

DENVER'S DEVELOPMENT REVIEW PROCESS: CAN IT BE FIXED?



*AIA Denver
The
American
Institute
of Architects*

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and
City Council
City and County of Denver

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AIA Denver STOPP Task Force
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All urban municipalities have a myriad of regulations and processes that govern the development of land within their boundaries. Every developer and designer has war stories about fighting their way through any given municipality's thicket of reviews and approvals. Similarly, every municipality has stories of valiant stands against end-runs around their legitimate codes, policies and plans. No process for any project of complexity is simple, anywhere. Nor do professional designers or developers question the validity of the public's right to control the use of land, or to insist on safe, healthy, and value-generating development.

However, there are differences in the way that municipalities apply these controls. Successful processes can be extensive, but clear. Their expectations can be great, but known. The reviews can be deliberate, but timely. The early agreements and approvals can require a considerable response in the design of the project, but remain consistent. It is not so much the content of the process, as it is its management that determines its success or failure. In Denver, the process is failing on many, if not all of these counts, throughout the range of approvals, from gaining entitlements to the checking of construction documents, and the inspection of construction in the field.

Foreword

This situation is occurring despite that fact that there are many skilled, dedicated and hard-working staff members that do their best to stand by their decisions and move the process along. However, it only takes a few reversals of agreements or approvals, a few lengthy delays in reviews, a few conflicts between agency requirements, to turn the process into a nightmare.

Our AIA committee has been looking at this problem for only a few months. We are fully aware that we have barely scratched the surface in understanding the issues, finding precedents for success in other cities and recommending solutions. However, if we can convey only one thought, it is this: Denver's mismanagement of its development process is a serious problem, but it can be dramatically improved with targeted and consistent effort. It is far more than just a parochial squabble between developers and their designers and the public agencies that review their work. By making development more difficult within our cities, it fuels the growth at their edges. In penalizing new, different and groundbreaking development through extra scrutiny, we provide incentives for the standard, 'cookie-cutter' projects. If we create roadblocks in the process, we support inequities between applicants: those with more resources achieve success, while the little guys' projects succumb to the delays. Through the extension of the length and depth of reviews, we drive up construction costs, making affordable housing difficult. Ultimately, this hurts Denver's economy. In the intense competition between municipalities, both local and national, we can never afford this, particularly now.

We hope that our exploratory work will be useful in achieving real improvements in Denver's development review process, and will be taken in the spirit with which it is given: to make a necessary process run more smoothly, and more effectively.

Dick Farley, FAIA

What could be more important to a city than its economic development?

Competing with other municipalities and attracting businesses to the City and County of Denver is one of the most important challenges that the Mayor's administration and the City Council face if our City is to have a flourishing economy and quality of life. Integral to this success is well-managed urban development. Streamlining the development process will allow projects to be completed faster and more efficiently, thereby decreasing the amount of time developers, architects, engineers and contractors spend in getting permits approved for projects. Streamlining the process will also benefit the City directly, by reducing the amount of time City employees spend in handling the same project, thus resulting in cost-savings in staff time.

Introduction

Two key agencies manage this effort for the City and County of Denver: The Public Works Department and the Community Planning and Development Agency. These agencies oversee the approvals for planning, urban design, zoning, building plans and permits. During construction, building inspection completes the process. As most citizens will attest, the current system does not work as efficiently as it should. Substantial change in our current plan review and permitting processes must occur if we intend to successfully compete with other cities.

Past attempts at regulatory reform have stumbled for a variety of reasons. The new Mayor, his administration and the new City Council have an unprecedented opportunity to change the way the City does business. The membership of AIA Denver, as one of the City's most important and frequent customers, embraces the opportunity to assist in the streamlining of the approval and permitting process and has created a task force charged with doing just that. Architects, together with others in the design profession, have gathered together to discuss ways to affect positive change in the system. After numerous meetings this past summer, the AIA STOPP Task Force has prepared this report which highlights some of the more pressing regulatory issues and recommends ways that they can be improved.

Topics and a brief description of each include:

- "Doing Business With the City is *A-Mazing*" underscores the need to create a clear and concise overview to the planning and permitting process.
- "The Secret Codes of Review and Inspection" shines a spotlight on the inconsistent interpretations and arbitrary rules often applied to projects by plan reviewers and field inspectors.
- "The DRC Unplugged: Same Song, Second Verse" repeats the familiar refrain of problems discussed so far.

- “Encouraging Innovative Development: What Didn’t Happen on the El Jebel Shrine Temple Project” illustrates how one project did not fit a conventional mold for review and approvals and spent much more time than was necessary in approval limbo.
- “Reform Across the County” looks at how other cities and states are streamlining their regulatory processes.
- “After All Is Said and Done: Where Do We Go From Here?” offers some recommendations for Denver to consider for implementing a reform program of its own.

The AIA STOPP Task Force, comprised of some of the very customers who use the system, can play a pivotal role in advising the new administration of the changes that need to be made. We have looked at each of these topics in detail, described the topic with known frustrations and listed recommendations for improvement. We have pointed to role models of cities throughout the country. These municipalities investing time and energy streamlining their plan review and permitting processes include: New York State, Phoenix, Silicon Valley, San Diego and Portland, among many others.

During our discussions, some have reminisced about how popular and well received the City’s permitting process was years ago. Those who were familiar with the process then look forward to the same process today. But we know that change won’t come overnight. In order to achieve change, especially during these difficult economic times, a timeline should be set and a shift in the attitude of city employees towards its customers needs to take place, starting from the top down.

The AIA STOPP Task Force has consciously limited this study to the design community, where our background and experience lies, and is grateful for the input from recognized leaders in their professions. Special thanks go to Dyan Humphries who spearheaded and organized this effort and served as managing editor for this report. Contributors include co-editor Seth Rosenman, Dick Farley, Collin Kemberlin, Richard Hamai, Mace Pemberton, Tom Theobald and Dick Anderson. Thanks also go to Richard Carstens and Tyler Gibbs who offered their insights from the perspective of City and County of Denver staff.

*Ben Wilking, AIA
2003 President, Denver AIA*

EXECUTIVE SUMMARY

Some of the key points made in this document are summarized here, along with suggested solutions. For some of the problems, no solutions are listed at all, which constitutes an opportunity for further exploration.

PROBLEM

Field inspectors overrule plan reviewers based on their own interpretations of codes.

Field inspectors don't follow written regulations.

Appeals to a field inspector's ruling takes too long (as much as six weeks) for a project under construction.

Too much reliance on quantified standards and not enough on reasonably meeting the objectives that the standards address.

Innovative Development: It took the City too long to determine the submittal requirements.

Innovative Development: No comprehensive response from the DRC composite agencies – just a list of separate agency comments.

