Denver for people making below 30% AMI ($21,000 per year for a single person, and up to $35,160 for families), this means that they must leave the city, rely on the shelter system, or live on the street.

The Affordable Housing Linkage Fee is a development impact fee levied upon new development in the City and County of Denver, and it draws its power from the “direct nexus” between new market-rate development and increased demand for affordable to low- and moderate-income households. Gentrification, defined as “the process whereby the character of a poor urban area is changed by wealthier people moving in, improving housing, and attracting new businesses, typically displacing current inhabitants in the process,” is widely recognized as a major catalyst of the displacement of populations, evictions, and homelessness. The “direct nexus”—the clear link between new development and the increases in numbers among our neighbors experiencing homelessness—is immediately recognizable in our own community, and has been proven by multiple published research studies. Brynn Rosell’s paper “Gentrification and Homelessness,” published by the National Association for School Psychologists, specifically uses Denver as its sample and representative population.

Despite the City already acknowledging that new development clearly causes an increased need for affordable housing, the City has not yet created a funding mechanism that seeks to
address the cause-and-effect relationship between new market-rate development and the displacement of low-income community members, particularly Black and Brown community members in rapidly gentrifying neighborhoods of Denver. This must change, and our tools must mitigate the disparate outcomes that result from placing new-market rate development in rapidly gentrifying communities.

With the understanding that the City and County of Denver and the State are working to develop and maintain other sources of funding for housing, services, and programs for those experiencing homelessness, it is imperative that developers begin to contribute equitably to the communities they financially benefit from.

We, the undersigned, urge the City to:

1) **Raise the Affordable Housing Linkage Fee to better align with the City’s Housing & Homelessness goals and to meet the true needs of low-income and no-income community members in gentrifying neighborhoods.** An appropriate fee would be the Maximum Legally-Justifiable Nexus Fee per the 2016 Denver Affordable Housing Nexus Study for all land use categories, escalated in an amount equal to the changes in the Consumer Price Index for All Urban Consumers (CPI-U).

2) **Eliminate Section 27-157 of the ordinance**, which allows for the Executive Director of the Department of Economic Development to “reduce or waive” the total linkage fee if the applicant “demonstrates that the required amount of fees exceeds the amount that would be needed to mitigate the actual demand for affordable housing created by the development.” This reduction/waiver allowance ignores and dismisses the clear causal relationship between gentrification and homelessness, even when developments do not directly generate new residents or employees in need of affordable housing.

3) **Dedicate a minimum of 20% of the total annual funds generated by the Linkage Fee directly to housing first solutions to those experiencing homelessness.**

Sincerely,

9 to 5 Colorado  
Colorado Coalition for the Homeless  
Colorado Cross-Disability Coalition  
Colorado Homes for All  
Colorado Poverty Law Project  
Colorado Village Collaborative  
Denver Democratic Socialists of America  
Denver Homeless Out Loud  
GES Coalition for Organizing for Health and Housing Justice  
The Reciprocity Collective  
The Office of Councilwoman Candi CdeBaca, Denver City Council District 9
Dear Analiese and Brad,

Thank you for your tireless work on the Expanding Housing Affordability project. This truly is such a tremendous, overwhelming, and important challenge for our city. We are writing to you on behalf of the undersigned affordable housing developers who are currently working in the City of Denver to propose an important revision to the EHA policy to more equitably support affordable housing development throughout the city.

**Equity and Inclusion**

2040 Comprehensive Plan and 2019 Blueprint Denver are based on the fundamental value of Equity and Inclusion. The plans read: *In 2040, Denver is an equitable city of complete neighborhoods and networks. It is an evolving city where growth complements existing neighborhoods and benefits everyone.*

Blueprint Denver expects low density areas (“all other areas” in the plan) to absorb 20% of growth of housing units.

However, the proposed Expanding Housing Affordability draft exempts the majority of the city from the obligation of providing affordable housing by omitting an affordability requirement for projects smaller than 8 units and not providing incentives to build affordable housing in low density residential areas. Therefore, EHA falls short on allowing access to housing for low-income residents in high-opportunity areas and perpetuates inequities of exclusive, single-family zoning.

To ensure that the EHA program follows the guidelines of the adopted city plans and makes certain that anticipated growth is equitable and inclusive and benefits everyone we are proposing the following revision:

**Density Incentive in ALL low-density residential areas to allow 3-story for-sale and for-rent multifamily developments so long as 50% are permanently affordable units for households earning 80% AMI or less.** This incentive should be paired with all Base and Enhanced Incentives included in the draft.

To maintain the scale and character of neighborhoods all existing Building Forms in the Zoning Code can remain unchanged with the exception of eliminating the use limitation constraining the allowable number of dwelling units within the Forms.

Three-story multifamily development is the most cost-effective way to build housing as it provides the economy of scale without the burden of more expensive construction methods associated with higher density developments. Furthermore, this construction style and building forms are traditionally associated with for-sale housing. Expanding the EHA program into low density areas and low-rise construction will deepen the impact of the proposal on affordable homeownership in Denver.

Sincerely,

Habitat for Humanity of Metro Denver

Elevation Community Land Trust
From: kniechatlarge
To: Hock, Analiese M. - CPD City Planner Principal; Showalter, Sarah K. - CPD CE3125 City Planning Director
Subject: FW: [EXTERNAL] Comments on the Expanding Housing Affordability project submitted to the website by a group of Denver residents
Date: Tuesday, December 21, 2021 12:18:15 PM

Didn’t see you cc’d on this, so figured I’d pass it along.
Happy holiday season!
TSP

From: John ferguson <johnfergusonindenver@gmail.com>
Sent: Tuesday, December 21, 2021 11:56 AM
To: Fisher, Britta E. - HOST MA0054 Director of the Denver Office <Britta.Fisher@denvergov.org>; Laura.Aldrede@denvergov.org; District 1 Comments <District1@denvergov.org>; City Council District 5 <DenverCouncil5@denvergov.org>; District 9 <District9@denvergov.org>; City Council District 10 <District10@denvergov.org>; Herndon, Christopher J. - CC Member District 8 Denver City Coun <Christopher.Herndon@denvergov.org>; Deborah Ortega - Councilwoman At Large <OrtegaAtLarge@Denvergov.org>; District 3 <District3@denvergov.org>; Clark, Jolon M. - CC Member District 7 Denver City Council <Jolon.Clark@denvergov.org>; Black, Kendra A. - CC Member District 4 Denver City Council <Kendra.Black@denvergov.org>; Flynn, Kevin J. - CC Member District 2 Denver City Council <Kevin.Flynn@denvergov.org>; Kashmann, Paul J. - CC Member District 6 Denver City Council <Paul.Kashmann@denvergov.org>; kniechatlarge <kniechatlarge@denvergov.org>; Elenz, Magen M. - CC Senior City Council Aide <Magen.Elenz@denvergov.org>
Subject: [EXTERNAL] Comments on the Expanding Housing Affordability project submitted to the website by a group of Denver residents

Dear Councilors and Dept heads,
We are sending this copy of our comments on EHA to you each to make it easy for you to read them. We are doing this because we care deeply about this important issue. Our signatures are at the end of the email.
Thanks for your attention.

December 21, 2021

We are a group of elders from SE Denver who are concerned about homelessness and affordable housing in Denver. E.g. We have been taking a meal about once a month to one or another of the Safe Outdoor Spaces for the last year.

We are so glad to see the projects the city has been undertaking in the last months to address these issues. The Expanding Housing Affordability initiative seems to offer a substantial step forward in providing critical housing that is affordable to lower-income...
working-class people. The HOST 2022 Action Plan includes an encouraging approach to providing a fast response to needed housing using Safe Outdoor Spaces and Tiny Home Villages. We applaud the city agencies who are cooperating in these projects, we’re proud our city is moving in a positive responsive way to meet the needs for accessible homes -- with four walls, a door that can be locked, a window for light and air -- a place to be safe and secure.

More broadly, the Expanding Housing Affordability document does nail down the city’s responsibility to assure housing for all. It begins with a background for both the city’s achievements and its failures of the last 10 or so years. Most importantly, it offers a projection for the whole spectrum of housing needs, by income, the city will face over the next 20 years. Sadly, even disgracefully, it says that 10,500 homes accessible to families in the $60,000 and under income level (the poorest and most vulnerable of our neighbors) have disappeared, a result of age, neglect and gentrification. That critical housing loss has forced those with the least out of Denver, or left to live on their own on the streets.

The richest households with incomes of $100,000 income or more have increased the most, adding about 45,000 new households. These are the people who have been attracted to Denver and are filling the highest income jobs in Denver, gentrifying neighborhoods and raising overall housing prices, making neighborhood housing less affordable for the rest.

Happily, the EHA is aimed at reversing that housing loss, providing assistance to housing directed to mid-level families between these two, with incomes between $64,000 (50% AMI) and $80,000 (80%), the so-called workforce groups.

The EHA document says that the need for rental housing over the 20 years going forward is as follows (but somehow omits support for the 12,000 units serving families earning below 50% of average median income (AMI):

- 2,500 units for families at 51 - 60 AMI
- 4,500 units for families at 61 - 80 AMI
- 7,000 units for families at 81 - 120 AMI
- 9,500 units for families at 121 AMI and above

The EHA program is aimed at that middle group of 7,000 families in the 51 - 80 AMI incomes.

The program design to have affordable homes inclusively incorporated in all developments across the city is, we think, great. The idea of having income (class) integration is admirable.
However, we are concerned that the plan fails to project or forecast specific targets or measures of program success. It just assumes the program will be successful. How will the various needs be met? When and at what cost? We did not find accountability measures defined in the documents, how multiple funding sources will be integrated, and a fairness standard established to protect the interests of renters, homebuyers and the shelter-supported.

However, there was a forecast given during the EHA November 4th virtual Open House and it is on the video of the event we found on the EHA website; at roughly the 1 hour and 2 minute mark of the video. Analiese Hock gives the forecast, with some qualifiers, of 200 homes per year. Extended to 20 years, that's 4,000 units. Of course, that is the roughest sort of linear forecast, but it is better than none, and does mark the scope of the project. Taken for what it is, **4,000 homes amounts to 60% of the need for the income ranges the project is aimed at: 7,000 homes in the 51 - 80 AMI groups.**

We also see nothing in the project to address the long-term needs of the lower range – those living at less than 50% of the city’s area median income -- the 12,000 homes/units needed. While completely excluding the city’s most vulnerable households, **EHA Project’s projected outcome will provide 4,000 homes out of 19,000 homes needed in the next 20 years, just about one-fifth of the need you projected.** Better than in the past perhaps, but it offers no transformation of Denver’s housing future.

