

## LoDoNA Neighborhood – Land Use Approvals – Process Matrix

Type of Action	Guiding Documents	Special Board Review	City Review and Process	Registered Neighborhood Organization (RNO) Notification	RNO Input	Public Input	Comments
Neighborhood Plans, Comprehensive Plan Amendment	Previous Plans; Comprehensive Plan; Blueprint Denver	Planning Board	City Planning staff review. Planning board review, then Blueprint Denver council committee, then Mayor-Council, then full city council.	Varies.	Typically substantial	Typically substantial.	Neighborhood Examples: Lower Downtown Neighborhood Plan (date); Union Station Master Plan; Union Station Master Plan Supplement.
Rezoning (zone map amendment)	Comprehensive Plan; Blueprint Denver; Zoning code	Planning Board	City Planning staff review. Internal development review committee (multiple agencies). Planning Board review, then Blueprint Denver council committee, then Mayor-Council, then full city council.	1) City form letter to RNOs within 200 feet of the affected site: Asked if we oppose, do not oppose, or have no opinion prior to planning board hearing, together with a copy of the rezoning application; 2) notification of Blueprint Denver committee meeting; 3) notification of city council final reading (and hearing); 4) Posting- Site is posted for public notice 15 days prior to Planning Board hearing and 21 days prior to city council final reading.	City form letter: Asked if we oppose, do not oppose, or have no opinion prior to planning board hearing;	Informal contact with applicant; Planning Board hearing; City Council hearing; if neighbors protest and at least 20% of property owners within 200' sign petition, supermajority of council (10 members) must vote in favor to pass.	This is one of the few areas where the rights of property owners adjacent to existing residents may actually be changed significantly.  Neighborhood Examples: DUS rezoning in 2004; Pepsi Center rezoning in 2001; Bell Park rezoning in 2007.
Zoning language amendment	Comprehensive Plan; Blueprint Denver; Zoning code	Planning Board	Varies depending on the circumstances and who initiates the change (landowner, City staff, City Council).	City notification to RNOs within 200 feet, with a letter and a copy of the proposed language change.	Varies.	Varies considerably depending on the circumstances	Neighborhood Examples: TMU-30 language was changed prior to Union Station rezoning; B-7 language was recently changed in a manner that allowed a commercial penthouse on the Sugar Building. ('07 or '08)
Zoning variance, zoning appeal	Zoning code	Board of Adjustment	Appeals are posted for at least 10 days.	City notification to RNOs within 200 feet.	City form letter: Asked if we oppose, do not oppose, or have no opinion prior to planning board hearing;	Public may speak at board of adjustment hearing.	Happens fairly seldom in our neighborhoods. A typical example would be an applicant seeking a variance to provide fewer than the required number of parking spaces.
Street or Alley vacation (when a street or alley is eliminated)	Street and Alley Vacation request requirements, posted on Dept. of Public Works website.	None	Applications are handled by Public Works. Reviewed by multiple city agencies. City Council must approve.	City sends letters to RNOs. Location is posted for 20 days. Notification letters are also sent to land owners within a 200' radius.	Same as public.	Protests received during the posting period must be resolved in writing by the applicant and protesting parties. Mediation may be attempted. A public meeting may be held by the Manager of Public Works but is not required.	Neighborhood Example: In 2007 some mapped but unpaved and unused street right-of-ways near 20 <sup>th</sup> and Little Raven were vacated.

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New building design – Lower Downtown Historic District	Zoning code (mostly B-7); Lower Downtown Design Review guidelines; the Streetscape Plan; the Landmark Preservation Commission Design Guidelines for Landmarks and Landmark Districts, Chapter 30 of the Municipal Code (Landmark Ordinance)	Lower Downtown Design Review Board	Staff in the Dept. of Community Planning & Development prepares a staff report on the proposed design, discussing the areas where it meets or does not meet the Lower Downtown Design Guidelines. Report is sent to the LDDR, (unless Board input is not required and then administrative approval is granted) which evaluates designs and makes decisions. Designs for buildings are approved in multiple stages (massing, etc.). Decisions of the LDDR can be appealed to the Landmark Commission.	LDDR Agenda notification	No formal role	“Courtesy” public comment at LDDR meetings. Not legally required.	Neighborhood Examples: 16 Market Square, Sugar Cube, 1400 Wewatta, EPA Building, Red House, etc.
Historic building renovation – Lower Downtown Historic District	Same as above.	Lower Downtown Design Review Board	Same as above.	LDDR Agenda notification	No formal role	“Courtesy” public comment at LDDR meetings. Not legally required.	Neighborhood Examples: too many to list.
Signs – Lower Downtown Historic District	Zoning Code B-7 and The Vital Signs Ordinance	Lower Downtown Design Review Board	Same as above but often administrative approval	LDDR Agenda notification	No formal role	“Courtesy” public comment at LDDR meetings. Not legally required.	Neighborhood Examples: McCormicks Restaurant sign