Innovative Development: Additional submittal requirements required late in the design process.

Innovative Development: Case manager either not appointed or not empowered.

Innovative Development: Inconsistent development review team over the life of the process.

Innovative Development: City staff not knowledgeable, or experienced enough to avoid pitfalls.

Innovative Development: Changing requirements and criteria.

PROPOSED SOLUTION

Limit field inspection to the verification of construction compliance to approved drawings.

Any revision by a field inspector to an approved plan must be described, supported by applicable code sections and filed with an appeals Ombudsman within 24 hours of its determination, or the revision is voided.

Establish an appeals-ombudsman with the authority to make decisions within 24 or 48 hours of notification.

Determine clear and objective submittal requirements early, with a cut-off date for any additions.

Clear format and content requirements.

Hold to earlier commitments of stated requirements.

Establish a team at the outset and maintain it.

Establish the requirements at the beginning and stick with them.

PROBLEM

PROPOSED SOLUTION

Too much up-front detail and engineering required to achieve either conceptual approval or basic entitlements.

City submittal requirements at each stage should be reflective of and parallel to the way projects are actually developed.

No clear, comprehensive overview of the total permitting process.

Organize material with introduction, table of contents and process charts.

Single point-of-view policies without consideration of overall objectives create misleading and confusing requirements.

City Website: No introduction or table of contents that binds agency regulations into a cohesive whole, nor any guidance on how to proceed from one department to another for regulations in the website.

City Website: Material isn't organized so that everything to do with constructing a project is separated from other regulations.

Organize material so that everything to do with building something is in one place.

City Website: Material isn't dated, so it is unknown whether it is current, has been revised or is obsolete.

Date all material, remove obsolete material, note revisions.

City Website: Linked trails are incomplete.

Review all links; make sure they lead somewhere logical.

City Website: A clear statement about the accuracy of the website is needed, as well as information about whose responsibility it is to locate and provide accurate information .

Create an information office or officer than can answer questions about the material, processes and agency interrelationships.

Clear description of the role and purpose of the Development Review Committee and its relation to separate agency approvals is needed.

Provide a comprehensive checklist of typical tasks and issues to be addressed to gain DRC approval.

Changing staff reviewers and previous agreements without buy-in of previous determinations by new reviewers

Require periodic sign-offs: agreements that stick. Can't revisit unless scheme substantially changes. Penalties? Issuance of permits, return of fees, "liquidated damages."

PROBLEM

PROPOSED SOLUTION

Agreements and determinations that are made by lower level staff are overturned by section or department heads.

Case managers are powerless to enforce deadlines for review comments. No penalties for missing a deadline.

No one to insist on compromises or creative solutions for conflicting standards, objectives.

There are too few process-roadmaps for typical types of development, even as basis for modifications.

There are obsolete zoning standards based on old or unstated assumptions and objectives.

There is no way, administratively, to allow meeting the intent of a standard without meeting the "letter of the law." Applicants must go through an appeals process, which could take months, with no way to reasonably discuss the problem, the goals and arrive at a solution.

Many regulations, standards are generally not supported by their objectives or assumptions.

There are too many standards and regulations, requiring too much negotiation and interpretation.

Create an ombudsman entity, and/or ordinance with power to enforce solutions to conflicting agency requirements; administratively solve conflicts with too rigid or obsolete standards.

Develop a database of project-process histories, including standard zoning, mixe- use zoning, PUDs, small and big projects, TODs, etc. Write a "exit" reports on selected projects that describe the process path, number of submittals, duration for agency approvals, special conditions and lessons learned.

Review zoning standards on a quarterly basis and eliminate those that are no longer relevant.

Agency standards and regulations should be reviewed to determine their objectives and the problems that they're meant to solve.

DOING BUSINESS WITH THE CITY IS A-MAZING

For construction to occur in Denver, public and quasi-public agencies have to review and approve a project's design and then provide permitting and inspections before the project receives an approval to proceed. As an applicant, fulfilling the requirements and expectations of these review agencies is paramount in order for a project to develop in an efficient and orderly fashion. Consequently, an early component for a successful project is knowing the local procedures, codes and ordinances that need to be followed, as well as knowing the appropriate review agencies that approve planning and design documents and provide inspection during construction. Unfortunately, the current review process is cumbersome and complicated, with no manual for understanding the overall requirements of the City to gain approval for planning and construction.

Lack of a comprehensive overview of the planning and permitting process with step-by-step directions leaves the process bewildering to applicants, both the experienced and novice alike.

Where do applicants go to start the planning, design and permitting process? Currently, information on the City's policies can be obtained by visiting each of the respective departments that oversee a particular project's element of planning, design or construction. Except for a few agencies, such as the Wastewater Management Division, the Fire Department and the Denver Water Board, most of the City review agencies are housed at the new Webb Municipal Building. Similar policy information also can be obtained from the City's website, www.denvergov.org.

But knowing where to access individual planning and permitting information is one thing; understanding how to pull it all together is another.

Presently, each review agency has written policies and regulations specifically tailored to their own departmental requirements. This information is helpful on its own but where it fits on the developmental highway remains a mystery. There is no clear, comprehensive inter-agency overview that documents the complete planning, design and construction process showing the applicant how to get from a project's early planning process to its certificate of occupancy, one agency at a time.

When preparing a 'how-to' book, an author writes an introductory overview, a table of contents and a progression of chapters that proceed in an orderly and methodical fashion. By the end of the book, one should know, in theory, how to accomplish what the book was describing. By comparison, the City's written policies and related website information are collections of individual chapters about a department's specific regulations. But there is no introduction or table of contents that binds them all into a cohesive whole, nor any guidance on how to proceed from one department to another in a logical and progressive fashion.

A case in point is the “denvergov.org” website that contains an abundance of materials and links to the various departments for “Doing Business” with the City. However, with regard to the development and construction of projects, there is an overload of web information to sort through, which can lead to time-consuming searches, confusion and misinformation. The site is a smorgasbord of links, agencies, application forms, fee schedules, checklists and maps, some related to the construction process and others not. There are over three dozen links on the web page, of which less than a third relate to constructing a project in Denver. What do “Auctions” and “Paying Parking Tickets” have to do with Building Department permits?

In addition, information on Denver’s website page should be timely, accurate and concise. Documents obtained from the website are often not dated, so there is no way of knowing whether the information is current, has been revised or is out-of-date. Sometimes information can be found on different website locations, which can lead to problems if some of the materials are updated and others at a different site are not.

Denver has many opportunities to improve the way information is available to the public regarding the planning, design and construction of building projects. The website, as one example, has excellent potential for disseminating information. Information from the website and from the review agencies themselves needs to be fine-tuned and taken to the next level.