That is abysmal. After all the work for housing affordability in Denver over the last two decades, we are in a deep hole, with way too many of our neighbors living with severe housing stress of rents at 50% of their incomes or more, and 4,000 or more without homes at all -- 1,500 sleeping in tents in the streets, being swept from one encampment site to another by the DOTI and DPD.

Can we hope, can we expect that we will dig out of this hole with this program? What else is the city going to plan for to remedy the dreadful conditions of those without safe, stable housing? Will we see the city building public housing not just for the below 30% AMI, not just transitional housing for the street dwellers, but for dis-enabled workforce people too? Will we see a breakup of the huge neighborhoods of single family dwelling zoned areas, so that appropriate multi-family affordable housing can be built, in response to high land costs, by allowing homes built on less land?

Denver’s HOST and CPD depts apparently discounted the need for a publicly-funded option to serve those whom the market has never served. The tools are there. The Telluride barricade to local rent restrictions has been broken. The city can intervene in directly creating permanently affordable housing. We should also be working with our Congressional delegation to cancel the Faircloth Limit on our public housing supply which would allow the expansion of public-owned and operated housing, locally controlled and managed, based on Denver’s resident’s needs.
Instead of depending on the leavings of wealthy developers, the city must take direct responsibility to assure adequate and appropriate housing is being developed. Use the power of the people, the public’s will and resources, to assure the public interest is served, incorporating all our public resources (finances, land, public supported institutions, etc.). The city should empower the Denver Housing Authority along with qualified nonprofits and land trusts, to directly intervene in the acquisition of appropriate land and buildings for development of diverse housing solutions, for a healthy, intentionally diverse and inclusive city for the future

Working in collaboration with DHA and qualified housing nonprofits, managing their coordination with schools, RTD, and other major city and private corporate investments and institutions, we could create a more inclusive, efficient and livable community, welcoming to all Denver’s residents now and into the future.

Please add a section to the EHA Project to set its context in some larger collection of programs, (Or, add a section that points to those other planning and policy tools) so we can see how we in Denver are going to be successful in housing everyone with dignity and prosperity.

We will attend the EHA events in the new year, even into the legislative process at City Council. We hope to see your responses to our comments. We apologize if our recounting of your analysis is tedious; we want to help our neighbors understand what the issues are too.

Thank you for your attention.

Signatures

John Ferguson
901 S Downing St
Denver CO 80209
303-408-3940

Kathryn Smith
560 S Ogden St
Denver CO 80209
303-514-8498

Carol MacConaugha
429 S Ogden St.
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719-331-4527
Greg Holm
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Denver CO
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D Blake Chambliss FAIA
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Denver, Colorado 80210
303-521-3412
We want to hear from you. General questions or comments about the Expanding Housing Affordability project can be shared in the text box below.

10/11/2021 15:29 PM
This letter with comments is provided by NAIOP Colorado, which represents a diverse network of over 600 developers, owners, investors and related real estate professionals.

Instead of piecemeal feedback on the Feasibility Analysis presented to the Committee on July 22, 2021, and to some in the development community in focus groups on September 8 and 9, 2021, NAIOP thought it would be helpful to coordinate our analysis by experts in each industry area and provide them together in this letter.

We applaud your efforts on this complicated issue, and affirm the Committee’s objective posted on the project website to “establish market-based programs for new development that complement existing tools and resources, enabling the city to address housing needs for households in every neighborhood.” NAIOP is committed to this same objective and asks to be a partner at the table as the City and Committee begin the more substantive discussions on the final proposal to be advanced to the public and eventually City Council.

While this letter is focused on the Feasibility Analysis comments, we encourage the Committee to spend ample time discussing the following in your upcoming meetings:

• The need for flexibility and options to meet different market segments;
• What the alternatives to constructing units on site should be (as required by House Bill 21-1117);
• What an appropriate transition period is to implement these changes, and whether they should be implemented in steps to allow the market time to adjust; and
• What incentives should be offered to encourage affordable housing construction.

The current costs of construction are in balance with the current rents or sale prices of buildings in Denver. It is an efficient, market-based system. Banks are not willing to lend on projects with lower than required returns and developers and investors are not willing to take the risks of building properties without adequate compensation. As a result any increase in the costs of development results in higher rents and home prices.

What this will ultimately lead to is the continued shrinking of the middle class, both in business, and in residential real estate. Raising linkage fees and raising requirements for inclusionary housing at lower income levels will cause rental rates for market-rate units to go up. Put simply, those at 80% or lower AMI gain access to affordable units through Denver’s expanded program. And the higher income consumers can afford higher rents and property prices. But the people who are just above the low income threshold (those in the 80-120% of AMI range), who pay market-based rents, become priced out of home ownership, building ownership, commercial and residential rents, and the ability to live or operate inside the city limits in Denver.

One NAIOP member shared this: “When we estimate rough development fee costs, we typically assume $5-6/sf as an average for Denver fees. The proposed new linkage fee is equal to the assumption we make for all fees, doubling it per square foot.” That is a significant overnight change to the real estate market.

Industrial Assumptions

10/12/2021 21:39 PM
I would like to comment on the parking reduction incentive discussed on page 21. I am very disappointed that, even with the incentive, new developments are required to have a minimum amount of parking. That the city mandates parking minimums is problematic for several reasons. Parking takes up valuable land that could be used to address the housing shortages described in this report, especially for those at <80% AMI. If parking is not included at the surface level, it requires costly underground structures that raise construction costs and unnecessarily increase rent. Parking minimums foster a reliance on cars, which leads to avoidable traffic deaths, increased congestion, and contributes to Denver’s poor air quality. Furthermore, requiring parking undermines efforts to promote walking, biking, and transit use.

Comment Male 19-34 White Rent $50,000 - $99,999

10/13/2021 19:45 PM
I agree that Denver needs more affordable housing. However, if developers are forced to sell or lease some units below market, will the price of remaining units be raised to compensate? Because there are now fewer “non affordable” units available? I do favor this requirement and this is a question, not a statement of belief. I’d really like to see the evidence. My concern is that those just above the affordable income line will then have fewer places to buy or rent. I’ve tried reading on the subject but find mostly conflicting opinions and not solid evidence.

Question Male 65-74 White Own $150,000 - $199,999

10/14/2021 8:10 AM
I fully support the proposed policy and think it is necessary. If anything, I would like to see it be a little more stringent and implemented faster. We need the housing yesterday and delaying any further will mean Denver will continue to be squeezed for at least four more years before the benefits proposal comes to fruition. I do not think the concerns that industries that are still recovering from COVID is a valid argument against this. There will always be some reason to push back against initiatives like this and COVID is just the most recent. I am part of the industry as a structural engineer and believe there is room in development budgets to meet those requirements.

Comment Male 19-34 White Own $100,000 - $149,999

10/14/2021 8:57 AM
This is well-intentioned but will likely have the inverse effect than you are expecting.

The best way to make housing more affordable is to remove barriers to increasing supply, not add them. These restrictions will result in less housing supply being built in Denver and less dense projects to be favored (also negatively impacting affordability).

Studies have shown time and time again that more supply, including “non affordable” supply help to keep prices affordable for all residents. Otherwise buyers at higher ends are priced out as well, and they in turn push up prices of affordable units.

Just make it easier to build and approve denser developments!

Eric
I like that this policy is an improvement from our current policies, and I like the parking requirement incentive!

The Denverite article includes this argument from those that don't think this plan is enough.

Hispanic,

White

Male

75 and older

White

Rent

$50,000 - $99,000

I support this proposal! We need more affordable housing.

Female

Female

Male

Male

35-44

Prefer not to answer

Other:

How are the fees acquired distributed equitably (linkage fees et al) .ie: 500K industrial project in NE Denver will pay $2,000,000. Do the funds go to improve

average price of $500,000 would trigger additional requirements.

Under this proposal a developer could build a multi-million dollar single family home without any affordability requirements, but building an 8-unit condo with an

maximum 12% of new construction would be “mandated”, boy is that a loaded word. You have just encouraged the crazy people to start picketing for “housing

evidence here that this creates any where near the numbers required to achieve anything but a fog of statistics and percentages. According to your statistics a

there is no coherent plan to address any or all of your own stipulations. Clarity and Communication should be at the fore front  of this “project” and I see little

manipulation and invest money in provide safe affordable housing as quickly as possible. I appreciate the data analysis and graphs created by your team but I

still don't see how the use of percentages communicates concrete solutions to a growing problem. Your “Key Considerations” seem to be based in reality but

there is no coherent plan to address any or all of your own stipulations. Clarity and Communication should be at the fore front of this “project” and I see little

evidence here that this creates any where near the numbers required to achieve anything but a fog of statistics and percentages. According to your statistics a

maximum 12% of new construction would be “mandated”, boy is that a loaded word. You have just encouraged the crazy people to start picketing for “housing

development”! In the end it is technically not “mandated” because of developer  linkage fees will allow developers to get away with the same avoidance they have for

the last 25 years, starting with the Stapleton and Lowry projects. Your assessment of the numbers of potential units does not even cover the increased demand

for affordable housing. Therefore our proposal does not address the root cause of the lack of affordable housing in Denver. It will become a tool for rich existing homeowners to block any new development by making new housing more expensive.

Under this proposal a developer could build a multi-million dollar single family home without any affordability requirements, but building an 8-unit condo with an average price of $500,000 would trigger additional requirements.

We need to stop trying to make reverse bank shots for solving affordability. Allow by-right development and stop creating additional hurdles to building housing.

The Denverite article includes this argument from those that don't think this plan is enough.

"Yet some affordable housing proponents argue the city’s proposal doesn’t go far enough, arguing that there should be a moratorium on building more market-rate housing until there are enough affordable units that would preserve the working and middle class and ensure the economic and racial diversity of the city."

I agree! Until you offer more affordable housing -- and I don't even mean by the official definition, but from affordable based on the fed description and housing even a little above that -- let's call it reasonable housing -- require developers to do much more than what is outlined here to help the situation. This is, honestly, just an opportunity for the city to say they did something without actually having done much at all.

I am in favor of this proposal as a solution to affordable housing in Denver. The part that worries me is parking. I see no evidence that people are opting out of

free parking, healthy foods, adequate healthcare, and other essentials that increase quality of life.
I support the proposal. Mixed income neighborhoods are good for our city, and affordable housing is much needed, both for those living in the units and the community at large.

It's about time that affordability was really addressed in this city. I'm all for introducing linkage fees to developers!