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<p>New building design – Commons PUD* (planned unit development)</p> <p>* A PUD is a “planned unit development”, a type of zoning tailored to a specific site.</p>	Commons PUD #531; Commons PUD design guidelines.	Central Platte Valley Design Review board (an entity of the HOA, not the city)	City planning staff review, development review committee (multiple agencies), Planning Board holds a hearing and then makes a recommendation to the zoning administrator	Design development review notification (from city); planning board hearing notification (from city); CPV design review board does not notify.	No formal role	Public comment at public hearing before the Planning Board.	<p>CPV Design Review and City review both use the same design guidelines (although it is not legally required that they do so). However, they are separate processes that are not coordinated. A developer needs approval through both processes.</p> <p>Neighborhood Examples: everything in the CPV PUD except historic structures.</p>
New building design – other than DUS, LoDo, Commons PUD	Zoning* see attached list of applicable areas	None	Varies by zone District. City planning staff review based on zoning or adopted design guidelines.	Generally none	No formal role	None	Neighborhood Examples: One Wynkoop Plaza; Waterside Lofts.
Landmark Designation – other than Lower Downtown Historic District	Criteria are historical importance, architectural importance, and geographical importance.	Landmark Preservation Commission (LPC)	After city staff review, LPC conducts hearing and makes a recommendation to City Council within 45 days to approve, approve with conditions, or reject the application. City Council designates a Landmark by consideration of a bill.	Landmark Preservation Commission Notification to RNOs within 200 feet.	No formal role	Public comment at public hearing before the Landmark Preservation Commission; public comment at final reading before City Council.	Neighborhood Examples: Union Station, Moffat Station
Historic building renovation – other than Lower Downtown Historic District, including Larimer Square and the Downtown Historic District	The Landmark Preservation Commission Design Guidelines for Landmarks and Landmark Districts	Landmark Preservation Commission		None	No formal role	All reviews are conducted in public at a meeting at which public testimony is accepted.	<p>Neighborhood examples: Moffat Station in CPV; Denver Union Station.</p> <p>Note, the Landmark Commission will also review any new buildings in the area between 16<sup>th</sup> &amp; 18<sup>th</sup> Streets, and Wynkoop and a line 25’ behind Union Station on the DUS site.</p>



## Sources for Guiding Documents and Related Materials (as of 8/08)

### Lower Downtown

- The Lower Downtown Neighborhood Plan: [denvergov.org/Portals/144/documents/LoDoPlan.pdf](http://denvergov.org/Portals/144/documents/LoDoPlan.pdf)
- The Lower Downtown Design Guidelines: [denvergov.org/design\\_guidelines/GuideforLowerDowntownHistoricDistrict/tabid/384640/Default.aspx](http://denvergov.org/design_guidelines/GuideforLowerDowntownHistoricDistrict/tabid/384640/Default.aspx)
- The Lower Downtown Design Review Board (schedule, agendas, and minutes):  
[denvergov.org/Historic\\_Preservation/LowerDowntownDesignReviewBoard/tabid/429748/Default.aspx](http://denvergov.org/Historic_Preservation/LowerDowntownDesignReviewBoard/tabid/429748/Default.aspx)
- B-7 Zoning – (includes most of the LoDo Historic District): See link on Lower Downtown Design Review Board page

### The Central Platte Valley

- The Central Platte Valley PUD (which describes the zoning) is not available online. There is a copy in the Western History and Genealogy section of the Central Library under the title: "Proposed Amendment to Central Platte Valley Planned Unit Development #442: application no. 4586" dated February 20, 2002.
- *Central Platte Valley Design Guidelines*: [denvergov.org/Portals/194/documents/CommonsGuidelines.pdf](http://denvergov.org/Portals/194/documents/CommonsGuidelines.pdf)