Recommendations for Improvement

The creation of one central inter-agency authority that can facilitate the planning and construction process from the earliest design stages to a building’s occupancy would improve the streamlining of the City’s planning review and permitting process. Additionally, publishing a clear and concise manual describing the process for the planning, design and construction of projects would reduce the confusion for applicants wanting to do business in the City of Denver.

1. Create a comprehensive how-to manual and organize material with an introduction, table of contents and process checklists that describes the City’s interagency review process from initial planning through construction.
2. Organize material so that everything to do with design and construction of a building is in one central location.
3. Create a “one-stop” office and website with links to appropriate agencies that gives a procedural overview for project development.
4. Establish one central inter-agency authority that can facilitate the planning and construction process from the earliest stages to the building’s occupancy.
5. Create an information office/officer to answer questions about the material, processes and agency interrelationships.

6. Date all material, remove obsolete material and note revisions.
7. Allow a City worker to “shadow” a first-time applicant as they go through the process, noting difficulties and successes. Repeat study several times to get a nice sample.
8. Provide a means to receive comments and feedback from applicants to improve and upgrade the planning review, permitting and inspection process.
9. Assign a case manager to larger, more complicated projects to act as a liaison between the applicant and the various departments.

THE SECRET CODES OF REVIEW AND INSPECTION

Just as a city is its people, so is its government. Any attempt to reform laws, rules and regulations will only be successful with a corresponding change in the attitudes of the individuals charged with their implementation and enforcement. The single-most important and fundamental change that needs to occur is the recognition on the part of many City employees that they are employed to serve the citizens of Denver and not the other way around. To be sure, there are many on the City staff who do work hard and competently to meet the needs of those they serve, but their good work is undermined by far too many who take it upon themselves to invent requirements and obligations that do not exist in the law. There is a compelling need for the recognition that we are a city and nation of laws, not individuals.

Architects, engineers and contractors are subjected to complying with unknowable and often personal interpretations of requirements, resulting in construction cost changes, unrecoverable costs to consultants, schedule delays and diminished design quality.

The role of the City staff in the physical development process should be that of facilitator, whose job it is to ensure that the larger goals of planning, zoning, health and life safety are met. Unfortunately, many on the City's staff comport themselves as policemen. They assume "guilt" on the part of those attempting to comply with the law and transfer the burden of proof of "innocence" to the applicant. There are, seemingly, two sets of building codes, zoning ordinances and other development requirements: the ones that have been enacted democratically by elected officials, and the ones that exist only in the minds of individual reviewers and inspectors. In many cases, the only way developers, architects and engineers find out about rules or requirements is when they get caught for not complying with them.

The role of the reviewers should be to check for conformity with the democratically promulgated laws. However, interpretations of these documents by reviewers are tantamount to personal codes and ordinances. These interpretations are justified as enforcement of the *intent* of the laws; this is, in effect, nothing more than an expansion of their scope of obligations. The result is that applicants are placed in the position of having to hit invisible, moving targets.

The building and traffic inspection process should be limited to verification that construction is in compliance with the drawings and specifications that were approved during the Plan Review process. The obligation of architects, engineers and contractors to comply with codes would remain, just as it does now. The significant issues of life safety are addressed in the plan review process and, in the vast majority of cases, inspectors don't encounter major problems in the field. They do, however, require a multitude of small design changes during construction, ignoring the fact that the single worst time to design a building is when it's under construction. Inspectors take a

fragmentary view of buildings, apparently unconcerned with the reality that structures are complex, integrated wholes for which multiple variables must be solved. The changes that inspectors typically call for are to meet new requirements that are based on individual interpretations of ordinances. These changes are costly in time and construction dollars and, when the issue of cost is brought up to them, the objection is met with an attitude of indifference. Far too many city inspectors are cavalier about spending other people's money.

Many times, the personal fears of building or traffic inspectors dictate changes to work under construction that are often unfounded in any code or regulation. The inspectors don't distinguish between hazards that are possible, however remote, and those that are genuine probabilities. The responses that they require to be implemented are, invariably, disproportionate to the actual threats. Codes and ordinances, naturally, have numerical requirements for dimensions, distances weights, etc. with figures rounded off to even, whole numbers for convenience. The problem occurs when these provisions are enforced in a rigid and rote manner, implying a perfection of those round numbers. Evaluation should be measured based on practical performance as opposed to simple compliance.

In the City of Denver, the unwritten rule is that building inspectors have the "last word." When a ruling is challenged, plan reviewers almost automatically defer to inspectors. It is not known if this is done because plan reviewers assume, without question, that the inspectors are correct or if the plan reviewers don't have time to deal with the problem. In either case, this attitude is clearly in the service of the institution, not in the people it serves. It punishes those who must bear the costs, either in time or hard construction.

Developers and architects are told that if they object to a ruling, they have the option of appealing the decision. In practical terms, the appeals process is a fiction. Building inspectors' decisions obviously occur during construction or, in small projects, sometimes shortly before occupancy is required. Regardless, the approximately six weeks it takes to apply for a hearing, have it scheduled and then for it to occur, is unbearable. No construction project or occupancy can be expected to halt to accommodate this process.

There is a sense that these problems are intractable, that they are so embedded in the bureaucracy as to require grudging acceptance. This is unacceptable. The people of the City of Denver deserve better and, with thoughtful regulatory reform, they have an unprecedented opportunity to affect change. It is acknowledged that this change will occur gradually over time, but it will never occur without the recognition of the problem at all.

Recommendations for Improvement

1. Empower the Zoning Administrator to grant relief on minor deviations from the Ordinance without necessitating a hearing before the Board of Adjustment.
2. Rewrite the Zoning Ordinance to contain easily understood language and without multiple-negative phrasing.
3. Limit review of designs for compliance to only those issues that are supported by the codes enacted or approved by the City Council.
4. Eliminate or disallow unwritten requirements.
5. Limit field inspection to the verification of construction compliance with drawings and specifications that were approved during Plan Review.
6. Establish an appeals-ombudsman with the authority to make decisions within 24 or 48 hours of notification.
7. Any objections to built conditions by field inspectors must be described and supported by applicable code sections and filed with an appeals-ombudsman within 24 hours of the inspection, or the findings are voided.

THE DRC UNPLUGGED: SAME SONG, SECOND VERSE

Streamlining the Development Review process within the City and County of Denver will require owners and design professionals to gain a clearer understanding of the role of the City staff in their mission of ensuring an orderly development consistent with the zoning ordinances and development regulations. Of critical importance to the success of any streamlining attempt is the need to provide the all affected parties with a better understanding of the rules of the process, both the formal (written) and the informal (verbal). To simplify a potentially cumbersome process, it is essential to understand all the requirements involved to allow the process to move more efficiently. Stated simply, the more the applicants understand the DRC process and what its intent is, the better equipped they are to meet its requirements.

