

October 27, 2009

Honorable Jeanne Robb  
President, Denver City Council  
1437 Bannock Street, Room 451  
Denver, CO 80204

Ms. Diane Barrett and Mr. Stephen Kaplan  
Co-Chairs, Denver Zoning Code Task Force  
201 W. Colfax Avenue, Room 205  
Denver, CO 80202

Dear Council President Robb, Ms. Barrett and Mr. Kaplan,

Congratulations to you and to the hard working Zoning Task Force members as well as to the City staff that have been so committed to the creation and implementation of a new city-wide zoning code. This important goal as outlined in Blueprint Denver is a critical next step in moving our city forward.

Replacing Denver's current, 50 year-old, out-of-date zoning code is essential but daunting. However, the progress made since this long process began in 2005 has been impressive and much has been accomplished. In the last 4 or 5 months, it has been great to see our community engaged in such a significant and comprehensive way. With this engagement comes a much needed and appreciated vetting and review of the approach, process and product of the new code. While some may be simply concerned with anything that feels like change, most individuals and organizations are rallying behind the effort with a common goal; to make the new code the very best it can be. With this same goal in mind we add our comments and suggestions to the ongoing code review process in the form of this letter.

With each new draft of the code we have seen significant progress in the document. However, the areas where the code has met with the most consensus are areas which either have recent plans that anticipate adopting form based zoning, or areas where the context is most consistent. In the areas where the context is not as consistent, and/or where planning has not been as extensive or is outdated there has been a greater level of concern about adopting the new code and map amendments. Planning is not zoning, and zoning is not planning. In some cases the new code process and mapping of the new zone districts is being asked to accomplish the necessary planning in order to inform the creation of zone districts and form standards as well as the mapping of these zone districts.

As the second draft of the code has now been significantly reviewed by many of our organizations and members the goal line is now in view, and the work between here and there more clear. With the passing of the City Council Resolution 103 on September 28<sup>th</sup>, 2009, the timeline goals have also become clear. Our organizations are concerned that the work needed to accomplish our collective goal of making the code "the best that it can be" and the proposed timeline may not be in concert.

As they have been reviewing the most recent draft, our members have voiced several concerns. The most notable of these include:

- Although many of the concepts being codified in the new code draft document are evolutions and examples of best practices and current land use approaches, a number of the values being represented and regulated in the code may not have been fully vetted with some constituencies in our city. For example, many of the larger building form concepts suggest a “point tower” form approach, yet the public conversation regarding this approach has not yet occurred.
- The appropriateness and viability of some of the form standards in the code, and whether they have been adequately “tested” on actual sites to determine if they meet the stated form objectives and are economically viable to implement. For example, the concept of limiting the maximum building width and length has not been tested on a variety of sites with varying dimensions and shapes
- The ability of the new code to allow form and context in individual zones to evolve over time, particularly in transition areas between low-density zones and higher-density zones;
- The detail and clarity of proposed campus zones and certain mixed-use and industrial zones; and
- A widespread perception that the time frame between the completion of the final draft code and the adoption date is simply too short. This has been exacerbated by the fact that the code is still in progress with some sections, measurements and important dimensional criteria and information left open for future drafts. In addition there are some areas that simply need correction. Members have been concerned this “in progress” state of the code makes it difficult to comment on a “moving target.”

Related to the above items, on July 19 and September 22, 2009, ULI Colorado held two workshops allowing members of the Urban Land Institute to comment on how the proposed new code might affect their sites in Denver. These workshops were attended by Peter Park, Jeanne Robb, Brad Buchanan, and other members of the Zoning Code Task Force, members of City Council, and many of the leading architects and developers in Denver. ULI members modeled real sites they would like to develop under the proposed new code and found problems with setbacks and building dimensions that could hamper the economic and social (according to established Blueprint Denver goals) viability of their projects. While the Zoning Code Task Force team did a great job of responding to these concerns, it seems evident that more time will be needed to address problems that are arising as the new code is tested by modeling real world examples.

Along with defining our concerns regarding draft 2 of the new code we also want to communicate our understanding of the need to move with as much speed and momentum as possible while still addressing all necessary elements. This will allow the many improvements in the draft code to be put into use as soon as possible.

We are anxious to review Draft 3 of the new code due to come out in a few weeks. We were pleased to see the updated forms in the Urban Center context released last week and found the changes to be responsive to comments to previous drafts. We are buoyed by the continuous improvement we are seeing with each draft but suggest that this is a large and complex process with many issues to resolve.

We are optimistic that many of these concerns will be addressed with the upcoming new draft but suggest it may require City Council to reconsider the adoption process schedule allowing additional time for review and testing period of the new code after the point when it is in final draft form.

We look forward to working along with you to a successful adoption and implementation of Denver's new zoning Code.

Sincerely,sss



Tamara Door, President and CEO  
Downtown Denver Partnership, Inc.



Steven P. Carr, AIA  
AIA Denver 2009 President



Kelly Brough, President and CEO  
Denver Metro Chamber of Commerce



Barbara Lambert, CEO  
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Cc: Peter Park, Manager, Community Planning and Development