### Union Station

- Public involvement website (including master plan): [denverunionstation.org](http://denverunionstation.org)
- Union Station Neighborhood Company website: [Unionstationnow.com](http://Unionstationnow.com)

### Downtown

- Interactive website with listings of all restaurants, businesses, ATM's, and much more, along with links to websites: [Experiencedowntowndenver.com](http://Experiencedowntowndenver.com)
- Downtown Area Plan: [Downtowndenverplan.org](http://Downtowndenverplan.org)
- Design Guidelines for Downtown: [denvergov.org/Portals/194/documents/B5guides.pdf](http://denvergov.org/Portals/194/documents/B5guides.pdf)

Zoning Code: Chapter 59 on Municode website (see [Denvergov.org](http://Denvergov.org))

## Some Common Issues and Concerns

Issue/Concern	Some Context/Background
How do I find out what is permitted on a particular site?	See listings regarding zoning and design guidelines above.
Is there a way to find out if a design has already been approved for a particular site?	You can search the city's "Development Review Case List", at: <a href="http://denvergov.org/tabid/37889/Default.aspx?link=http://www.denvergov.org/apps/drc/casesearch.asp&amp;title=Development%20Review%20Case">denvergov.org/tabid/37889/Default.aspx?link=http://www.denvergov.org/apps/drc/casesearch.asp&amp;title=Development%20Review%20Case</a> Try the search using the street name only (without street number), as many locations have multiple possible addresses. If a site borders on multiple streets, try all of them. Contact information for the sponsor will be included in the record.
I thought this was an historic district. Why all the new construction?	New buildings are allowed within the historic district based on the guidelines developed primarily in the Lower Downtown Neighborhood Plan. This plan was the result of extensive meetings and collaboration with various individuals and groups as a part of the neighborhood planning process that occurred during 1995-1998.
The proposed new building will block my view/the new building should be shorter.	Height allowed is determined by zoning. In almost all cases in our neighborhoods, the present zoning was in place before the adjacent residents moved in. One exception: long term Barclay or Larimer Place residents facing northwest have seen the adjacent zoning change, with the creation of special review districts in B-7.
There should be a grocery store/dry cleaner/health club/other private use where this building is going.	Allowable uses are determined by zoning. Again, in almost all cases in our neighborhoods, the zoning was in place before the adjacent residents moved in. The government doesn't mandate which use a property owner selects from among the allowed uses.
There should be a park/school/rec. center/ other public use where this building is going.	In order to achieve this, the relevant government would need to acquire the parcel in question through the power of eminent domain. In this case, the government must commit the resources to pay the property owner for the value of the land, build the amenity in question, and spend public funds to operate and maintain it.
There should be affordable housing where this building is going.	Generally, in Denver developers of for-sale housing are required to devote 10% of the units in project with over 30 units of housing to "workforce" affordable housing, or alternatively to make payments to a city fund which supports affordable housing. In Colorado, the state constitution prohibits rent control. A legal case (the "Telluride decision") has defined affordable rental housing requirements as rent control, and so these requirements are prohibited in our state.
The proposed new building will house offices. What if they keep the lights on all night?	LoDoNA would be happy to convene a meeting with the developer to work out operating guidelines such as turning off the lights when offices aren't in use. Fortunately most owners are becoming more conscious of this issue anyway due to energy cost concerns.
When I purchased my home, my realtor told me the lot next door was too small to build on and that therefore no one ever would. My realtor told me anything built there would be very short. My realtor told me "_____".	Land use and building regulations (zoning, design guidelines, building code, etc.) govern what can be built next door. Your realtor's statements may or may not be accurate—frequently they are not—but in any case they do not bind other property owners. We are not aware of any sites in our neighborhoods that are really "too small" to build on.
I have lived here for 1, 5, 10 years. Therefore the neighboring property owner shouldn't have the same rights he/she/it/they otherwise would have had, or did have when I moved in.	However, they do. Our property rights aren't affected by how long the next-door neighbor has owned the property next door and this fact is reciprocal.