Wasted time in plan review limbo means wasted costs to owners, design professionals and the City, alike.

On paper, the development review process makes sense. The flowchart that both applicant and reviewer follow reveals an approximate 15-week process for the DRC approval (Figure 5 of the PUD/PBG Site Plan Rules & Regulations). Unfortunately, this time frame is seldom adhered to because of its implementation, attitude and commitment by City staff. From the initial contact with the Planning Office, the applicant needs direction and establishment of the internal hierarchy of the approval agencies. The Planning Office will review the Project Proposals for conformance with the following: Denver Comprehensive Plan 2000 and 2002 amendments, Blueprint Denver, Design Review District Rules and Regulations, Corridor Plans, Parkway Plans and Neighborhood Plan recommendations, and conformance with ordinances and annexation agreements. The reviewer is not in a position to design the project for the applicant but only to make sure the applicant knows the legal design criteria that the proposed project needs to follow.

In an effort to expedite the review process, City staff will cite non-conformance issues, based upon the myriad of regulatory plans and ordinances. The end result of the pre-submittal meeting can be minimal or sometimes affect the project design to incur major refinements, alterations and even abandonment for a proposed use for a specific zone lot in a few instances. When major challenges are uncovered in the preliminary review, it confounds some architect and owner relationships, developer wishes and CPD staff recommendations for the project.

The Pre-Submittal Phase of the Site Plan review process should be considered as the most important phase for both parties to establish the viability of the project. If the applicant is successful in communicating the intended design, and the use is in conformance with the applicable codes, ordinances, standards and regulations, the City's role in review will be streamlined. The development review case manager assigned to the project would compile

analyze, interpret and alert different departments of any conflicts of written comments to the applicant recommending different requirements based on specific areas of expertise.

As the single point of contact to the applicant, the case manager should be well versed on the concerns of the staff and would not allow conflicting comments to be simply passed along to the applicant to resolve. The comments from the City's review within the initial three-week time period would be better understood and addressed if the comments were available to the applicant prior to the Schematic Design Review meeting. This would allow a more productive exchange of information when all parties are present. It is more instructive to the applicant if meaningful comments that are specific to the plan are provided in lieu of boilerplate responses from a template.

The Schematic and Design Development phases of review submittals allow both the applicant and City staff to be educated about the proposed project and identify and resolve comments. The assigned case manager's position should help solve problems by knowing the hierarchy of decision-making authority between departments, which ordinance or zoning requirement supercedes or take precedence over another, and what conditions may be imposed by neighborhood associations or other agencies. An experienced design review staff and an experienced case manager should not surprise the applicant with the addition of new comments throughout the process. Rather, the final phase should be the resolution of comments presented during the pre-application and schematic design phase. A pro-active, top down approach to the resolution of concerns is necessary to streamlined process.

Recommendations for Improvement

1. A more publicized, standardized and straightforward submittal checklist format will help applicants to ensure the needed information is provided clearly to the City. Burdened by submitting too much information early in the design review process causes effort that may not be appropriate and may change later in the process. The design review staff and case manager should rigorously enforce the current three-week review timeline.
2. The architect needs to have a better understanding of the rules of the process, both the formal (written) and the informal (verbal). Many departments seem to have written their own policy with overlapping requirements. A comprehensive overview of the process and the interaction of the City departments would assist in greater understanding of working through the development process.
3. A common concern from those experiencing the process has been a lack of consistency with the interpretation of codes, ordinances and regulations made by the City staff. Better interpretation and definition of the rules

with less ambiguity is critical to streamlining. Without this, interpretations of the rules, though legitimate to the specific departments requirements, sometimes result in delays, confusion and additional design and construction cost.

4. Plan review must be taken seriously during the pre-application and subsequent submittals. A thorough and complete review beginning with the site plan and continuing through permitting will allow the design team to address concerns. Both the applicant's design team and City staff must be responsible for being prepared and cognizant of the other's requirements and goals.
5. If a plan needs to change due to a construction code issue, it should be addressed during Construction Permit review. Too often, some inspectors insist on changes to the building design after construction has begun. Once the plans are approved, changes made during construction are costly, delay the construction and can interfere with the original design intent of the project.
6. Architects have complained about drawings that are not reviewed in a timely manner. Documents submitted during the design review are expected to be reviewed promptly. The wrong time for plan review is on the construction site.

ENCOURAGING INNOVATIVE DEVELOPMENT: WHAT DIDN'T HAPPEN ON THE *EL JEBEL SHRINE TEMPLE* PROJECT

The future viability of a city often depends on the ability of its leaders to create new market segments and define new patterns of development, especially in areas suffering from disinvestment, depopulation and degraded services. Many of the strategies outlined so far seek to enhance existing development patterns by streamlining and improving the processes that govern the vast majority of projects. But as one case study illustrates, not all projects fit the same process mold.

Currently the City offers a variety of vehicles to allow for complex and innovative projects, including P.U.D.s and P.B.G.s, but these seemingly straightforward documents are only the beginning of a long and sometimes poorly understood process for acquiring entitlements.

Innovative projects do not fit in conventional process molds and require customized solutions.

These unconventional projects may seek to develop in “unfashionable” areas such as industrial or low-rent districts or seek to combine seemingly disparate uses in close proximity. Whatever vision the developer seeks to achieve, the resulting project often straddles the cut and dried definitions and classifications contained in building codes and zoning ordinances.

One recent example that illustrates the advantages and pitfalls of the current system is the *El Jebel Shrine Temple* project, located at 1770 Sherman Street in Denver. While it never was pegged as a straightforward development project, no one envisioned it turning into a sluggish 27-month entitlement period to secure all the entitlements.

The *El Jebel*, a valued but tarnished work of architecture and potential asset to the Uptown community, was in imminent danger of either wholesale demolition or irreversible conversion of its unique interior spaces into private for-sale condominiums. Conversations in the late summer of 2000 between the current owners of the historic building, Seventeen Seventy Sherman Street, LLC, local architect David Tryba, and Executive Director of Historic Denver Kathleen Brooker, sparked the possibility of saving this cherished structure.

At the urging of Kathleen Brooker, David Tryba proposed to the owners a model of urban development unique to Denver but one which had been used successfully in other cities back East: Unique and threatened buildings can be preserved and protected using the proceeds from building a substantial mixed-use development on the same site.

On this particular site, a 50-story, mixed-use residential high-rise would be constructed to generate the revenue necessary to rehabilitate the historic

building and realize the income lost by not converting the historic building's interior spaces. The historic *El Jebel*, a private and exclusive haunt of the masons for many decades, would instead be developed as a cultural center available to everyone, its unique interior spaces preserved in perpetuity.

