DENVER
PERMITTING OFFICE

| Denver Permitting Office | | |
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| **Subject:** Policy for Proposition 123 Fast Track Process for Affordable Housing Projects | **Date:** May 28, 2026<br>**Drafted by:** Jill Jennings Golich, DPO Director<br>**Approved by:** Executive Permitting Committee<br>**Approved on:** June 3, 2026 | **Pages:** 10 |

## 1. Purpose

Per Executive Order 151, the Denver Permitting Office is authorized to issue policies and procedures, subject to approval by the Executive Permitting Committee. The City and County of Denver (City) commits to expediting the review of qualifying affordable housing development projects within 90 calendar days of receiving a complete application, consistent with Proposition 123 requirements and state law (C.R.S. § 29-32-105).

This policy ensures the City and any potential affordable project applicants within the city remains eligible for Proposition 123 funding administered by the Colorado Department of Local Affairs (DOLA) and the Office of Economic Development and International Trade (OEDIT) by outlining the Proposition 123 Fast Track Process which will be sponsored by the Denver Permitting Office and administered by Denver's Affordable Housing Review Team (AHRT).

This Fast Track Process shall be considered an allowable alternative process to Site Development Plan review per the Denver Zoning Code Section 12.4.3.2.B.5.

## 2. Eligibility

The Proposition 123 Fast Track Process created via this policy applies to all qualifying affordable residential development projects that meet at least one of these eligibility criteria:

1. Propose 50% or more units that either 1) meet the definition of "affordable housing" in C.R.S. § 29-32-101 (2) or 2) the unit is being rented or sold to households earning up to the following Area Median Income (AMI) thresholds:
    - Rental units: an effective average of 60% AMI or less
    - For sale units: an effective average of 120% AMI or less
    - Any deed restricted Accessory Dwelling Unit (ADU)

- Any development funded by Denver's Department of Housing Stability or its successor (HOST), that meets Denver Zoning Code definitions for the following uses and will be permitted as such and that serves populations with an AMI of 60% or less: Residential Care, Congregate Living, or Temporary Managed Community.
- Any Denver Housing Authority development where Denver Housing Authority is the property owner or intended owner of the proposed or existing building so long as the project contains deed restricted affordable housing units.
- Any Middle-income Housing Tax Credit (MIHTC) funded project

Projects that meet the above criteria shall be automatically enrolled in the Proposition 123 Fast Track Process once they submit an approved Affordable Housing Plan (AHP), executed by the property owner and HOST, to the City's Affordable Housing Program Administrator to confirm compliance with the

eligibility criteria. The customer team will be provided with a confirmation letter and can then proceed with submitting complete applications in accordance with the City's submittal standards per the process outlined in Section 5, unless the customer chooses to opt out of the process per Section 3. Completion of the approved AHP and receipt of the confirmation letter is required before submitting any development applications, including the 2nd concept site plan review application or any Phase 2 or Phase 3 applications (as outlined below in Section 5 and 6).

### 3. Customer Opting Out of the Fast Track Process

A project that meets the eligibility criteria in Section 2 but does not wish to utilize the Fast Track Process may submit any development application(s) as they would normally. This action shall be considered notification to the City that they are opting out of the Fast Track Process. If the project chooses to opt out, they cannot choose to opt in at a later date unless they withdraw any previously submitted applications and follow the steps outlined in Section 2 of this policy to confirm eligibility and then follow the process as outlined in Section 5 and 6.

### 4. Application Types

This policy applies to the list of applicable applications noted in Table 1. The Fast Track Process does not apply to application types listed as not applicable.

Each application type is subject to a separate 90-day process, which starts on the date that the City accepts a complete application, as determined by city staff. See Section 5 for the Fast Track Process and how applications are grouped together.