I am fully supportive of this project and commend the city's significant efforts to adapt to our changing demographics and growth while prioritizing equitable and inclusive development. I am excited that this will create opportunities to hopefully diversify and better integrate our socioeconomically and racially segregated city by allowing neighbors of different races, ethnic groups, classes and backgrounds to reside in the same community. I also appreciate the options to allow developers flexibility in how they choose to meet these requirements, and what seems like a reasonable timeline for implementation. I sincerely hope this passes.

I support the new proposal that would require developers to include income-restricted units in almost all housing developments.

I fully support making affordable housing available so that no US citizen is homeless.

Where are “High-Cost Markets” and “Typical Markets” defined?

I support the proposal. Mixed income neighborhoods are good for our city, and affordable housing is much needed, both for those living in the units and the community at large.

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I support the new proposal that would require developers to include income-restricted units in almost all housing developments.

I fully support making affordable housing available so that no US citizen is homeless.
The new rules will completely stop small residential townhome projects that you define as "large"—at 8 units or more. I am happy to share my #s on a 9 unit project I will soon commence. Under the current costs—the project will generate approximately $550k in profit. Under the NEW rules you are proposing—the project will generate approximately $220k in profit. At a total project cost of $5.8M—I would never do this project with a projected profit of $220k. Instead,  other townhome projects (150 units or more) are better able to absorb these costs. You should also charge a "transfer fee" on all real estate transactions to fund Affordable Housing Projects.

First, I think it's great that we're trying to house all people. I want this to succeed for everyone. But this seems like a bad way to go about solving that problem. If I understand this plan correctly, it's going to increase costs for building new market rate housing units. If we're trying to incentivize the building of more housing units, why would we want to make new cost housing more?

The document mentions that this plan will raise costs for builders, but we know that builders won't be the ones paying these costs. The purchasers of new market rate housing will be the ones who will be paying this cost. This seems like a tax on people who weren't able to buy housing many years ago. I imagine it will place this burden on our youngest community members, Instead, I think the whole community should be taking on this burden. Many Denverites bought their homes many years ago. They've seen their homes increase in value over the years. They've done very well for themselves, at the expense of newcomers and younger people. And this was no accident. People who bought homes many years ago have generally fought to exclude others from moving into their neighborhoods. Those homeowners have intentionally blocked new.

My husband & I are native Denverites. We are dismayed watching what were small family middle-income homes either be torn down for McMansions or expanded to same. New builds of condos & apartments are still beyond the budgets of most. Young couples & families to purchase & owning a home is a pipe dream. We continually ask ourselves how singles, young couples or working class families in Denver are supposed to be able to live in anything other than a cramped space at best, let alone live the American Dream of owning their own home.

I have reviewed the EHA Financial Feasibility specifically from a Townhome perspective and the assumption are all incorrect. Here are my #s on a project I am presently building:

Hard Costs: $280 psf Soft Costs: $60 psf Land Cost: $100 psf

$199,999

This policy needs to get affordable housing into Denver neighborhoods. Right now it segregates it in the few former industrial areas by highways and on some random defunct campus sights around town. This isn’t equity and I don’t think this policy will have an impact. We need to allow 4-8 units in all residential neighborhoods, and limit the ability of anti-housing forces to stop those sized projects, especially when it comes to subsidized housing, in our neighborhoods. We should especially focus on getting subsidized units near tools of opportunity like “blue” rated DPS schools. Please rethink this policy, 20 percent of Denver land.

I'm a small home developer in Denver. My last projects built over the last 6 years totaled 24 units all 1/2 block to light rail. When listed for sale, they were all the lowest priced new construction in the City of Denver. I'll never do it again. The city makes it too damn hard to permit and build this product type. Could have built even lower priced condos, but Construction Defect Liability prevented that. It's much easier to build expensive Detached Single Family homes that due to 85% of the land being zoned Detached Single Family, drives the per unit sales price to $1M+. Here's a quote to take to heart as you weigh its merits. "You can't build at $17 they make around $30,000. How do these essential works fit into the affordable housing formula?"

I have reviewed the EHA Financial Feasibility specifically from a Townhome perspective and the assumption are all incorrect. Here are my #s on a project I am presently building:

Hard Costs: $230 psf Soft Costs: $60 psf Land Cost: $100 psf

Here is what your report stated:

Hard Costs: $197 psf Soft Costs: 18% of HC = $35 Land Cost: $50

The EHA report also states Market Rate Multi-Family projects averaged 195 units between 2015-2019 so it appears the feasibility analysis was based primarily on 85% of the land being zoned Detached Single Family, drives the per unit sales price to $1M+. Here's a quote to take to heart as you weigh its merits. "You can't build at $17 they make around $30,000. How do these essential works fit into the affordable housing formula?"

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We are currently working on a scalable affordability strategy here in Denver and this is one strategy we would like to utilize. By building units offsite for a primary

The additional benefit needed for an off-site agreement should be clearly defined as it is in San Jose and Iloston which are both referenced in the study. Leaving full discretion to HOST leaves uncertainty that makes off-site agreements unfeasible. I understand this strategy has not been utilized to date in Denver but there is real potential to maximize the number of affordable units this way.
Denver needs more affordable housing units for very low income families and moderate income families. I hope these affordable housing units include 30% AMI. Hispanic, Latino/Latina/Latinx, or Spanish

We are currently looking for a townhouse or house or condo. Our combined income is around the upper limit for low income but our realtor and lender are $200,000 or more

I feel that the fee-in-lieu should not be offered at all or the fees have to be prohibitive. I fear that the multimillion dollar developments would find this an easy out.

Affordable housing should be extended everywhere in Colorado not just primarily in neighborhoods that are already suffering or considered to be low income.

How long it takes to qualify for affordable housing, for senior citizens, one is disabled and also her son.

I strongly support vigorous work on housing affordability. And I would like to voice strong support for reduced parking requirements and increased density in

We are currently looking for a townhouse or house or condo. Our combined income is around the upper limit for low income but our realtor and lender are strongly discouraging us saying the regulations fluctuate and make it difficult to sell, and also they get poor commission.

Also, I wonder if it would be more effective to hire a construction team directly onto city staff whose job is to take developer tax and build housing that is not tied

Do these changes go far enough? I do not mean to question your engagement process, because I'm sure it was very well done, but I see that these changes

I love the details of the proposal as written (what AMFI% it covers, the linkage fees, the incentives, starting at devs of 8 units) but I'm starting to get concerned

AFFORDABILITY.

EXISTING BUILDINGS (ESPECIALLY BUILT IN THE LAST DECADE SINCE THE GFC) SHOULD ALSO CONTRIBUTE TO THE SOLUTION OF

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Affordable housing should be extended everywhere in Colorado not just primarily in neighborhoods that are already suffering or considered to be low income.

Instead of trying to get someone else to (hopefully) build the Affordable Housing we need, why don't we allow housing to be built to keep up with demand, then

I fear that the City of Denver needs to stop with the obsession with "affordable housing." How about open spaces, mature trees, and unpolluted air? How about walkable neighborhoods instead of cramming multiple households in a single lot all with cars? How about a tree canopy in every neighborhood instead of covering every foot of the lot with housing and concrete? Every city has its limits and Denver is past its ability to support more people using more water, polluting the air, increasing the density in formerly affordable single family housing neighborhoods, and clogging the roads. Trying to artificially manage housing costs just

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I fear the costs will be passed on to tenants, raising rents and creating only greater demand for affordable housing. Additionally, it does not address the fact that the majority of land area in Denver is zone for single family, so developers and renters are shouldering most of the burden of the whole City's affordable housing crisis.

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Should there also be linkage fees for scrapes, that take an affordable home and replace it with something far more unaffordable? Can this be paired with zoning

I feel that the fee-in-lieu should not be offered at all or the fees have to be prohibitive. I fear that the multimillion dollar developments would find this an easy out.

I'm concerned that the policy document mentions transportation only twice. Shouldn't housing strategies be based on integrated transportation and housing? I'm

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I think you need to address short-term rentals (AirBnB’s) that are related to this problem and regulate those more. Investors are buying up properties and turning them into AirBnB’s which take away affordable housing options for people who actually live here every day. A home or part of a home that may have rented for $1500/month for a long term local tenant, now on AirBnB someone can rent that night for $250/night as a short term rental for visitors out of state and take away housing for locals. I think this is a huge problem mountain communities are noticing now, locals can’t afford to live there anymore because of the greedy short-term rentals.

I am in favor of doing whatever it takes to reduce barriers and costs to building affordable housing. Including removing parking requirements and input from neighbors.

I am interested to see if the South City Park Neighborhood Association, of which I’m a member, would be willing to endorse any proposal.

Why are there no provisions to help current homeowners in working-class neighborhoods? I live in Globeville, and many families here own their homes. With home values surging, managing property tax payments is more and more challenging. Hard working people, and many retired workers, risk being priced out of the homes they already own. Please consider freezing property tax rates for folks who are longtime homeowners. For example, if residents have owned their homes since 2015 or earlier, then freeze their property value assessments at the assessed 2015 levels for the next 10 years. This would help keep good, hard working people in their homes.

Thank you for addressing the housing crisis by creating better public policy. As a registered nurse, I cannot afford to live in Denver. The working class is what makes this city great, and its time to help us.

I am appalled that the project will only require building at the 60-80% AMI level. What we really need is more housing for people who make less than 50% AMI. At the 80% AMI level there are already 94 available units for every 100 renters, but below 50% AMI, there are only 49 units for every 100 renters, and below 30% there are less than 30/100

I am a resident of Berkeley, in Council District 1 in Denver. I am writing to register my strong support for the Expanding Affordable Housing proposal. I think this is a very important issue in Denver and this is a reasonable and well-thought-out approach.

I support a project to expand housing affordability in Denver, but I am concerned that the proposal being considered does not go far enough. The large number of people experiencing homelessness and those in low-wage jobs are not able to benefit from the proposal as written. A recent study found that there are only 30 units available for every 100 renter (households) (https://nlthc.org/housing-needs-by-state/colorado) with incomes of 30% AMI. I would like to see 10% of the new housing for 20%-30% AMI households.

I am a resident in northwest Denver (district 1) and I am highly in favor of this project. Denver's housing crisis can only be addressed by forcing rampaging developers to provide affordable housing, and this project is one strong step in the right direction. Please keep the pressure on developers to behave like responsible members of our Denver community. Thank you!

Make it more accessible not only to single parents, but families struggling to make it. This should also be done with background checks and rules and regulations about keeping properties clean inside/outside, noise ordinance, and guest guidelines.

What in the plan prevents a city-wide decrease in housing units thus exacerbating the affordability crisis? What in the plan prevents a switch from apartment/condo buildings to more luxury single-family homes which are exempt from affordability requirements?

