



Project: Advancing Equity in Rezoning
Subject: Small Working Group Topic #2 – Legislative/City-led Rezonings
Meeting Dates: January 23, 2024, 2:30pm - 4:00pm
January 25, 2024, 11:00am - 12:30pm
Meeting Location: Webb 4.1.3 / Virtual Meeting

Meeting Notes

Meeting Objectives:

- Provide introduction to legislative rezonings and how they differ from applicant-driven rezonings.
- Review past, present and upcoming approaches to legislative rezonings.
- Present future goals and engagement strategies for legislative rezonings and collect feedback from task force members.

Welcome, Introductions and Agenda Review

- Meeting participants introduced themselves by sharing their name and organization.

CPD Presentation

- Brandon Shaver presented the meeting agenda, AEIR background, and information on the relationship between legislative rezonings and plan implementation.
 - Explained differences between legislative and applicant-driven rezonings including who they are initiated by, general intent, relevant review criteria and recent examples.
 - Legislative Rezonings usually occur across a wider geography, applicant-driven rezonings typically concentrate on a single property. Recent examples include corridor-wide rezonings for East Colfax and other corridors, and area-based ADU rezonings.
 - Based on Blueprint Denver guidance, CPD is shifting toward doing more proactive legislative rezonings closely coordinated with the adoption of new plans. This will likely result in fewer applicant-driven rezonings.
 - Denver has many types of plans and means of implementation once plans are approved. CPD's main implementation tool is regulatory work, including map amendments, text amendments and rules and regulations.
 - Plans need more tools than just rezoning to be effectively implemented, however our past approach has been to adopt new tools following a planning process, sometimes with significant gaps.
 - For example: The Golden Triangle plan was adopted in 2014, but new design tools for Golden Triangle zone district weren't adopted until 2019, which meant that the development that occurred in the interim did not have the benefit of the updated standards. Integrating planning and rezoning processes will make our plans more effective and capitalize on community engagement and buy-in created in the planning process.
 - Our present approach has evolved, using guidance from Blueprint Denver, with City Council members initiating rezonings to implement plan guidance. Key examples:

- Design Overlay 8 (DO-8) along Tennyson, Santa Fe, and East Colfax: Council members initiated rezonings along key corridors to implement Blueprint Denver and recently adopted Area Plan recommendations and guidance for active centers and corridors, and proactively address community concerns over development quality.
 - Accessory Dwelling Unit rezonings: Based on Blueprint Denver’s recommendation of allowing ADUs in all residential areas, Council members initiated neighborhood-wide rezonings (including Chaffee Park, Barnum, Valverde, Athmar Park, and East Colfax).
- Joe Green presented an overview of how upcoming citywide legislative rezonings are informing CPD’s future goals and engagement strategies for legislative rezonings. Highlighted approaches for community engagement under consideration.
 - Neighborhood Planning Initiative-related rezonings build upon the community engagement conducted during the planning process, with additional outreach to property owners who will be affected by the rezoning.
 - When there has been a lag between plan adoption and subsequent rezoning, additional engagement is warranted.
 - CPD is exploring how to best tailor engagement based on type of legislative rezoning, with documented best practices for community engagement. CPD intends to create new public-facing guides to legislative rezoning, what it means, and how to get involved.

Task Force Clarifying Questions & General Statements

- Is there more parkland that needs rezoning (referring to recent rezoning of Denver Parks and Recreation properties)?
 - Answer: Yes, the recent rezoning will likely be followed by others in the future.
- What does integrating rezonings with an area planning process mean? Concurrently or right after?
 - Answer: CPD is working on a common approach for how to integrate both processes and see engagement happening simultaneously for both planning and implementation.
- Question on “grandfathered” properties/grace periods: How do the proposed changes to the rezoning process work with regard to projects in progress, and when do changes become effective?
 - Answer: It depends on process, but usually any project that has submitted plans is evaluated under the rules existing at the time of application. Sometimes, changes in regulations are intended to go into effect immediately (Example: DO-8 rezoning along Tennyson Street in Berkeley). CPD is proposing to create a best practices document to outline a common approach to “grandfathering” and when changes become effective.
- Comment on community engagement conducted for the Design Overlay 8 (DO-8) rezoning along Santa Fe Drive: Engagement was strong early in the process, but in the last stages of the rezoning process there were issues, with some neighborhood groups not getting notifications. This is an example of the importance of engagement throughout the process and how it can be improved upon.