Note if a project was rezoned to a PUD District with a Detailed PUD District Plan (per Denver Zoning Code Section 9.6.1.3.A.2), and is participating in the Fast Track Process, they will need to complete Phase 2 for any civil engineering applications, before moving to Phase 3. The project will not be required to do a preliminary or final site plan.

**Table 1: Applicable Application Types**

| Applicable | Not Applicable |
|---|---|
| Preliminary and final site plans | Pre-application review |
| Civil construction drawings – storm and sanitary plan review (SSPR), transportation engineering plan (TEP), erosion control/construction activities stormwater discharge permit (EC/CASDP) | Concept Site Plan |
| Private non-exclusive easements (PNEE) | Map Amendment or Rezoning |
| Building, Zoning, Sewer Use & Drainage and Floodplain Permits; this includes any zoning permit with a community information meeting (ZPCIM) | Subdivision |
| Zoning Administrative Adjustments and Variances | |
| Administrative Modifications | |
| Variances for any transportation or wastewater requirements | |
| Design Review including Landmark Preservation design review (certificate of appropriateness) | |
| Zone Lot Amendments | |
| Right-of-Way Dedication | |
| Easement Relinquishment | |

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|---|---|
| Right-of-Way Vacation | |
| Right-of-Way Encroachment (Tier I, II and III) | |
| Transportation Demand Management Plan | |
| Easement dedications | |

## 5. Fast Track Process

The Fast Track Process is outlined below and has different phases and requirements depending on project type and site conditions. Customers shall select the relevant process and submit appropriate materials per associated customer guides for the Fast Track Process. Generally, the process consists of three phases – Phase 1 concept plan review; Phase 2 horizontal site and infrastructure plans including any zone lot amendments, variances and other applications; and Phase 3 permitting. Please note that nothing in the process removes the requirement to have a valid Denver address for any new structure(s) or unit prior to submitting for Phase 3 Permitting, see the applicable customer guides for the Fast Track Process for specific information on when to apply for an address if needed.

**A. Single-unit, Two-unit and associated Accessory Dwelling Unit (ADU) Projects** – Four process options exist for this project type with specific submittal requirements and timing outlined in Table 2 of Section 6.

i. **Option 1: Phase 3 Permitting submittal** – If there are no special circumstances that require the project to be submitted under Option 2, 3 or 4, then the project can submit one application for zoning, building, and sewer use & drainage permitting plan review (permitting submittal).

   i. If staff determine that zoning relief, a zone lot amendment, right-of-way dedication, transportation engineering plan, storm and sanitary plan review or other similar application is required and must be approved prior to permit issuance, staff shall issue a denial of the permit application and require that the customer submit the other application(s) and receive approval, before re-commencing with the Permitting submittal.

ii. **Option 2: Zone lot amendment required or desired by customer, followed by Permitting** – First submit and complete the zone lot amendment application (Phase 2). Once approval is received, submit for Phase 3 Permitting.

iii. **Option 3: Project Includes Three or More Primary Dwelling Units (single-unit or two-unit)** - If the project includes three or more primary dwelling units, then the process must start with a Phase 1 concept plan submittal (step i of the Multi-family project process below), and staff will then determine the appropriate applications and path forward.

iv. **Option 4: Landmark Review followed by Permitting**– For projects located in a landmark structure or historic district, customers must first submit for a pre-application review with the Landmark Preservation team, complete Landmark Design Review Phase 1, and then jointly submit for Phase 3 Permitting and the Landmark Design Review Phase 2 review, which may include detailed design review for infill or compliance with an approved certificate of appropriateness (COA).