I think this is a much needed change. Rent in this city has sky-rocketed and has pushed out a lot of generational families from their housing units, typically along racial lines. This city desperately needs affordable housing for all. It will help with the homeless population and help an the economy as people have more money to spend elsewhere instead of on rent. This proposal has my full support!

Expanding Affordable Housing is great BUT affordable housing is NOT affordable in Colorado. It would be a great opportunity to consider what the average joe makes an hour. My patients cannot afford a one bedroom for $1500 per month when they ONLY make $15 per hour. And now landlords want tenants to make 3x that in rent - STILL NOT AFFORDABLE HOUSING.

At this time, is there a layout or idea of what some of the ADUs would look like or how many would be built in West Barnum behind the Salvation Army Building off of Alamedia ? Can you send any information or design for that lot at this time?
Making new development more expensive will only exacerbate our housing affordability issue. Create higher & denser zoning, remove barriers to new construction, make it easier & faster to move a new housing project through planning/building dept. Do everything you can to make it as easy as possible for developers to build new projects! They will build, rents & prices will come down into equilibrium and we'll get past the housing affordability crisis. And add at least 3-5 more stories available to build to every zoning area & remove all single-family zoning districts in Denver. It's Common-Sense, Basic Economics.

We want to hear from you. General questions or comments about the Expanding Housing Affordability project can be shared in the text box below.

Please select if you are submitting a question or a comment.
What is your gender?
How old are you?
What is your race or ethnicity?
Please select all that apply. You may report more than one. Do you rent or own your home?
Please estimate your total household income, before taxes, in the last

12/15/2021 13:53 PM
Making new development more expensive will only exacerbate our housing affordability issue. Create higher & denser zoning, remove barriers to new construction, make it easier & faster to move a new housing project through planning/building dept. Do everything you can to make it as easy as possible for developers to build new projects! They will build, rents & prices will come down into equilibrium and we'll get past the housing affordability crisis. And add at least 3-5 more stories available to build to every zoning area & remove all single-family zoning districts in Denver. It's Common-Sense, Basic Economics.

Comment
Prefer not to answer
Prefer not to answer
American Indian or Alaska Native, Asian, Black or African American, Hispanic, Latino/Latina/Latino/a, or Spanish, Middle Eastern or North African, Native Hawaiian
Prefer not to answer
Prefer not to answer

12/15/2021 15:26 PM
I endorse the plan for affordable housing.

Comment
Female
65-74
White
Own
$100,000 - $149,999

12/15/2021 15:52 PM
Looks like a good start but just scratches the surface of the problem. Appreciate the research and evidence-based decision making regarding the various "in-lieu" options but ultimately it shouldn't be a choice for developers to not build some an even higher number of affordable units. Funding for support services ideally would come from somewhere else and builders can learn to be be responsible corporate citizens.

Comment
Male
65-74
White
Own
$200,000 or more

12/16/2021 6:12 AM
This project completely misses the mark for NEST neighborhoods, and there should be a higher threshold of affordable units required in neighborhoods that are at risk of displacement. 60-80% Thresholds are above what those in East Colfax can afford...so bringing this program will be a net displacement of our community. This is not a bold solution, it is a solidification of the status quo. In meetings with the City prior to this proposal CPD mentioned that they consider a win when we can get 15% affordability and now this extremely low threshold is being touted as a victory. Saying this is acceptable it saying that it is ok for 85% of our neighborhood to be displaced. We need to have bolder policies that create higher requirements in NEST neighborhoods. The committee that formed these recommendations was in no way equitable, and there was not adequate representation of groups in NEST neighborhoods who are supporting community making

Comment
Male
35-44
Hispanic, Latino/Latina/Latino/a, or Spanish, White, Other: Chicano
Own
$50,000 - $99,000

12/16/2021 9:55 AM
Hello, we wanted to bring forward the perspective of a small developer as we feel the math implied by the current draft disproportionately adversely impacts small local developers in favor of large developers, which we do not believe is the intent of the legislation. We support increasing affordable housing available in Denver; our hope is only to compete at least on a level playing field with better capitalized competitors so we can keep small projects economic.

We have two main thoughts that we wanted to highlight:

• Rounding Hurts Small Local Developers- In the last draft covenanted units kick in at a variety of levels (for for-sale: 10% or 15% (8%+7%) in “typical” markets/ 12% or 18% (9%+9%) in “high cost” markets, and then for-rent 8% or 12% (6%+6%) in “typical” markets/ 10% or 15% (8%+7%) in “High Cost” markets). As small developers, typically developing in the range of 7-18 units, which this legislation as written is intended to apply. As you’ll see applying these thresholds will typically require us to do some rounding which I believe in our last discussion implies us needing to round up. If we are building 7 units and 10% is to be affordable, we’d have to make 1 unit in 7 affordable, which would actually place a 14% affordability requirement on us- 40% more. As you’ll see applying these % to small number of units disadvantage us at every level contemplated.

• We highlight this because as you know as small developers we are always facing an uphill battle versus larger, better capitalized competitors. We wanted to highlight that the legislation seems to further disadvantage the little guys versus bigger developers who can build to a number of units which allow them to naturally meet the requirement without rounding.

• Historic Districts- If you were to pull the SFD map for Denver and overlay the historic districts, you would see that there is a dearth of development that occurs in

Comment
Male
19-34
Prefer not to answer
Prefer not to answer
Prefer not to answer

12/16/2021 11:23 AM
In all new housing, I agree that a certain amount of all the units should be made as affordable housing for lower income people.

Comment
Male
65-74
White
Own
$25,000 - $49,999

12/16/2021 11:38 AM
1. Mandatory Affording Housing for New Residential Developments >= 8 Units. I would like to know what prompted the threshold of 8 units? Most slot homes are 7 units - it would be great to have one of the units in each slot home project dedicated to affordable housing to try to address economic diversification within neighborhoods.

2. Do the proposed options improve economic diversification within neighborhoods? If so, how?

Comment
Female
55-64
White
Own
Prefer not to answer

12/16/2021 13:06 PM
Wanting to stay up to date on this issue.

Comment
Female
45-54
Prefer not to answer
Prefer not to answer
Less than $10,000

12/16/2021 15:38 PM
Parking is awful to begin with across Denver. There shouldn't be any concessions around yhis issue. Not planning for the amount of cars puts more of a burden on neighborhoods/street parking which leads to more accidents.

Comment
Prefer not to answer
Prefer not to answer
Own
Prefer not to answer

12/16/2021 17:25 PM
Change zoning across the entire city to allow duplexes and ADUs.

Comment
Male
35-44
Prefer not to answer
Rent
$50,000 - $99,999

12/17/2021 13:39 PM
With more and more students graduating with college degrees funded by student loans it is important to recognize that even if the student has a higher than average paying career, they should be considered for low or moderate income programs because between paying for rent ($1,600) and a monthly loan payment ($1,500) there is little left over to save for retirement, invest, or save up to buy a home. This particularly impacts income ranges $65,000-$100,000 (middle income earners) and is a hidden economic constraint that hinders upward mobility and creates greater inequality. Most programs focus on the very poor or the very

Comment
Female
45-54
Asian
Rent
$50,000 - $99,999
Hi,

I wanted to see if you had additional information that you could share regarding how the new legislation will impact the golden triangle and RiNo neighborhoods. Specifically, the incentive zoning that already exists in those two neighborhoods. Additionally, I wanted to confirm my understanding of the incentive zoning policy as currently proposed. If I was building a building and wanted to utilize the

12/18/2021 10:30 AM

These proposed policies continue to use a 'trickle down' theory for funding below 50% AMI. Income restricted unit creation should match the need not the easiest to afford and politically accept. The number of units required to be affordable will never meet up with the need. Especially when only for new construction.

Comment
Female
35-44
White
Rental
Less than $10,000

December 21, 2021

We are a group of elders from SE Denver who are concerned about homelessness and affordable housing in Denver. E.g. We have been taking a meal about once a month to one or another of the Safe Outdoor Spaces for the last year.

We are so glad to see the projects the city has been undertaking in the last months to address these issues. The Expanding Housing Affordability initiative seems to offer a substantial step forward in providing critical housing that is affordable to lower-income working-class people. The HOST 2022 Action Plan includes an encouraging approach to providing a fast response to needed housing using Safe Outdoor Spaces and Tiny Home Villages. We applaud the city agencies who are coordinating in these projects, we're proud our city is moving in a positive responsive way to meet the needs for accessible homes -- with four walls, a door that can be locked, a window for light and air -- a place to be safe and secure.

More broadly, the Expanding Housing Affordability document does nail down the city's responsibility to assure housing for all. It begins with a background for both the city's achievements and its failures of the last 10 or so years. Most importantly, it offers a projection for the whole spectrum of housing needs, by income, the city will face over the next 20 years. Sadly, even disgracefully, it says that 10,500 homes accessible to families in the $60,000 and under income level (the poorest and most vulnerable of our neighbors) have disappeared, a result of age, neglect and gentrification. That critical housing loss has forced those with the least out of Denver, or left to live on their own on the streets.

The richest households with incomes of $100,000 income or more have increased the most, adding about 45,000 new households. These are the people who have been attracted to Denver and are filling the highest income jobs in Denver, gentrifying neighborhoods and raising overall housing prices, making neighborhood housing less affordable for the rest.

Happily, the EHA is aimed at reversing that housing loss, providing assistance to housing directed to mid-level families between these two, with incomes between $64,500 (50% AMI) and $80,000 (80%), the so-called workforce groups.

The EHA document says that the need for rental housing over the 20 years going forward is as follows (but somehow omits support for the 12,000 units serving families earning below 50% of average median income (AMI):

- 2,500 units for families at 51 - 60 AMI
- 4,500 units for families at 61 - 80 AMI
- 7,000 units for families at 81 - 120 AMI
- 9,500 units for families at 121 AMI and above

The EHA program is aimed at that middle group of 7,000 families in the 51 - 80 AMI incomes. The program design to have affordable homes inclusively incorporated in all developments across the city is, we think, great. The idea of having income (class)
On behalf of Mile High Connects (MHC), a broad partnership of nonprofits, community organizers, philanthropic organizations, and private and public sector partners working to advance racial equity and prioritize equitable investment into community driven solutions, we are writing to commend the City and County of Denver for its ongoing work and commitment to creating new, mixed-income communities within reach for those that need it the most.

The Expanding Housing Affordability (EHA) proposed policy is a critical step to provide housing opportunity and stability for Denver residents, particularly those that continue to be disproportionately impacted by lack of housing affordability and displacement. This moment is an opportunity to institutionalize policy shifts that will enhance the long-term impact of housing affordability and accessibility.