The vision of the new *El Jebel* offered something this part of Uptown desperately needed – a vibrant urban center blending the arts and culture residential, business and historic preservation – but did not fit a conventional project mold by any definition. Over the next three months, the vision garnered enthusiastic support from neighborhood groups, business leaders, Uptown residents, historic preservationists and a number of City Council representatives, culminating in a town meeting and near-unanimous vote of approval by Capitol Hill United Neighborhoods. Fueled by this overwhelming voice of support, the development team proceeded in earnest in April of 2001 and, at the suggestion of Planning Director Jennifer Moulton, determined that a P.U.D. was the best vehicle for acquiring the entitlements.

The first hurdle involved confusion over the basic submittal requirements for the P.U.D. beyond the standard application. It was clear from the beginning that this was an unusual project and the City would require additional effort on the part of the development team to state their case. No one knew at the time just how much effort was going to be required. It took a full year of multiple meetings with Urban Planning and Zoning staff before the complete list of submittal requirements became apparent.

A second hurdle involved a continual disparity between departmental review comments and the level of detail of the concept at any given stage. The first Design Review Committee meeting held in May of 2001 generated plenty of loosely-related departmental comments but very little that was helpful in structuring a single, comprehensive response. In many cases, proper responses to department comments, especially those involving traffic and site issues, would have required a level of detail well beyond the current conceptual nature of the design. The owners found themselves in a continual bind – commit substantial resources *now* to fully develop a design that may not meet City approval or safeguard their resources and risk being considered as “unresponsive.”

As a result of these first two hurdles, the P.U.D. application grew in complexity and detail over the ensuing year, not in response to a predetermined set of submittal requirements or an organized set of department comments, but under the influence of criteria the development team considered often arbitrary and indifferent. One particular example was the additional requirement, added months after the DRC, to complete a Historic Structures Assessment of the *El Jebel* and Traffic Impact Study of the new project. The development team experienced a similar “accumulation of

commentary” while developing the Urban Design Standards and Guidelines, a document that underwent several major revisions to content and format.

A third significant hurdle involved a lack of understanding of the specific legal role of the Planning Board. Early in the application process the City staff suggested that the development team approach both the Planning Board and Landmarks Preservation Commission to get an understanding of their positions on the project before proceeding too far. This kind of due diligence seemed reasonable at the time to test an idea that was viewed as a long shot, anyway. Only after weeks of preparation did the City realize that this would compromise the quasi-judicial nature of these bodies and jeopardize the entire project. The strategy was immediately abandoned, but only after several months had been lost.

These pitfalls are not uncommon. Naturally the greater flexibility in interpretation afforded by a P.U.D. requires considerable effort on the part of the development team to address the very legitimate concerns and questions of the City. However, it also requires a stronger *partnership* among the various city agencies, as well as between the City and the development team. Many of the same solutions proposed elsewhere in this paper for simplifying the basic permitting process – appointing and empowering case managers, creating a consistent design review team, improving inter-departmental communication and interaction – become even more important when the development in question seeks a larger vision.

This particular partnership was successful when judged by its end result. After 27 months of effort and unanimous votes from both the Denver City Council and Planning Board, the City granted entitlements for the full project. The final submittal required no less than nine separate documents, some requiring up to *twenty* revisions:

1. The P.U.D. application itself.
2. An analysis of the project’s relationship to Comp Plan 2000, Blueprint Denver, and the Uptown Urban Plan.
3. A Development Agreement between the City and the applicant.
4. A Historic Structures Assessment.
5. An application to the Landmarks Commission.
6. An application to the Design Review Board.
7. A comprehensive set of Urban Design Standards and Guidelines.
8. A View Plane Variance Application and Findings.
9. A Traffic Impact Study.

Recommendations for Improvement

In this case, a successful partnership between the development team and the City could have been improved in the following ways, saving considerable time and money:

1. Distribution of a clear and objective set of submittal requirements, beyond what is strictly required by Zoning to complete a P.U.D. application. Applicants should be made aware as early as possible of other required documents.
2. Clear communication of the desired format and content of these other submittal materials. Applicants should be presented with examples that are acceptable to the City or an outline of required content.
3. Co-management by the City of a submittal timeline to keep both the development team and City staff aware of submittal deadlines, review board schedules, hearing dates, etc.
4. Clearer understanding by all parties of the role and legal authority of the Planning Board and Landmarks Commission.
5. Establishment of an inter-departmental case manager able to answer questions related to any department comment or concern, and control the review and comment process from both sides.
6. In-house guidance of department review and comment. Comments should be appropriate to the phase of the entitlement process. The case manager should be responsible for filtering comments that will only cause confusion.
7. Better integration of zoning, urban planning and traffic engineering consistent with the City's stated desire to unite these disciplines in the Comprehensive Plan and Blueprint Denver.

REFORM ACROSS THE COUNTRY

The City of Denver is not alone in its review of regulatory reform. Regions, states, cities and municipalities across the country are plagued with the same issues we're facing, and they are devising interesting solutions to some of these problems. Even as a nation, we're investigating how we can streamline the building and design review process.

Regulatory reform is being enacted in cities all across the country. This sampling of what they are doing to streamline the permitting process is divided into the following sections: Plan Review; Permit Process; Inspections; Communication/Technology; and Inside City Hall.

In 1996, under its Executive Branch Agreement with the National Governors' Association, the National Conference of States on Building Codes and Standards, Inc. (NCSBCS) was formed to work with federal agencies and public and private sector organizations to help reform the nation's regulatory process. The NCSBCS has approved over 60 streamlined model programs from a pool of over 150 case studies submitted from 40 states. By its own estimates, the NCSBCS asserts that streamlining can save as much as 60% of the current cost to regulate construction, expediting the process of delivering homes and other buildings without compromising safety or quality of life.

One of those models comes from the towns of San Carlos and Sunnyvale in northern California. As the Silicon Valley emerged from its recession in the mid-1990s, its rapidly growing industrial sector saw local government hindering its competitive position with a slow response in its delivery of construction permits by local governments. Hewlett-Packard reported that the cost of building permit delays cost the company \$1 million for every month a permit was delayed. A local task force challenged City representatives to overhaul, streamline and automate the development review process. Rising to the challenge, local government agreed. What eventually transpired was the *Smart Permit*[™] project that streamlined the permitting process by placing it on the Internet. Nearly ten years later, this important project continues to serve as a model for many cities across the country.

Encouraged by what it saw taking place in the Silicon Valley, Portland, Oregon stepped up to the plate and decided if it was going to improve its prospects for economic success, it couldn't stop at changing its permitting process. It needed to overhaul its entire system. With a forward-thinking Mayor and a progressive City Council, the City of Portland now serves as one of the best examples of regulatory reform in the nation. Their 2002-2003 Final Regulatory Improvement Workplan enthusiastically embraces its charge to build an effective process of continuous improvement to the City of Portland's land use and building regulations, regulatory-related processes, procedures, costs and customer services.