**B. Multi-family Projects** – These project types have a three-phase process, with Phase 2 and Phase 3 each having their own 90-day clock. See the applicable customer guides for the

Fast Track Process for more details.

i. **Phase 1 Concept Plan** (feasibility and initial design approvals) – The first concept plan submittal will follow the One-and-Done checklist requirements. If a project intends to stay in the Fast Track Process, a second concept submittal (due diligence) is required (see Section 6.B. Step 1 below) unless the Project Champion explicitly notifies the customer that it is not required. Phase 1 may include certain pre-requisite applications prior to commencing Phases 2 or 3 (e.g. right-of-way dedication or known variances). In these instances, those specific applications shall have a 90-day clock, and the Project Champion will communicate the required applications to the customer team.

ii. **Phase 2 Horizontal and Engineered Construction Document Review** – This phase includes reviews for most horizontal site work and applications that impact site boundaries, including but not limited to, civil engineering such as the transportation engineering plan and storm and sanitary plan review, preliminary site plan, zone lot amendments, right-of-way dedications and/or vacations (if not identified in Phase 1), right-of-way encroachments, and easement relinquishments. If a project was rezoned to a PUD District with a Detailed PUD District Plan (per Denver Zoning Code Section 9.6.1.3.A.2), and is participating in the Fast Track Process, they will need to complete Phase 2 for any civil engineering applications, before moving to Phase 3.

iii. **Phase 3 Permitting** – This phase includes the submittal of all construction documents for most vertical and interior elements of a building and is similar to the traditional building plan review.

## 6. Fast Track Process Standards

The following are specific details of the Fast Track Process.

### A. Expectations and Commitments

To ensure a successful process, the city and the customer team commit to the following roles and expectations:

1. **Project Champion:** The Project Champion will serve as the case manager and primary point of contact for the customer and their team during the Fast Track Process. The Project Champion will work with the Affordable Housing Program Administrator to track the project and monitor timelines to ensure compliance.
2. **Required Application Quality Submittals & Comments**: It is expected that each customer team will thoroughly complete a quality assurance/control review before making any application submittal to the city. Following submittal to the city, each review process shall provide detailed comments to help the customer team understand the standards and any changes that must be made to come into compliance. Each resubmittal must address all comments from the city review, and must include a comment response letter with any resubmittal to clearly outline how comments were addressed and outlining any other changes made.
3. **Comment Review Meetings:** Comment review meetings can be scheduled between reviews with individual reviewers, multiple reviewers, and/or the Project Champion as needed during. The City will maintain dedicated office hours that can be utilized for comment review meetings. Otherwise, the Project Champion will provide times outside of these office hours on a limited basis.
4. **Review Timelines:** Upon confirmation of a **complete application**, the City will review the materials within ten business days for the first round of review and five business days for any subsequent submittals. Customers participating in the Fast Track Process commit

to adhering to the provided schedule, which allows for ten business days for the customer team to make a resubmittal. Some flexibility may be granted to the schedule based on specific circumstances for the project, but these must be documented and approved in writing by the Project Champion. Both the City and the customer team are allowed to request extensions, as noted in Section 6.C below.

5. **Value Engineering:** The customer team commits to completing value engineering prior to making initial submittals to the City to reduce rework, and shall communicate to the Project Champion if value engineering efforts will impact previously received approvals to determine how best to address the changes. Value engineering exercises completed after any approvals are issued may require the repeat of previous phases of the Proposition 123 Fast Track Process.

## B. Application Submittal Timeframes

The City requires that customer applications be received on the following specific days. This does not apply to the first concept site plan submittal which can be submitted at any time. The second concept site plan submittal shall follow the initial submittal timing as outlined below.

1. Initial submittal – Customers shall upload all initial submittals to the City's online permitting portal by the end of the day (before midnight) on Mondays. For Mondays where the city is closed due to a federal, state or locally observed holiday, no initial applications shall be accepted. Applications will need to be submitted the following Monday.
2. Resubmittals – Customers shall upload any resubmittals to the City's online permitting portal on Wednesdays by the end of the day (before midnight). If customers choose to submit earlier than the allowed for 10-day turnaround time, documents will be accepted and distributed the next business day, and the city may use those additional days for their review.