MHC recognizes that this policy is just one piece of a larger housing strategy to create and preserve affordable housing. We greatly appreciate the following components listed in the EHA proposed policy:

- The City and County’s acknowledgement of the cost burden of housing and that new housing tends to only serve higher income households.
- Creation of a mandatory affordable housing requirement sets a precedent that affordable and mixed-income developments are crucial for a more equitable and inclusive Denver.
- Requirement of developer-built affordable units to remain affordable for 99 years is an effective way to ensure longer-term affordability.
- Increased incentives around development of affordable housing, including waiving of municipal fees for developers.
- Inclusion of additional financial and zoning incentives for projects that create all-affordable developments, not solely the minimum percentage.

Nevertheless, MHC believes that further measures should be addressed within the policy to ensure that it meets the needs of those who are most disproportionately impacted by Denver’s housing environment and provides deeper opportunities for equitable investment and programs within our most vulnerable neighborhoods.

As MHC, we urge you to consider the following recommendations that seek to create a more equitable process and outcome for new, affordable housing developments in Denver:

1. Prioritize Disproportionately Impacted Communities and Center Racial Equity: For too long Black, Brown, Indigenous, and People of Color (BIPOC), low-income, immigrant and refugee communities have received the brunt of lack of affordable housing, gentrification, and displacement. While the proposed policy focuses on providing housing options for those with lower average median income levels, it fails to provide explicit measures for community benefit and does not emphasize the need to center racial equity. To prioritize community benefit and advance racial equity, the policy should result in the creation and implementation of a Racial Equity Scorecard to assess the community impact of new developments prior to a project’s approval. Assessment criteria should be vetted by community and address community-voiced needs and priorities. Furthermore, the City and County of Denver should increase opportunities for community engagement and outreach to identify housing disparities among community. Continued data collection and analysis of project metrics is also imperative to

Please ensure the application and each step of the process to apply is simple and accessible for all our community members.
Response Submission

We want to hear from you. General questions or comments about the Expanding Housing Affordability project can be shared in the text box below. Please select if you are submitting a question or a comment.

<table>
<thead>
<tr>
<th>Comment</th>
<th>Male</th>
<th>35-44</th>
<th>White</th>
<th>Own</th>
<th>Prefer not to answer</th>
</tr>
</thead>
</table>

12/29/2021 8:34 AM

Dear Ms. Hock, Mr. Weinig and Members of the EHA Advisory Committee,

I am writing to share our thoughts, concerns and feedback regarding the City and County of Denver's proposal for mandatory affordable housing requirements.

These comments are being provided on behalf of the Home Builders Association (HBA) of Metro Denver. The HBA of Metro Denver represents nearly 500 homebuilders, developers, remodelers, architects, subcontractors, suppliers and service providers in the eight metro-area counties we serve.

In Denver, the HBA represents 17 different builders with over 600 registered permits just this year.

Our members have taken considerable time to meet with City staff and officials and review the proposed mandatory affordable housing policy released by the City. These comments are focused on the types of homes our members create, which are primarily for-sale, attached, duplex and single-family homes for families and others.

Our concerns fall into the following categories:

1. The negative impacts to overall housing affordability and supply caused by shifting higher costs onto newly developed market rate units.
2. The disincentive to build for-sale units due to new ownership units having higher percentages of required affordable units. This disincentive is exacerbated by Colorado's construction-defect laws.
3. The lack of meaningful incentives and/or trade-offs to help create much needed "missing middle" for-sale housing units in the ranges of 80-120% AMI and beyond.

Background:

It should be noted that the housing affordability crisis is due to a severe shortage of units and is reaching a breaking point in many markets across Colorado – including the City of Denver. May 2021 set a record-low number of listings in the Denver Metro Area at just 2,075 compared to the monthly average of 15,563. The 12-month increase in the price of the average single-family detached home sold grew by 29%, and the price of the average condominium grew by almost 12%. However, this is not a new problem in Colorado.

The average annual number of new homes built every year in Colorado since the 2008 financial crisis is 46% lower than the annual average in the eight years leading up to the recession. If Colorado were to return to the average housing population ratio between 1986 and 2008, it would require an additional 175,000 housing units across the state today. To close that gap and meet future population needs, Colorado will need to develop 54,190 new housing units annually over the next five years.

12/29/2021 10:10 AM

As a real estate developer who strongly believes in the need for more housing affordability in Denver, we are very appreciative of your work on creating a new approach to increasing the number of affordable units in Denver. The increasing lack of housing affordability in Denver is one of the greatest threats to our economy.

The Expanding Housing Affordability approach as laid out in the October 1 draft falls short of the HB21-1117 desire to promote the construction of new affordable housing. It also shows little commitment to increase the overall density and number of housing units in the City of Denver. The proposed incentives provided for the construction of affordable housing units are too small to create a market-based tool for the increase of affordable housing units in mixed-income developments.

These issues are exacerbated in the FAR districts and especially in Golden Triangle that recently went through a rezoning. The projects we are working on under the current zoning will not be possible in this new EHA approach.

Specific comments:

1. The staff recommended linkage fee change to incentivize smaller unit sizes may have the unintended and undesired consequence of even fewer multi-bedroom units. The market is already overbuilding studio and 1-bedroom units – there is a large need for more family housing.
2. Commercial space especially in downtown, a high-cost market has seen a major hit from the pandemic. Placing a larger price per sf on commercial space in high-cost markets will only serve to lower the supply of space in the very areas where we want and need commercial space.
3. A small grammatical error: throughout the document the word "cities" is used when "City's" is meant with a capital C and apostrophe s.
4. Based on your fee-in-lieu development costs estimates, you agree that it costs more to build in high-cost areas. This is why we think it is not prudent to again increase the burden on housing construction in high-cost areas as this will only serve to continue and exacerbate the housing prices in these areas and pushing up the rents out of reach beyond the reach of even high-income renters. High costs areas in our represent some of the most livable places and the closest we have to the "15-minute city" in Denver. This proposal places a larger tax (fee) on housing therefore disincentivizes housing construction there. Instead, greater incentives should be created for all high-cost areas.
5. Consider providing incentives for commercial space too so as not repeat the over-emphasis of residential incentives in the 1994 Golden Triangle Zoning.
6. Limiting building permit fee reduction to only the 60% AMI units and only up to 50% of the fee will have no impact on the proforma decisions and therefore will not function as a market incentive. Greater incentives are needed for a market based tool to encourage affordable housing construction.
7. CMRT fast review should be available to all projects building units on site.
8. Height incentives should have at lease a 50% increase at all levels. Why is the incentive less for 12 and 16 story districts?
9. The negative impacts to overall housing affordability and supply caused by shifting higher costs onto newly developed market rate units.
10. The disincentive to build for-sale units due to new ownership units having higher percentages of required affordable units. This disincentive is exacerbated by Colorado's construction-defect laws.
11. The lack of meaningful incentives and/or trade-offs to help create much needed "missing middle" for-sale housing units in the ranges of 80-120% AMI and beyond.

Question

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These issues are exacerbated in the FAR districts and especially in Golden Triangle that recently went through a rezoning. The projects we are working on under the current zoning will not be possible in this new EHA approach.
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<tr>
<th>Response Submission Date/Time</th>
<th>We want to hear from you. General questions or comments about the Expanding Housing Affordability project can be shared in the text box below.</th>
<th>Please select if you are submitting a question or a comment.</th>
<th>What is your gender?</th>
<th>How old are you?</th>
<th>What is your race or ethnicity? Please select all that apply.</th>
<th>Do you rent or own your home?</th>
<th>Please estimate your total household income, before taxes, in the last 12 months.</th>
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<td>12/29/2021 17:06 PM</td>
<td>what is considered affordable housing here in colorado?? AND HOW DOES A LIFETIME RESIDENT OF COLORADO get housing since it costs 3 X's what the goverment is paying for disability.?</td>
<td>Question</td>
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<td>12/30/2021 10:41 AM</td>
<td>Enterprise Community Partners appreciates the opportunity to share feedback on the Expanding Housing Affordability (EHA) project proposed policy approach published October 1, 2021. I was pleased to have been an active member of Advisory Committee that was integral to creating the draft proposal; we value the thoughtful, evidence-driven process of the Committee, Community Planning and Development (CPD), the Department of Housing Stability (HOST), and Root Policy Research. Enterprise fundamentally supports the EHA proposal. It is critical for the City to enact such market-driven policies to further the production of much-needed affordable housing. Based on the extensive research and justifications assembled by Root Policy Research and CPD, we back the proposal as a logical and realistic way forward that has the potential to meaningfully advance the availability of desperately needed affordable homes throughout Denver. At the same time, Enterprise hears and agrees with community concerns that the EHA proposal should go further to help prevent involuntary displacement and should include clearer guidelines for the City’s capacity to negotiate alternatives to the standard mandatory housing requirements. We urge CPD and HOST to proactively address these areas of concern before moving to finalize the policy. The EHA policy should more directly serve Denver’s neighborhoods that are particularly prone to involuntary displacement. Specifically, we urge:  • directing linkage fee revenue to the development of affordable units in these geographic areas and providing for a process for meaningful community input for projects funded through this mechanism. • increasing the fees associated with development of single-family homes larger than 1,400 square feet to partially offset the impact that scrape-offs and development of large homes have on affordability, causing displacement of long-time residents and contributing to increasing home prices. • intentionally advancing this policy in tandem with HOST’s forthcoming housing prioritization policy to ensure those who have experienced or are at greatest risk of displacement benefit from production enabled by the EHA proposal. The EHA policy should also articulate guidelines on when and to what community benefit the City will negotiate alternatives. We understand there are and will continue to be instances in which the City’s ability to negotiate with a developer will allow for creative outcomes benefitting unique communities, and appreciate the examples detailed in the draft proposal. However, we urge greater detail be provided, particularly on the HOST Executive Director’s ability to negotiate discretionary agreements. The final policy should include clearer parameters on when HOST would deem such negotiations appropriate and what types of outcomes would be desirable, as well as offer ways for community to be involved in those determinations. Doing so would help ensure CPD and HOST’s intent for negotiated alternatives long-term, as well as promote community accountability and the adoption of community-identified priorities. Comment</td>
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ATTN: Ms. Amanda Sandoval, District 1 Council Representative

35-44

Prefer not to
Female
White
$200,000 or more

If one of the goals of this project is to help create mixed income housing, then why are we allowing there to be exceptions made if the developer builds affordable income(s)?