Unlike previous attempts at City regulatory reform efforts, Portland's Workplan implements a citywide, ongoing and integrated approach to regulatory improvement. From now on, for each fiscal year, the City will look at perfecting its regulations, regulatory procedures, the experience and quality of customer services through a City Council approved Regulatory Improvement Workplan. Each annual Regulatory Improvement Workplan will include a Regulatory Code Improvement List and a Regulatory Process and Service Improvement Plan.

Streamlining the City of Denver's permitting process to provide a faster, more efficient means of encouraging new construction is an important goal in helping create a positive business climate that would stimulate growth. Streamlining would also reduce the amount of time spent by city employees shepherding the building process, thereby saving costs and helping reduce budgetary constraints.

What is needed is real change in our current system. Our task force has highlighted several areas of improvement that could be easily adopted. But is it a Band-aid approach that temporarily stops the bleeding from a cut on the arm while ignoring the amputated leg? Or could we dig deeper, outline the real problems and make recommendations how to correct them?

There is a growing realization in the United States that regulation, for all its apparent benefits, comes with significant costs as well. Regulation can increase the costs of new development and the costs of producing goods. Local regulatory programs affect the return on development investment by increasing construction and production costs. Long concerned with the rising costs of local and federal regulations, public officials are now starting to realize that the costs of state and municipal regulations are also quite substantial, and they are beginning to develop state and local regulatory reform programs. Here are two examples:

- In 2000, New York Governor George Pataki unveiled a bold initiative: State governments would streamline the entire permitting process providing for online permitting and the consolidation of permits (from multiple state agencies) required of most businesses into one easy-to-file, non-duplicative permit application. On-going permit reform *saved taxpayers \$62 million.*
- Phoenix created specialized plan review procedures with the creation of Customized Plan Review (CPR) and Permit by Appointment (PBA) programs. CPR is the plan review process for large construction projects (5,000 SF, or more), while the PBA is used on tenant review and commercial remodeling projects. Now 25% to 30% of all commercial plans use CPR. One customer reported that the CPR

enabled him to bid his construction project *60 days earlier*. PBA Team has reviewed more than 400 projects with an *approval rating of 90%*.

The DeVoe L. Moore Center in Florida asserted that the most popular mechanism for streamlining regulatory procedures is to establish a one-stop facility permitting program that consolidates the process of gaining approval for new development and facility expansion and helps to simplify and coordinate local regulatory actions. The purpose of this regulatory reform is not to relax standards or to reduce the stringency of regulatory regimes, but to assist businesses and developers meet regulatory requirements through a coordinated regulatory process that reduces the time necessary to get development approval and reduces uncertainty regarding regulatory requirements.

Evidence that “one-stop” permit issuance process simplifies regulatory processes and leads to higher levels of private investment is provided by a survey of local government economic development officials conducted by the International City Management Association in 1989. The survey reported that over 40% of the responding cities had adopted one-stop permitting practices. Examining the effect that this reform had on its communities, it was predicted that within a five-year period implementation of one-stop permitting would result in a 5% increase in manufacturing establishments and a 3% increase in manufacturing investment than the community would have been expected to attract without regulatory reform.

After studying scores of examples across the country, here’s a sampling of what other cities are doing to streamline their permitting process. The information is divided into the following five sections: Plan Review; Permit Process; Inspections; Communication/Technology; and Inside City Hall.

1. PLAN REVIEW

- **Boise, ID: Pre-application Consultations**
Instituted a team approach to pre-application consultations. First with major projects, now expanding to include medium and small projects. The results of the consultations are recorded and deadlines are committed to.
- **San Diego, CA: Documented Pre-Application Consultation**
Provides applicants with a documented pre-application consultation providing applicants with a road map to the review process
- **Milwaukee, MN: Case Management and Pre-development Roundtable**
Hearing frustration from the development community about the time-consuming task of following projects as they were referred

from department to department, the development center team created these important new programs. For complex projects, the development center now assigns a case manager to act as a single point of contact. Furthermore, the Pre-development Roundtable Conference brings together representatives of any necessary city departments (Planning, Plan Examination, Public Works, Water Works, Building Inspection and others) to provide the customer with all the information the customer needs.

- **Springfield, MO: Interdepartmental Cooperative Effort**

A cooperative permitting team comprised of representatives from all involved departments was formed to develop ways to improve the permitting process and to meet as a group with designers and developers to solve plan-related issues.

- **Phoenix, AZ: Single Project Manager**

Assigns a Project Manager to track a project team from start to finish, serve as a single point of contact and coordinate the work of all staff involved in the review process.

- **Phoenix, AZ : Specialized Plan Review Procedures with the Customized Plan Review (CPR) and Permit by Appointment (PBA) Processes**

CPR process matches up reviewers from all departments into Plan Review Teams that work in partnership with the project's architect and engineer. The customer is allowed to identify a specific plan review time frame to expedite the review process. In many cases, time is reduced from 60-90 days to 10-45 days.

The PBA process is similar to CPR but utilizes plan review appointments to expedite the process. Under PBA, the customer schedules a meeting with the plan review team to discuss any changes that must be made or other concerns. If the two sides are able to reach an agreement at the meeting, the customer leaves with a permit. Plans which usually take 3-4 weeks under the normal process are being completed under PBA in 2-4 days.

- **Fairfax, VA: Privatized Plan Review – Peer Review**

In order to improve the quality of site-related designs submitted to the County and to expedite site plan reviews, the County entered into a partnership with private sector design professionals and created the Engineers and Surveyors Institute (ESI). The purpose of ESI is to increase the level of knowledge of civil engineers of the local land development regulations. The completion of the ESI education program enables the private sector licensed engineers to become Fairfax County Designated Plan Examiners (DPEs). Site plans submitted by DPEs are peer-reviewed by ESI reviewers prior to their acceptance by

the County and, once accepted, the plans are reviewed on a priority basis by the County.

- **Irvine, CA: Plan Review Turnaround Time**
The City has specific turnaround times established in its Business Plan. If City staff cannot meet these deadlines due to heavy workload, qualified consultants are used. The turnaround time commitment is delivered so that the customers' expectations are satisfied.
- **Milwaukee, MN: Assessment of the Existing System by a Task Force of Developers and Other Community Members**
This group of users of the development and permitting system met regularly and made recommendations that the city used in redesigning its processes.
- **San Francisco, CA: Volunteer Mediation**
San Francisco AIA provides volunteer architects who help mediate neighborhood disputes over proposed alterations or additions to single-family residences.
- **Boise, ID: Timeliness**
Clock doesn't start until plans are complete. If plan review for a commercial shell building is not complete in 8 weeks, small tenant improvements receive authorization to begin framing without a permit. If a single-family residential plan isn't complete in 7 days, homebuilders receive authorization to set a foundation without a permit.
- **Kansas City, MO: Timeliness**
Commercial plan review is completed in four weeks. All bureaus receive the plans at the same time and must complete their review in four weeks.