Discussion Questions

Question 1: How do we best engage property owners/community members about the rezonings during area planning, so that the processes are more integrated?

- This is an issue—property owners are less inclined to get engaged in the planning process if they’re investors, commercial property owners, landlords, etc.—it can be difficult to get their attention. Recent example: group of property owners in Sunnyside who have been waiting for the area plan to be adopted but have not been paying attention to the planning process or recommendations.

- A lot of engagement is driven by RNO notifications and this system seems to benefit residential property owners. Commercial property owners are often more distant. Could rezonings integrated with planning efforts raise more interest?
 - If there's a regulatory action embedded in the planning process, it could warrant more attention than a plan that only provides a vision and guidance. More attention is paid when there is a perception of an impactful change.
- We need to make sure land use recommendations are locked in and the community is on board before moving to rezoning but planning and zoning are different things—the planning process shouldn't come up with a specific zone district map.
 - We shouldn't have to start engagement from scratch when moving from plan adoption to implementation and rezoning. Instead, the rezoning component should have a sense of continuation, an additional phase of the same overall process.
 - In the planning phase, diverse opinions come together to express a vision in terms of where uses go, then we can pivot from "let's take things we agree on" to picking from specific menu of zone districts. A big problem when there's a time gap in between these processes is that there's not memory of agreement, and discussions become more about specific proposals. Potential formula for rezoning following on plan adoption: "Given this consensus, how does it translate into zoning?"
 - What is CPD thinking about timeline? Important not to co-opt visioning process with rezoning (which is more focused on specific properties or types of development), but there's an opportunity to capitalize on community engagement and consensus. People will be more engaged if they know there is potential for an impactful change to their property or community at the end of the planning process.
- How significant is the potential consequence of creating non-conforming/non-compliant properties, would it disrupt current uses?
 - Answer: In many cases, the compliant structure designation in the zoning code can meet the needs of properties in this situation.
- Plans are typically created to provide for a 20-year vision and we expect all the various goals of a plan to be pursued over that time, but there may be situations where certain uses aren't ripe for transition—does everything need to change immediate after plan adoption?
 - Answer: Plans (and rezonings) can envision more than immediate timeframes: Examples of 41st/Fox Station (plan contemplates gradual shift of industrial uses to residential) and Near Southeast Area Plan (rezoning recommendations conditioned with creation of new standards/zone districts for developments and tools for preserving housing affordability)
- Can our plans lay out a multi-timeframe approach? Doing this will require planner expertise to integrate citywide changes and trends with an area's expressed vision for the future
- Does a more proactive/City-led approach mean disfavoring applicant-driven rezonings?
 - Planning Board has favored proactive approach, see an equity aspect in not requiring every individual property owner to undertake rezoning their own property to implement plan guidance
 - Every applicant-driven rezoning is/should be plan implementation, there is under-developed land in the city that is not zoned in alignment of recent plans
 - CPD is shifting to more legislative rezonings, following Blueprint Denver and small area plan recommendations
- Will there be a situation where an applicant-driven rezoning will be told "no?"
 - Answer: CPD expects fewer applicant-driven rezonings after this project is fully implemented but would only recommend denial of rezonings that do not meet all of the rezoning review criteria.