We have been involved in resident council, community organizing, and ongoing grassroots advocacy. Our mission as a United families organization has been in the long-term vision of upward mobility and homeownership. In 20 years of research and personal experience, we need to continue to engineer the communication, inclusivity, and paradigm shift. Specifically, DHA residents should be valued as stakeholders. Our greatest barrier as public housing residents is not only "affordable" housing, rather affordable home ownership. The paradox simply remains: Denver rites cannot afford the cost of living. Consequently, there is no such thing as affordable housing.

With all the melee around Thanksgiving Christmas and New years... In addition to the ongoing spread of the new Omicron Delta and Corona covid-19 virus(es)/ pandemic, here are a few proposed ideas for community input regarding our future and the future of our families. It should be noted that we have provided this input within a one month window.

1. Include the voice of stakeholders in the initial stage of your planning process. How many members of your committee are people that this proposal is directly going to impact ?
2. How did you outreach to these stakeholders? Open up the window of opportunity for input. You should not conduct a deadline that limits low income families the opportunity to respond. This can be perceived as disenfranchisement. As a DHA residents we became aware of this proposal Mid-November. The article states we have until the last part of this year, 2021, for input.  

14 months is the average timeframe right now to get an SDP, and there are going to be a lot of SDP’s submitted prior to the new legislation (more than the current average), then it will likely be difficult to keep that timeline. I think the City of Denver should consider a 20 month timeline so that projects don’t delay indefinitely, but aren’t penalized because they have a difficult project, difficult reviewers, or because SDP review timelines increase. It still puts an end date on having an approved SDP that doesn’t allow a developer to drag their feet indefinitely, but allows for a reasonable amount of time for projects to complete their SDP regardless of the specific project/issues/review timelines.

• It would likely cause less disruption to development in the City if the affordable housing could be phased in so that the hit didn’t come all at once and land sellers had more time to adjust what they now accept for a land value. Like 5%, 8%, then 10%-1.

• Potential unintended consequences:
  o Has the City looked into the impact that this will have on the ability to convert a project to condominiums? Very few condominiums have been built in Denver in the last decade as compared to apartments. A major way to create more long-term affordable housing for people (so they wouldn’t be subject to annual rent increases etc.) would be home owner ships. Condos often homes at lower price points than are often otherwise available in the market, and condominium conversions even more so. Hopefully this legislation doesn’t impact the ability to do this in the future.

• It is likely that there is not enough differentiation between the affordable housing requirements in different areas of Denver, based on the rents in those areas and that hard and soft costs (except land) are equal no matter where you build. The approximate cost per unit with today’s rent for affordable housing is $18,000. 

01/01/2022 10:18 AM

If one of the goals of this project is to help create mixed income housing, then why are we allowing there to be exceptions made if the developer builds affordable housing somewhere else in the city?

For instance, what is to prevent a developer from building expensive new apartments in Cherry Creek and then meeting their affordable housing requirement by

• leaving the affordable units or
• building the affordable units in a different neighborhood.

01/06/2022 9:47 AM

If a large number of affordable units are demolished (Quigg Newton, example) and the residential affordable requirement is way below 100% of units to be built, aren’t we DECREASING affordable housing, instead of adding to it?

02/02/2022 12:10 PM

I do not see this as an "expansion" of Housing Affordability, as low income housing is torn down (example: Quigg Newton) in order to build 1294 mixed units with possibly 12% "affordable" (about 155 units) replacing 380 units of low-income housing. This does not make sense to me. This is a reduction in housing affordability.

02/02/2022 12:40 PM

We agree with the principle behind this (belated) initiative, but existing buildings built during the past decades boom in MF apartments (say since 2001) are excluded, and our prior feedback to the initial draft ordinance on this has not been addressed.

Why are you creating a two-tier market, and why is the burden on creating all new affordable housing placed 100% on new projects under this ordinance? This makes new projects less affordable and differentiates them from the non-inclusive projects!

02/02/2022 16:45 PM

While the idea is very much appreciate and well intentioned. I'm concerned that this will not help those who have a lower or higher AMI that the 70-80%. Also, based on market economy associated with supply and demand, this will disincentivizes developers and builders from building further exacerbating the housing shortage in Denver for a year or two. I am not convinced this will provide the more instantaneous response to affordable housing that is so desperately needed. I would ask you to consider a more scalable approach and perhaps a more incentive based approach for reduced plan review times, tax incentives, or density
Written Comments Received Prior to Release of Draft Policy Proposal
(prior to October 1, 2021)
Denver Expanding Housing Affordability Advisory Committee
c/o Analiese Hock, Principal City Planner
201 W. Colfax Avenue
Denver, CO 80202

September 30, 2021,

RE: Feasibility Analysis Comments

Dear Advisory Committee and City Staff,

This letter is provided by NAIOP Colorado, which represents a diverse network of over 600 developers, owners, investors and related real estate professionals.

Instead of piecemeal feedback on the Feasibility Analysis presented to the Committee on July 22, 2021, and to some in the development community in focus groups on September 8 and 9, 2021, NAIOP thought it would be helpful to coordinate our analysis by experts in each industry area and provide them together in this letter.

We applaud your efforts on this complicated issue, and affirm the Committee’s objective posted on the project website to “establish market-based programs for new development that complement existing tools and resources, enabling the city to address housing needs for households in every neighborhood.” NAIOP is committed to this same objective and asks to be a partner at the table as the City and Committee begin the more substantive discussions on the final proposal to be advanced to the public and eventually City Council.

While this letter is focused on the Feasibility Analysis comments, we encourage the Committee to spend ample time discussing the following in your upcoming meetings:

- The need for flexibility and options to meet different market segments;
- What the alternatives to constructing units on site should be (as required by House Bill 21-1117);
- What an appropriate transition period is to implement these changes, and whether they should be implemented in steps to allow the market time to adjust; and
- What incentives should be offered to encourage affordable housing construction.

The current costs of construction are in balance with the current rents or sale prices of buildings in Denver. It is an efficient, market-based system. Banks are not willing to lend on projects with lower than required returns and developers and investors are not willing to take the risks of building properties without adequate compensation. As a result any increase in the costs of development results in higher rents and home prices.
What this will ultimately lead to is the continued shrinking of the middle class, both in business, and in residential real estate. Raising linkage fees and raising requirements for inclusionary housing at lower income levels will cause rental rates for market-rate units to go up. Put simply, those at 80% or lower AMI gain access to affordable units through Denver’s expanded program. And the higher income consumers can afford higher rents and property prices. But the people who are just above the low income threshold (those in the 80-120% of AMI range), who pay market-based rents, become priced out of home ownership, building ownership, commercial and residential rents, and the ability to live or operate inside the city limits in Denver.

One NAIOP member shared this: “When we estimate rough development fee costs, we typically assume $5-6/sf as an average for Denver fees. The proposed new linkage fee is equal to the assumption we make for all fees, doubling it per square foot.” That is a significant overnight change to the real estate market.

Industrial Assumptions

1. The assumption of cost is actually a bit on the high side. Feasibility Analysis has $215/sf, but a 100,000 sf building would be closer to $185/sf.
2. Rent assumption of $16.75/sf is incorrect. Rents are much closer to $9-11/sf for a 100,000 sf building. Rates vary quite a bit from NE/I-70 ($6.00 psf), to the Central Submarket ($10 psf), to the NW submarket ($13 psf), etc. Market rates at this level can only be found in the NW submarket, a submarket that only comprises 7% of the entire industrial base of the Denver Metro area.
3. Page 7 - Central Denver Industrial land prices are $8.50 - $20 per land foot, not $6-$18 per sf used in study.
4. Developers target a 7.0% unlevered IRR and a 5.0% going in yield on cost, and are having difficulty penciling that in today’s environment in all Denver submarkets. If increase the linkage fee to $6.00 psf the going in yield drops to 2.8%, which is a level that no developer would find feasible.
5. A linkage fee that would increase cost by $6.00 psf is completely infeasible. We are in the midst of an incredibly competitive expansion of industrial development both locally and nationally. In recent years deliveries of new industrial product has far outpaced net absorption in Denver. This has had a moderating effect on rental rate growth. At the same time construction pricing and land pricing have both been increasing at an alarming rate, impairing the underwriting of new industrial development projects in Denver.

Retail Assumptions

1. Retail will benefit less from any density incentives that are considered by the Committee as retail projects are more sensitive to the nuances of site planning and typically are not multi-story projects.
2. The City economy depends on sales taxes. The burden on retail projects should be moderated at a minimum in order to bolster our retailer attraction and the associated sales tax revenue that finances the city’s budget.
3. Floor Area Ratio is at least 50% too high. Assumption is that the FAR of a one-acre property is 0.25 / 10,500 sf. With various land use regulations, detention requirements,
landscape setbacks, and retail parking ratios, a one-acre property will realistically have a FAR of 0.15, not 0.25. See example depiction in the enclosed analysis.

4. Land Cost - $8psf is way too low. One can’t buy a retail pad site in Denver for less than $15 psf in the suburbs and it’s generally $20 psf to $50 psf depending upon the location.

5. Building Cost - $197 psf is low. As this is an aggregate of shell and TI costs it should be closer to $210psf. These numbers do not include accounting for the City’s upcoming Net Zero requirements for new construction.

6. Site/Parking – $8.67 psf is too low. Should be at least $10psf, and if you want an amenitized plaza area, this goes to $15 psf. This estimate includes accounting for the City’s new EV parking requirements.

7. Soft Costs – These numbers are way too low. A&E plus all city/utility fees plus leasing commissions for a deal of this size will be around $900,000. If you add property tax carry during entitlements/construction/lease up you’ll be over $1M without any overhead loaded into the deal.

8. Linkage Fee - Adding the $73,000 linkage fee at a 8-9% ROC means rent is going up about $6,000 annually or $0.56 to $0.63 psf, which is meaningful. Financing – Assumption is low, probably more like $130,000, and assumptions are only typical for a very select high credit retail development. A small business would encounter very different financing. An assumption of 30% equity is atypical, 40% to 50% is typically required.

9. Contingency – needs to be at least 10% given rapid construction inflation.

10. Rents – Retail rents are always triple net, so the Analysis should dispense with the Gross/Expenses and just insert the $20.26 pdf. This is really close to the CBRE average market rents from Q2 2021, which also factors in vacancy.

11. Cap rate assumption for retail of 5.5% is unrealistically low. Even in the hyper inflated seller’s market we currently have, this is at least 1% too low. If this was a single tenant Starbucks or Chick-fil-A, the cap rates would be in the 4.5% range, but when the tenant mix includes a sandwich shop, a nail salon, a hair cutter, or a pizza shop in the multitenant building, the credit of the nail salon causes the cap rate to rise significantly and should be 6.5% for this type of building.

12. ROC – when the math is re-run with the above inputs, a 4.2% ROC results that is well below the 8-9% ROC hurdle needed to build retail shops with an exit cap at 6.5%.