2. PERMIT PROCESS

- **Kansas City, MO: Procedural Streamlining and Customer Checklist**
The Department of Codes Administration created a review checklist that outlines clearly all of the required steps to be followed by the permit applicant, including all necessary forms and documents to be submitted. The Department also identified regulations that were overlapping or ineffective and consolidated or removed these regulations. The roles of the various departments were also clarified to promote smoothness of the permit review process.
- **Los Angeles, CA: Multi-disciplinary Approach**
Reorganized its planning review staff into multi-disciplinary teams so customers have access to one-stop permitting.
- **Irvine, CA: One-Stop Permit Processing**
A public counter is available to serve the needs of all the permitting

customers through a single permit specialist. Distribution among the functions such as building, zoning, engineering, police, fire and transportation services for review and approval is handled behind the counter. Other types of permits, such as special event, encroachment permits and others are handled through a monitored distribution system followed by centralized communication with the applicant. In addition to a comprehensive construction and permit service, there is a specific customer section to provide service for planning entitlements. Each permit application received is entered into the Citywide computer system and monitored throughout the process from plan approval through inspection. A complete record is maintained of each permit application.

- **Irvine, CA: Self-service Permit Processing**

Some permit applicants can simply drop off their applications and plans by placing them in a designated bin in the public counter lobby area. This saves the applicant from having to wait in line to meet with a permit specialist and applies in the following situations:

New permit applications. The applicant completes a routing form that outlines the description and details of their project. The applicant computes fees from detailed handouts, pays the cashier and attaches a copy of the receipt to the application and plans. All other required information is attached to a checklist and the documents are placed in the bin for later review.

- **Irvine, CA: Permit Records**

A historical database of all permits and inspections throughout the city is maintained. The history of any property can be easily accessed by owners, Realtors, attorneys and potential property owners for a variety of reasons. Information is used by the City to conduct property research, fee analysis and statistical reporting in a cost-effective manner.

- **State of Florida: Expedited Permit Review Process**

Process that allows significant economic development projects to obtain expedited review of all needed state and regional permit applications and, at the option of a participating local government, local development permits or orders and comprehensive plan amendments.

- **Tacoma, WA: On-line One-stop Shopping**

Tacoma residents can apply for a permit, check the status of their permit and set up an Electronic Funds Transfer account to pay their fees by credit card, all on-line, 24 hours a day.

- **Vancouver, WA: 60-day Land Use Only Review Process**

This option will provide applicants a preliminary land use approval no

more than 60 days after submitting an application. The application can include only detail necessary to grant a preliminary approval and may be a preferred option in some cases. If a public hearing is involved, an additional 30 days or so will be required.

- **Vancouver, WA: 90-day Complete Building Permit Process**
This option will allow applicants to have a “pre-construction” meeting and obtain a building permit no more than 90 days from submitting an application. In this option, the applicant must submit complete and “final” plans for all phases of the work at the beginning of the process. This may be a preferred alternative when a site is really “ready to go” and a developer is willing to commit to final plans at the initial application stage. If a public hearing is involved, an additional 30 days or so will be required.

- **Vancouver, WA: The “Hybrid” Option**
This option offers a mix between the “Land Use Only” and “Complete Building Permit” process to provide flexibility for the applicant.

The timeframes noted above reflect time the City spends reviewing the project. The clock stops when an applicant is responding to red-lines or other issues. Also, projects with complicated environmental constraints requiring multiple state and federal agency review or other issues beyond the control of the City will have an extended timeframe.

- **State of Florida: Quick Business Counties**
Encourages local governments to expedite and streamline permitting, adopt permitting best management practices and integrate local permitting processes into the statewide One-Stop Permitting Internet System.
- **San Diego, CA: Regulatory Streamlining**
Reduced the regulatory language of their Code by 35%, reduced the number of decision processes from 23 to five and the number of permit types from over 20 to seven. Their new and improved Code is organized into a matrix format and includes user-friendly graphics, making it more accessible to laypersons and experts alike.
- **Tacoma, WA: Guaranteed Commercial Building Permits**
Promises to complete building permit reviews in eight weeks, or your money back, guaranteed.
- **Irvine, CA: Fees**
The City maintains a system whereby permit fees for each project are calculated by square feet or acres rather than conversion charts typically used by other jurisdictions. These fees are based on specific automated analysis of demonstrated staff and user performance on

typical groups of construction and event categories. Other jurisdictions use a model code conversion chart, sometimes with a local factor, which is not specific and has little or no nexus.

3. INSPECTIONS

▪ **Irvine, CA: Inspections**

All inspections are provided on the workday after the call for service is received. A system of outsource inspection services is maintained for specific types of projects for which this kind of service is manageable and feasible. They include residential reroofing, residential HVAC replacement and residential appliance replacements. The City advertises twice each year for qualified individuals to perform inspections. Inspectors are extensively trained and tested on the use of a documented checklist for each project. When they qualify, their name is placed on a published list that is given to applicants for them to contact to perform the inspections. The outsource inspection service fee is a private matter between the applicant and inspector. The outsource inspector completes the City checklist when the job is approved and submits it to the City with a processing fee of \$15.00 to cover the cost of entering the project into the City computer system. The work of outsource inspectors is spot checked by an Inspection Supervisor on each submittal and each inspector is required to sign a conflict of interest statement.

4. COMMUNICATION / TECHNOLOGY

▪ **Irvine, CA: Computer Screen Permit Application Status Inquiry**

A touch screen inquiry computer terminal is maintained in the permit counter lobby area. By touching the screen, anyone can easily go into the City data processing system and find the status of their application. Each professional or technical staff review is recorded in the database at each step of the process. The City also maintains telephone and fax services to provide status information and stipulate when the permit review will be completed.

▪ **Irvine, CA: Interactive Telephone System**

An automated telephone system is used that provides information on inspection requests and results of inspections.

▪ **Philadelphia, PA: E-commerce Technology**

The Controller's Office recommended the implementation of e-commerce technology to expedite the application/approval processes and to cut back on the amount of personal and telephone contacts to City agencies. Payments for licenses and permits would be made on-line by credit card. Customers would be able to check the status of their application, access code and payment requirements on-line.