## C. Review Procedure

Projects that meet the above criteria shall be automatically enrolled in the Proposition 123 Fast Track Process once they submit an approved Affordable Housing Plan (AHP), executed by the property owner and HOST, to the City's Affordable Housing Program Administrator to confirm compliance with the eligibility criteria. The customer team will be provided with a confirmation letter and can then proceed with submitting complete applications in accordance with the City's submittal standards per the process outlined here, unless the customer chooses to opt out of the process per Section 3. Completion of the approved AHP and receipt of the confirmation letter is required before submitting any development applications, including the 2nd concept site plan review application or any Phase 2 or Phase 3 applications (as outlined above in Section 5 and 6).

The following details the Fast Track Process. The clock does not start until the Project Champion or designated intake staff member considers the formal application complete and has notified the customer team as such. The process shall proceed without interruption from the date of complete application until the date of final decision, unless extended as noted in section 6.C and permitted by CRS § 29-32-105(2)(b) and 29-32-105(2)(c).

### Step 1: Phase 1 Concept Site Plan Submittal – if required per Section 5 (above)

This application is not subject to the 90-day requirement. All multi-family projects and some projects with single-unit and two-unit buildings will be required to submit a concept

site plan. A Project Champion will be assigned to the project. The Project Champion will schedule a concept review meeting upon completion of the concept plan review with city staff and the customer team. The first concept site plan review will discuss the proposed project and will identify necessary processes and applications that will be required.

For projects moving forward in the Fast Track Process, a second concept site plan submittal shall be required and should be submitted when the project is ready to proceed through design, either at-risk or after the project has received funding awards, unless the Project Champion explicitly notifies the customer that it is not required. It is expected that the project has advanced into the schematic design phase when making this second concept site plan submittal. This round of review shall address all outstanding technical items identified by reviewers prior to moving into any formal review applications.

If a right-of-way dedication was identified as a requirement in the first round of concept review, then a title commitment and Phase 1 Environmental Report will be required with the second concept plan submittal to prepare the project for a right-of-way dedication submittal. Additional technical reports or studies may also be required with the second concept in order to evaluate design options (e.g. wastewater) and identify the preferred approach.

Following the review meeting for the second concept plan submittal, the Project Champion shall provide the customer with next steps and details on the required pre-application meeting before submitting any Phase 2 applications.

**Step 2: Application Submittal and Completeness Check - applicable to Phase 2 and Phase 3 and any standalone applications, including but not limited to, Design Review, Right-of-Way Dedications**

Following the pre-application meeting, the customer team shall upload their submittal into the City's online permitting portal for review, per the submittal schedule in section 6.B above. Following receipt of the submittal, intake and plan review staff shall conduct a completeness check. Staff will identify: 1) if there is any missing information or deficiencies that must be corrected, 2) if all required applications have been submitted (for Multi-family Projects), and 3) if any plan review fees must be paid prior to accepting a complete application.

This completeness check also includes a technical sufficiency review to evaluate whether all required information is included in the plans, or whether more information or detail is necessary. This may include external agency coordination or engineering challenges identified during the concept plan review that could potentially delay the process.

The customer team shall upload the requested information identified during the completeness check within the timeframe outlined in the relevant customer guides for the Fast Track Process.

**Step 3: Formal Review Process – Phase 2 and Phase 3 Applications**

The 90-day clock starts once the application has been deemed complete by the City. During the formal review, staff will provide comments on any areas in which the proposed development does not meet city regulations. Written comments will be provided to the customer team within the timeframes noted in Table 2. If more time is needed to address technical issues, the City or customer may request an extension in accordance with Section 6.C.

The customer team will have 10 business days to review and address all comments and resubmit the necessary documents and drawings. The customer may request an extension during this time in accordance with Section 6.C. After the initial submission, a meeting may be requested during reserved Proposition 123 office hours to review the comments and resolve any issues before the next submission. The customer team must address all comments in the resubmittal with detailed responses.