13. New construction retail already requires 2x average market rents to hit lender and investor financial requirements and adding another $0.56 - $0.63 psf on top of that due to linkage fee increases only further eliminates small businesses from being able to lease spaces in new shopping centers – only the large corporate groups can afford it – and puts further pressure on their topline sales to pay rents.

Residential Assumptions

1. Commercial buildings and development would take on much more burden than single family development. Commercial building already subsidize municipal budgets through a much higher property tax rate of 29%, even though residential is a more direct user of municipal services.

2. Both single and multifamily residential properties have seen massive increases in valuations. Given this perceived risk this is true even given comparable NOI.
3. Density numbers need to be re-evaluated. For example, a surface parked garden deal on 1 acre would net you ~25 units at best (not 65). The rule of thumb for garden is 30 units per acre. The only one of these that is close to accurate is the 20-story version.

4. Page 7 - Parking Cost per Space - for structured parking both underground and above ground, parking spaces are $45,000+ per space. We have received data from contractors that cost for a below-grade parking is around $60k per space.

5. Page 8 Land Costs - High density is $350 - $500 per land foot, Mid density in high cost $225-$300 per land foot.

6. Page 11 and 13 - Operating Expenses - should include taxes, insurance, marketing, payroll, G&A, make ready, R&M, Contracts, Utilities and MGMT fee. Assume MGMT fee is 3.0% of EGR for all product types. Multifamily is $7,200 - $8,000 / per unit. Marketing assumption should be included in OpEx number, not calculated as % of revenue.

7. Page 13 – Parking Revenue for Multifamily - $75-150 per space per month.

Office Assumptions

1. Retail and office have more risk and uncertainty, especially in the current environment. Feasibility of office projects will be more difficult and this program will have a heightened impact on these projects.

2. Tenant Improvements - Regardless of building height, Office TI’s for new construction in high density areas within Denver is $100-$120 PSF.

3. Acceptable ROC at 6% is too low. For office, this should be 7 to 7.5% ROC (YOC).

4. Generally costs are under estimated for today’s environment. The costs for low rise should be 10% to 15% higher than they show, and for high rise, should be 20% to 25% higher than they show. Also, suburban buildings are much different than core buildings as they require a lot more parking.

5. Rents are overstated. This looks like they are indicating NNN rates, and if so, are 20% too high across the board. New construction rates for office are $52-$60 PSF Gross.

6. Cap rates are generally shown at 5.5%. While they vary significantly based on tenant mix, term, location, etc., this would range between 5.5% and 7.0%. I would suggest that using a blend of 6% is not out of line.

7. The resulting IRR’s around 22% are overstated. Rarely does one see a proforma that hits or exceeds that unless we are very fortunate in timing/cost savings, lease credit, etc.

8. The conclusion that a larger linkage fee of $9.00/SF to $11.00/SF (lower for low rise) would have very little impact on projects is simply not true. Every extra dollar of cost makes each new deal that much more difficult. This will definitely have a negative impact on office development, particularly in today’s environment where tenants are unsure about how much space they need and whether or not to ever fully occupy their space again.
11. Reality is costs are much higher than a year ago, and new construction still must compete with existing lease rates, which are not rising nearly as fast as costs. The only solution is for new projects is to raise lease rates, which makes the City less affordable.
12. The idea that taller buildings can support a higher fee is not accurate. It is just as difficult to make a taller building financially feasible, and in many cases, even harder.
13. If an increase is inevitable, moving from $1.83 to $9-11/sf is way too much of an increase in one step. Would suggest a much smaller increase initially (like to $3/sf), and then raising it over time so that the market can predict and absorb it.

Financing Assumptions

1. Site Cost as a % of building costs - need to see a breakdown of what goes into “Site Costs” as 5% of building costs per this chart. Site Costs as a % of Building Costs is 8%-10% for an urban office development. For industrial, this number could be even higher due to infrastructure development.
2. Soft Costs as a % of Hard Costs: this is an inaccurate method of estimating soft costs. On our calculations, this approach to calculate Soft Costs would yield closer to 25% - 40% of Hard Costs depending on building type and location. Soft costs should include permit and tap fees, all legal fees, FF&E, A&E, leasing commissions, marketing costs, Development fee, vacancy costs, and RE taxes, and G&A (general & administrative) costs.
3. Construction Debt Assumptions: 4.00%, I/O – Generally in-line with rates today, floating rate debt actually lower, but since the Feasibility Analysis would assume a construction start in 2022 and beyond with a 15-30 month construction period for a variety of product types, 4% is low for a broad assumption, an additional 25-50 basis points would be more prudent.
4. Total Construction Financing Costs: Assumptions include a 1% loan fee plus interest cost at full funding for 10-22 months depending on product type. Appears generally reasonable considering some interest draw models calculate reserve on a funding over time.
5. Construction Contingency modeled at 5%. Feedback from construction lenders is that 5%-7.5% is what they are looking for in the current environment.
6. Development Financing Assumptions (defined as debt service paid upon stabilization). The assumptions include a 4.15% interest rate and a 30 year amortization. Interest rate on stabilized assumption is low considering analysis covers multiple product types with different risk profiles and considerable time between today and stabilization. A more prudent approach would be to add more cushion for rate movement between now and stabilization (talked with two banks who are currently stressing perm loan underwriting to north of 5% for loan sizing). 30 year amortizations on newly constructed stabilized commercial product is available, but depending on the financing source, some lenders will require a 25 year amortization particularly on office and hotel product (some lenders want a 20 year amortization on hotel). Stressing the debt constant to 6.5% (4.25%/25yr am) reduces COC to <5% for office and retail, <12% for hotel and 5% for warehouse.
7. Observation from Base-Case Figure I-10; the NOI used to calculate ROC assumes a 7.5% vacancy rate for office product. To size debt, lenders underwrite to a 10-15% vacancy rate. When you model a 15% vacancy rate, the NOI reduction drops Base-Case ROC to 5.3% from 6% (below the 5.5% cap rate assumptions they assume by prototype). While a
developer proforma might not model a 15% vacancy on an office development for ROC purposes, it may impact loan sizing to something less than 70% of cost.

8. The Base-Case assumption assumes Development Financing of 70% of development costs and at an implied 1.45x-1.95x DSCR based on product type at a 5.83% constant. This appears reasonable so long as you have value creation (the NOI assumptions would need to hit spot on for that to be the case), because perm debt today is more generally available at 60-65% LTV from permanent markets and bank financing sources (yes, there are outliers and you could get more aggressive financing terms with 65%-70% leverage, but generally speaking). DSCR ranges today on commercial would be in the 1.35x - 1.65x range depending on product type (Hotels up to 2x), this is based on lender underwriting, not necessarily actuals. So the governor on loan sizing isn’t just LTC/LTV, it’s also underwritten DSCR or Debt Yield (DY). Debt Yields in today’s market may be as low as 8% on industrial and as high as 12% on hotel.

9. Page 13 - Debt Service: 30% equity is low. Equity amount depends on product type and location as well.
   - Multifamily: 40% equity, 3.75% rate, 5 year term
   - Office: 45% equity, 4.25% interest rate, 7 year term
   - Industrial: 40% equity, 3.50% rate, 5 year term

10. Pages 14-15 - Return on Costs: Target ROC for respective product types:
    - 7.25% for office
    - 6.00% for Warehouse
    - 6.0% for multifamily

11. Pages 14-15 - Cash on Cash Return: CoC for a development for all products should be 7.50%-12% (NOI-debt service/Equity Invested).

We all have a part to play in addressing Denver’s housing crisis, but NAIOP needs to have a strong voice in this process as we represent many of those who build the much-needed housing in our great City.

Please feel free to reach out to me, Tyler Carlson, at tcarlson@evgre.com or 303-757-0462, or the Chair of our Public Policy Committee Caitlin Quander, at equander@bhfs.com or 303-223-1233. We would be happy to flesh out any comments that there are follow-up questions on.

Sincerely,

Tyler Carlson
President
NAIOP Colorado
Dear Advisory Committee,

We represent Denver housing developers and real estate professionals who are greatly impacted by the work of your committee. As those who build housing units in our city, we share a common goal of yours to expand affordable housing options for all Denverites. More importantly, we appreciate the Committee’s commitment to the objective posted on the EHA website, which is to “establish market-based programs for new development that complement existing tools and resources, enabling the city to address housing needs for households in every neighborhood.”

As the industry who will be significantly impacted by the recommendations of this committee, we want to express our concerns regarding the potential negative impacts certain policy considerations may have on Denver’s housing market in a time of significant challenges. As such, we are writing you this letter to outline our concerns and recommendations for your consideration:

1. Increasing costs and regulations decreases development activity and makes housing even less affordable

As your committee explores raising linkage fees and raising requirements for inclusionary housing at lower income levels, it is important to understand the ramifications these options will have on our local housing market. Like any other marketplace, housing developers need to recover costs and make a return on investment – otherwise they simply cannot do business. If new rules are overly restrictive and cost-prohibitive, many developers not only will not be able to build options for those most housing cost-burdened, but it will also be exceedingly difficult to build housing in Denver in general. It is also important to note that increased costs will likely be passed on directly to the consumer, moving more housing out of reach for Denverites.
While this committee has discussed examples of other cities absorbing and adapting to new inclusionary housing requirements, there is little evidence these policies have reduced prices\(^1\), significantly increased supply, or reduced the overall cost of housing\(^2\).

**II. Increase supply to address overwhelming demand:**

While we recognize the committee will look at a variety of tools to promote affordable housing, we believe one important tool overlooked to date is to focus on the supply side of the equation. As you can see from the charts below, data shows a direct correlation between decreased supply and increased cost of housing. There are several factors that have played out in Denver over the past few decades to get us to the incredibly diminished supply we have now. The bottom line is that housing supply has not kept up with job/population growth. We need to reverse this course if we hope to regain a semblance of affordable housing in Denver.

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The committee should take a serious look at increasing Denver’s woefully low supply of housing for all income levels through encouraging more density throughout the city, removing red tape that makes permitting processes long and cumbersome, and focusing on encouraging residential development rather than placing new burdensome rules and regulations discouraging development in Denver. This is especially important at a time when Colorado is facing rising construction costs associated with labor shortages and increased material costs which have made building homes even more difficult than before. We need to be focusing on tools to offset costs and inject critically needed housing supply, such as waiving unnecessary fees, expediting permits and reducing entitlement requirements.

According to the most recent Common Sense Institute report, Colorado will need to add more than 54,000 new housing units annually over the next five years in order to return to a more stable housing market. To do this, not only should all options be on the table to increase housing supply in Denver but doing so should be the city’s top priority.