- **Philadelphia, PA: Inter-agency Databases**
 The Controller's Office recommended that inter-agency databases be expanded to improve coordination between the multiple agencies involved in the regulatory process. Permit caseworkers could handle individual customer questions via email. Information could be easily transmitted from agency to agency and this permit caseworker would be responsible for addressing concerns raised by the customer.
- **Milwaukee, MN: New Project Tracking System**
 The Milwaukee Development Center is developing a new tracking system that allows case managers and other staff to determine quickly which reviews and approvals will be necessary and to see which have been obtained.
- **Boise, ID: Technology**
 In order to create mobile field offices, inspectors are equipped with laptop computers and cell phones. Inspectors communicate with applicants using email and cellular text messaging. Fees were raised to cover the costs of this new equipment.
- **Boise, ID: Technology Security**
 In order to protect City data, applicant-tracking system was located on a separate, dedicated server.
- **Boise, ID: Communication**
 If architects do not respond in a timely manner to requests for additional information or corrected plan material, the City notifies the developer or owner.
- **Kansas City, MO: Communication**
 Staff is required to respond to customer emails and phone calls within 24 hours. Their performance review is partially based on meeting this goal.
- **Kansas City, MO: Technology**
 Over 200 official building and zoning code interpretations are posted on the city web site.

5. INSIDE CITY HALL

- **Irvine, CA: GIS Mapping**
 The City maintains a comprehensive property database mapping system. All building footprints, yards and property information are maintained in this system. Also included is a base map with 160+ map layers showing infrastructure, boundaries, planning areas, locations of ground water and hazardous materials, and a variety of other information.

- **Irvine, CA: Information and Customer Service**
 Information bulletins are provided in the public counter library. A Bulletin Manual is available through a subscription service to the public. Bulletins are added or revised quarterly and any request or need for interpretation is published. A quarterly Building and Safety Newsletter is widely distributed to the development community. Customer review forms are also provided.
- **Boston, MA: The City Audit**
 This proposal recommended that the City Council initiate and fund an audit of city government operations patterned on the federal government's "reinventing government" study. The audit would include all city departments except for police, fire and schools. The audit would be conducted by a third party selected by the Council through competitive bidding and would examine city services in-depth and propose alternatives to improve efficiency and the quality of services delivered. The audit would also examine procedures within the city government and make recommendations to streamline the permitting and approval processes for citizens and businesses.
- **Philadelphia, PA: Regulatory Study Commission**
 The Controller's Office recommended the creation of a Regulatory Study Commission to evaluate the relevancy, necessity and cost of new regulations. The Commission would serve as a filter agency through which regulations are passed on to City Council. Concurrently, a Code Task Force would review, revise and right-size the existing Regulatory Code to eliminate or consolidate regulations that are outdated, costly and counterproductive.
- **Philadelphia, PA: Enforcement Penalties**
 The Controller's Office recommended that enforcement penalties be reevaluated and each regulation's cost scale relative to its condition for enforcement. The City must impose harsh penalties on non-compliant businesses to dissuade them from acting in a negligent manner. Conversely, license and permit fees imposed on businesses should stem from a fixed standard such as the number of gas pumps or number of scanners an inspector must check in on hour. Costs should be differentiated, flexible and adjust to rising annual costs.
- **Milwaukee, MN: Reform of the Board of Appeals**
 Under Mayor Norquist's leadership, the Board of Zoning Appeals has dramatically reduced the amount of time it takes to hear cases to resolve zoning conflicts for building projects. In 1997, the average case took 12 weeks to receive a hearing. By 1999, routine cases were heard within an average of four to six weeks.

- **State of Florida: Economic Development Liaisons**
 Florida provides for the appointment of Economic Development Liaisons in the departments of Transportation (including each District Office), Environmental Protection, Labor & Employment Security, Education, Community Affairs, Management Services, the Game and Fresh Water Fish Commission, Revenue, and each Water Management District. Each department appointee has general knowledge of both the state's permitting and other regulatory functions and of the state's economic goals, policies and programs.
- **Boise, ID: Train Development Professionals**
 After making tracking system available on-line to the public, provide incentives to get not only contractors and architects but also city administrative staff to complete city-provided training.
- **State of Minnesota: Regulatory Waivers for Innovation**
 The Minnesota Board of Government Innovation and Cooperation was created in 1993 to oversee local experiments in regulatory reform. Any local unit of government can apply to the board for a temporary waiver from a regulatory requirement. If their program accomplishes its goals, the Board can propose legislation to make the changes statewide. The virtue of the program is that experiments with reform are local, minimizing the consequences of mistakes.
- **State of Virginia: Automatic Regulatory Review**
 In 1994, the Governor required a review of all proposed regulations to see if they were necessary, and if they used the least burdensome method available. He required a review of each regulation for effectiveness within three years of its starting date. His intent was to prevent enactment of ill-conceived and heavy-handed regulations and to institutionalize the termination of ineffective regulations.
- **State of Virginia: Economic Impact Statements**
 The chief instrument for evaluating proposed regulations is the Economic Impact Analysis (EIA), which incorporates criteria such as employment effects, number of individuals or business affected and estimated compliance costs. Agencies are required to review existing regulations, as well. They solicit public comments and measure each regulation against the criteria of efficiency, flexibility and accountability.
- **Seattle, WA: Technology**
 Invested in technology and customer service training to enable its planning review staff to provide more automated services, including on-line permitting, case tracking, Global Information System (GIS) mapping and imaging services.

AFTER ALL IS SAID AND DONE: WHERE DO WE GO FROM HERE

The following are offered as starting points for further discussion and action:

Identifying the problems is the easy part. Implementing their solutions may be more challenging.

- Establish a committee led by a Cabinet member to spearhead this initiative.
- Encourage on-going meetings with AIA Denver and the administration to develop workable solutions to regulatory reform.
- Offer education and training workshops with department heads.
- Assign a person, committee or agency to review the experience of other cities in their effort to manage their development review processes.
- Establish a staff position responsible for the organization, revision, management and response to questions for all information about the processes, standards and approvals required for development in Denver.
- Empower an individual or entity who can act as a “development ombudsman,” whose function is to:
 - Act as an appeals-entity for conflicting requirements, administrative interpretations, agency standards and field inspection changes to approved plans
 - Halt the late addition of new requirements
 - Enforce agency response deadlines
 - Maintain the adherence to early agreements, provided the design doesn't change
 - Monitor the various components of the review processes with the intent to continually improve their appropriateness, clarity, timeliness and consistency
 - Oversee and strengthen the roles of the current case managers.
- Establish consequences for missed review deadlines, reversals in agreements or late requirements such as monetary compensation, automatic approvals and/or staff performance reviews.
- Assign responsibility to an individual or entity (perhaps the “development ombudsman”) for the periodic review of agency standards relative to their objectives, the problems they are meant to solve, their reasonableness and their relationships with other agency standards.