**Table 2: Review Timelines**

| Milestone | Timeline |
|---|---|
| Application Completeness Review | Within 1.5 business days of submittal deadline |
| City review of initial submittals | Within 10 business days |
| City review of any resubmittals after the initial submittal | Within 5 business days |
| Customer Team Revisions & Resubmittal | Within 10 business days |
| Final Approval | Within 4 business days |
| Final Decision | No later than 90 calendar days from the acceptance of a complete submittal |

**Step 4: Final Decision**

A final decision must be made within 90 calendar days of acceptance of a complete application. A final decision may include approval, denial, or approval with conditions. Note that any application that requires City Council approval shall be considered approved once City Council renders a final decision, not once the ordinance is recorded.

Table 3 outlines how final decisions are made for each application type.

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**Table 3: Final Decision by Application Type**

**Key**

A: Administrative Review

H: Public Hearing required

R: Customer can request referral to Board in addition to staff review who then provide a recommendation to City staff

CC: City Council action

BOA: Board of Adjustment

| Application | Staff | BOA | Landmark Commission or Lower Downtown Commission | Downtown or Cherry Creek Design Review Board | City Council |
|---|---|---|---|---|---|
| Preliminary and Final Site Plan | A | | | | |
| Civil construction drawings – storm and sanitary plan review, transportation engineering plan, and erosion control | A | | | | |
| Civil construction document variance (transportation, wastewater, etc.) | A | | | | |
| Building, Zoning, Floodplain, and Sewer Use & Drainage Permits | A | | | | |
| Zoning Administration Adjustment | A | | | | |
| Zoning Variance | | H | | | |
| Landmark Design Review Phase I | | | H | | |
| Landmark Design Review Phase II | A | | | | |
| Urban design standards and guidelines review for applications located in Downtown or Cherry Creek North and West | A | | | R | |

| | | | | | |
|---|---|---|---|---|---|
| Building and/or Fire Administrative Modifications | A | | | | |
| Tier III Right-of-Way Encroachment | | | | | CC |
| Tier II Right-of-Way Encroachment | A | | | | |
| Tier I Right-of-Way Encroachment | A | | | | |
| Right-of-Way Dedication | | | | | CC |
| Easement Relinquishment | | | | | CC |
| Right-of-Way Vacation | | | | | CC |
| Easement Dedication | A | | | | |

**D. Extension Requests**

The Colorado Statute allows for the following one-time extension requests:

1. **Customer-Requested and Externally Required Extensions (C.R.S. §29-32-105(2)(b)):**
   The customer is allowed:
   a. A one-time 90-day extension by request for any reason,
   b. An extension to allow time to come into compliance with state law or court order (the length of which is to be determined by court order), or
   c. An extension to address comments from an agency whose approval of the application is required.

   In scenario b or c above, the timeline is out of the control of the City and may legally extend beyond 90 days. The customer team must submit any request for this extension in writing to the Project Champion, providing a reason for the request and any details for the court order or agency requirements if the extension request is related to scenario b or c.

2. **City Extension Request (C.R.S. §29-32-105(2)(c)):** The City is allowed a 30-day extension at any point in the review process to address unique circumstances or delays to the overall review process. The City must submit the extension request to the designated representative of the customer team, who may provide written acknowledgement within 5 business days. The extension shall start the day the city notifies the customer team of the need for a city extension and why to the date the customer provides any information (if required) plus 30 calendar days. Any such extension time shall be additive to the 90 days. This extension should be for unique circumstances that may arise during the development review process. Examples include:
   a. Substantial changes to the project or specific applications made during the review process that require additional technical review, due to issues like site constraints or compliance with other regulations or agency requirements.

b. If a customer is unresponsive in addressing City comments upon a resubmittal.
c. When an unexpected delay occurs during Board of Adjustment, Landmark Preservation Committee or similar body, or City Council processes, due to notification requirements or a decision to delay consideration for any application requiring the approval of these bodies.