III. Provide direct financial assistance to developers for creation of affordable housing units

As housing developers pay directly into the affordable housing fund through linkage fees, they should have easy, direct access to this fund in order to “bridge the gap” for any new inclusionary housing requirements. For example, requiring units to be built at 60% AMI will be incredibly difficult for the private marketplace to absorb without financial assistance. For these

types of units to be built, the development community needs financial assistance, and we believe the proper place to find this is from the already existing affordable housing fund.

**IV. Explore more robust, diverse affordable housing funding**

We recognize that affordable housing resources are finite and that increased demand for the affordable housing fund must be offset. The city’s affordable housing fund is funded largely through linkage fees, property tax mills, and retail marijuana revenue. If the city is serious about increasing affordable housing units, it should look closely at expanding and diversifying its revenue source through different channels. This would create a more fair and more equitable funding scheme that is not contingent on just a handful of revenue sources. Funding should be more representative and distributive across many different industries and private sectors, such as large-scale employers and other entities who have a direct impact on the supply and demand of Denver’s housing stock as shown in the city’s nexus study.

**V. Transparency moving forward**

We appreciate the work you are doing on this advisory committee, and for your consideration of the concerns and recommendations outlined in this letter. We all have a part to play in addressing Denver’s housing crisis, but our industry needs to have a strong voice in this process as we represent many of those who build the much-needed housing in our city. In that vein, we appreciate this committee allowing for public participation at your next advisory committee meeting. Previously, there has been no posted public comment period on agendas and there has been limited information dispersed to the real estate community about the work of the committee. We highly recommend that an industry break out group be created to work alongside the current advisory committee so that more voices may be heard in the process.

Thank you for your time and consideration of these important issues. We are confident the EHA Advisory Committee will continue to explore these critically important policy considerations so we can expand affordable housing options for all Denverites through innovative and dynamic marketplace solutions.

Sincerely,

John R. Lucero  
Chase Hill  
Mike Zoellner  
Marc Savela  
Bobby Hutchinson  
Drew Hamrick  
Cherry Creek Area Business Alliance
<table>
<thead>
<tr>
<th>Response Submission</th>
<th>We want to hear from you. General questions or comments about the Expanding Housing Affordability project can be shared in the text box below.</th>
<th>Please select if you are submitting a question or a comment.</th>
<th>What is your gender?</th>
<th>How old are you?</th>
<th>What is your race or ethnicity?</th>
<th>Please select all that apply. You may report more</th>
<th>Do you rent or own your home?</th>
<th>Please estimate your total household income, before taxes, in the last month?</th>
</tr>
</thead>
<tbody>
<tr>
<td>07/27/2021 11:33 AM</td>
<td>I would like to see Denver offer and even mandate financial education classes for any recipient of subsidized housing. In my line of work I run into plenty of college educated adults that barely know how to balance a checkbook let alone know how to calculate interest on a loan. This world will be in a far better place if everyone understood a bit better about balancing their checkbook, the power and pitfalls or compound interest, etc. I'm sure local banks would be happy to assist in education.</td>
<td>Comment</td>
<td>Male</td>
<td>35-44</td>
<td>White</td>
<td>Own</td>
<td>Prefer not to answer</td>
<td>$200,000 or more</td>
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<tr>
<td>07/27/2021 11:36 AM</td>
<td>I keep hearing about Inclusionary Housing. Typically this means housing inclusive of affordability, mixed housing, etc. Nowhere do I hear the word inclusive of accessible housing, housing for those with disabilities, housing that incorporates universal design so that it is accessible for more people with physical disabilities, those aging with various needs, fewer stairs, include those with wheelchairs, walkers, and strollers.</td>
<td>Comment</td>
<td>Female</td>
<td>65-74</td>
<td>White</td>
<td>Own</td>
<td>$200,000 or more</td>
<td></td>
</tr>
<tr>
<td>07/27/2021 12:49 PM</td>
<td>What about establishing a separate expedited process for developers of affordable housing? In other words, those developers could go through the city approval processes much more quickly than a developer who is building market rate apartments, retail or office. This could further incentivize developers.</td>
<td>Comment</td>
<td>Prefer not to answer</td>
<td>Prefer not to answer</td>
<td>Prefer not to answer</td>
<td>Prefer not to answer</td>
<td>Prefer not to answer</td>
<td>Prefer not to answer</td>
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<tr>
<td>07/27/2021 14:42 PM</td>
<td>Specifically relating to housing rental costs, why are numbers configured with an individual's gross income? This method minimizes the damaging effects of the rising costs and ability to afford housing and other living expenses (internet, student loans, car payments, insurance and so on). Paying 30% of gross income toward housing is very different than 30% of net income. Even those with a single income in the 61-80% AMI range aren't able to save money or have hobbies (which is imperative to work/life balance and overall wellbeing). Looking at net income provides a more accurate view of this housing and financial crisis.</td>
<td>Comment</td>
<td>Female</td>
<td>35-44</td>
<td>White</td>
<td>Rent</td>
<td>$50,000 - $99,999</td>
<td></td>
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<tr>
<td>07/28/2021 4:56 AM</td>
<td>How can Denver become more walkable, green, and equitable when exclusionary single family zoning makes up so much of the city?</td>
<td>Question</td>
<td>Prefer not to answer</td>
<td>19-34</td>
<td>Prefer not to answer</td>
<td>Prefer not to answer</td>
<td>Prefer not to answer</td>
<td>$100,000 - $149,999</td>
</tr>
<tr>
<td>08/19/2021 16:59 PM</td>
<td>Firstly, thank you for undertaking this analysis. It seems well considered and well executed. We do have a few questions after reviewing the analysis: Upon conducting a word search of the document, we could not find anything related to the developer fee. This sparks the following questions: Is another term used to reference this? Do these models rely on a minimum developer fee guaranteed rate? If so, What was it set at? What was the rationale for setting it at that rate? We ask the above because in the last Inclusionary Housing update conducted years ago by the city, there was significant debate about what that level should be. The prototypes for this analysis were created by the same company that did the 38th and Blake analysis, we know that project did not create the affordability levels that were projected. Was the discrepancy between projected affordability and actual affordability due to underlying financial assumptions they modeled, or, was it related to the affordability upper limit decided by the city? While the document discusses the relative advantages and disadvantages of high and low fees in lieu - it leaves open the question of what level of fee in lieu the focus needs to be on reducing cost for property owners versus increasing cost. By continuing to add to the cost burden through fees and/or other requirements, it requires owners to push rent/forcing higher on the balance of the market rate units to offset the increased cost. Spread across a bunch of owners this lifts rents in the market as a whole thus continuing to exacerbate the affordability problem. If they brought the cost structure down, it would allow developers/owners to lower the rent while preserving returns. We, as a property owner of over 5,000 rental apartment in Denver and the metro area, would be happy to cap rent to a % AMI level if we got corresponding incentive cost breaks.</td>
<td>Question</td>
<td>Female</td>
<td>35-44</td>
<td>White</td>
<td>Rent</td>
<td>$150,000 - $199,999</td>
<td></td>
</tr>
<tr>
<td>08/05/2021 6:11 AM</td>
<td>The focus needs to be on reducing cost for property owners versus increasing cost. By continuing to add to the cost burden through fees and/or other requirements, it requires owners to push rent/forcing higher on the balance of the market rate units to offset the increased cost. Spread across a bunch of owners this lifts rents in the market as a whole thus continuing to exacerbate the affordability problem.</td>
<td>Comment</td>
<td>Male</td>
<td>35-44</td>
<td>White</td>
<td>Own</td>
<td>$150,000 - $199,999</td>
<td></td>
</tr>
<tr>
<td>09/30/2021 9:12 AM</td>
<td>1. Has the city considered allowing developers to build affordable housing projects and allowing those units to be used to offset affordable housing requirements for future projects? This approach may result in more units actually getting delivered versus putting fees in a piggy bank hoping that they be used at some point in the future. 2. Will the city consider waiving Tap/Permit/Entitlement fees for affordable/attainable housing projects? Anything below 80% AMI will likely require the city to assist in education.</td>
<td>Question</td>
<td>Male</td>
<td>35-44</td>
<td>White</td>
<td>Own</td>
<td>$200,000 or more</td>
<td></td>
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Appendix 5

Public comments specific to 38th & Blake map amendment
3/14/2022

Analiese Hock, Principal City Planner
Community Planning and Development
Wellington E. Webb Municipal Building
201 W Colfax Ave
Denver, CO 80202

Re: Expanding Housing Affordability (EHA)

Dear Ms. Hock

We write in response to the draft policy for expanding housing affordability. Whilst we welcome the proposal to exempt ground floor commercial space from the linkage fee calculation, we are disappointed to see that the height increases sought in point 1 of our previous letter, dated January 20th, 2022, have not been included within the draft policy. The original request is set out below:

1. Currently adopted plans promote density in areas adjacent to transit hubs and this was central to the creation of the 38th & Blake Incentive Overlay. Fig 9.4-18 of the overlay identifies the currently permitted incentive heights. We believe that these heights should constitute the baseline height per current zoning, and that they should be built upon in line with the city-wide principles set out in table on page 21 of the EHA Proposed Policy Approach document. This would permit 4 additional stories where 8 and 12 stories are currently allowed, and 6 additional stories where 16 stories are currently allowed. Maximizing density in the vicinity of transit hubs is in line with sustainable urban design objectives and optimizes the ability of the private sector to deliver subsidized affordable housing whilst minimally impacting the cost of traditional market rate homes.

We hope that this matter can be revisited and would welcome further discussion prior to finalizing the policy.

Sincerely,

John Deffenbaugh
Senior Director of Strategy & Projects, RiNo Art District, BID, GID

CC. Kristofer Johnson, Principal City Planner, City and County of Denver
Dear Denver Planning Board and Members of City Council,

I am writing you today to voice my support for the zoning code text amendment and legislative map amendment proposal #2022I-00029.

There has been a significant amount of thought and expertise that has formulated this text amendment. It will update the 38th and Blake Station Area to be more inclusive of affordable housing than was initially planned with height incentives which have not gotten the affordability that we need as a city. This will raise base heights and mandate affordability at a much more meaningful level both in terms of number of units and of a percentage of AMI.

This text amendment brings the area in line with what we thought we would get with the overlay district but did not. Also with the change in State law we are now able to include rental properties and lower AMIs to the mix. This rezoning is critical to keeping Denver affordable and creating mix income developments.

I ask you to support this Text Amendment and Legislative Map amendment as presented

Sincerely

Keith Pryor
2418 Champa
303-881-9873
Denver Co