- There's something inequitable about a typical residential property owner needing to do the heavy lift to apply for rezoning, there is a bias toward privilege to having the resources to engage in an individual rezoning processes, and we often only get one slice of the overall community's input in rezoning. Tying rezoning to a more comprehensive and representative process in plan implementation addresses equity.
- But is there an inequity in interfering with a property owner not being able to do what they want with their property?
 - Answer: Applicant-driven rezoning process will remain available to individual property owners.
- On the role of the public, the planning process is their opportunity to participate, and it can be frustrating to the public to only get involved at the later implementation stage. Ideally, the public should be made aware of and encouraged to participate during the planning process to inform the implementation effort.
- Recent plans are growing in vision and complexity; zoning is not the only tool for plan implementation. Infrastructure and code changes also need to be part of the discussion.
- How do you choose who does what, who leads what in a rezoning? These decisions can be political, sometimes they're not, when is it CPD leading or council, or someone else? We need to think through this because the question will come up more. Who is leading the charge if it's not an applicant?
- We need to talk about the equity question for these processes, people need to understand what is going on in planning processes. There's an opportunity to broaden the scope of equity beyond just rezonings to better engagement in all planning processes.
 - There is a need and opportunity to coordinate engagement across processes—example: The concurrent Alameda Station Area Plan, and its associated rezoning, and Broadway Park GDP, where engagement happened at the same time in same area, but with different scopes and processes. This has created some inconsistencies in practical implementation as well.
 - Could integrating planning and rezoning more cause "murkiness" about what each process does what and what the role of public participation is? Need to be thoughtful about this.
- Should there be multiple ways in which community members and property owners are informed? Not every resident or community member has the time/privilege to attend a public meeting, they're important but only one way of reaching out to community. We could have documentation and outreach materials in community facilities (churches, post offices, stores/cafes, any local gathering place), postcards to everyone (not just property owners), and online resources/newsletters. We can introduce information and opportunities for engagement into support systems that community members access. There's a need for easily understood documentation of these processes and what they mean to increase accessibility of the information.
 - Example of Tennyson DO-8 corridor rezoning: Public materials were too complicated, and it was difficult to understand what the practical changes would be. Maybe CPD could have communicated more directly and clearly, addressing points of public interest. There's a need for a layer of information that interprets official documents in a way that's understandable to the average person but makes the actual materials available directly as well.
 - There's often a strong start of engagement when plan processes kick off but with participation falling off towards the end. There's a need to be better at communicating key dates and changes.
 - Time is needed to digest this information; design overlays typically are even more technical and may need different kind of attention. What's needed is creativity about different ways to convey the information and we should use multiple approaches. Residents who aren't property owners need to be a part of the outreach as well. We should find examples of what people have done to do outreach better. The open house format seems to work better, and we could go even further with that concept.

- Find new avenues of direct communication – we need deliberate attempts to connect with people outside of RNOs. For example, a planner presenting information to a church congregation or other gatherings attended by neighborhood residents.
- Idea about getting feedback on proposed design overlays: CPD could use its permit database to contact contractors/firms working in a given area, who are good conduits to customers doing work that could be affected.

Question 2: What specific components should go into a community engagement plan best practices document?

- Because the planning and rezoning processes are two different questions that “blend” from one to the next, we need to at least re-notify residents and stakeholders when proceeding to rezoning. The level of engagement in area plan process drops significantly over time. In addition to noticing, we need to be re-using engagement methods CPD conducted in the first phase.
- Where’s the discussion on requiring a public meeting for a legislative rezoning?
 - Answer: Project team is proposing rezonings with equity concerns will require community engagement (this is anticipated to be about 10% of rezonings).
- Specific places and projects can introduce questions of which zone districts best meet the plan recommendations, as it may not be just one. This kind of question may be a good fit for community meetings in order to measure a given proposal against plan guidance.
- Are we losing something in legislative rezonings where we can’t look deeply, property by property? Would legislative rezonings only paint with a broad brush?
 - Public engagement can help refine this, through multiple phases of rezonings with their own engagement processes
- We are trying to make applicant-driven rezonings rare, but we should not have illusions that we’re going to make them extinct.
- We need tailored levels of engagement— we can “over-public meeting” something and that can be taxing to a community, through weeks of meetings and other activities—it can mean a lot of time for the average person. Fostering alternative means where people can engage at their own pace would be a benefit.

Question 3: What additional information could be added to the website to help better explain the process?

- The website should memorialize and explain new practices proposed by this project to keep information current as staff and council changes and their institutional knowledge goes with them.
- Website should have more information on rezoning process and serve to keep expectations close to reality as to what a rezoning does and does not do.
- Keep project webpages current, grow the materials, give multiple ways to participate that are consistent across both planning and rezoning processes.
- We should look at asynchronous meeting tools – For example, Lakewood has great information; presentations available online at any time help explain the process to general audience.
- Need to make sure tools have right information to help people correctly understand what’s going on.
- Need to keep looking forward to new tools for capturing engagement and voice of community, look for more innovative ways to move past current level of conversation and citizen participation.

Question 4: Should this additional information be tailored based on the type of legislative rezoning?

- Yes— there's a need to be able to explain to general audience what specifically is on the table.

Closing Statements

- Brandon thanked participants for the helpful feedback and relayed the project team will summarize the notes from the small working groups and distribute to the full task force for reference in the coming weeks.

Attendees:

Task Force Members:

Brittany Katalenas, Bruce O'Donnell, Caitlyn Quander, Joel Noble, Kate Hilberg, Londell Jackson, Monica Martinez, Steve Harley

Project Team:

Brandon Shaver, Andrew Webb, Rob Haigh, Joe Green, Fritz Clauson