

CITY & COUNTY OF DENVER COMMUNITY PLANNING & DEVELOPMENT BUILDING PERMIT POLICY		
Subject: CODE TRANSITION RULES		
Approved: Eric Browning, Chief Building Official		Drafted by: Browning
Number: ADMIN 103.10	Effective Date: June 20, 2023 Replaces policy dated: Jan 12, 2023	Page: 1 of 2

Reference: 2022 Denver Building Code Administration Section 103.10 Transition Rules

Scope: The provisions of this policy clarify the transition rules related to the continuation of projects designed under the 2019 Denver Building Code (DBC). The effective date of the Administrative Provisions (Chapter 1) of the 2022 DBC is January 12, 2023. The construction code effective date for all other provisions for all projects is May 1, 2023. (The effective date of energy code language directly related to energize Denver existing buildings ordinance requirements for parity in permitting is March 1, 2023.)

Policy:

The following are hereby established for the purposes of clarifying the transition rules for continued use of the 2019 Denver Building Code for projects submitted on or after 5/1/23. The transition rules are designed in incentivize the expeditious application, permitting, and construction of major projects already in design under the 2019 codes, while simultaneously recognizing that pivoting to a new code has cost and time implications that are relevant for development. The transition rules include specific deadlines that, if not met, necessitate the (re)design of a project based on the 2022 Denver Building Code.

A. Major Projects

Per Denver Building Code Section 103.10.3, Major Projects established to be in design during the drafting of the 2022 DBC, and that are submitted for building permit plan review *after* the construction code effective date [5/1/23] may be reviewed and permitted under the 2019 DBC with the approval of the *Building Official*. For a project to be considered, the owner or owner’s agent must submit a letter of request documenting compliance with the following:

- A full building permit application and documents submittal (100% CDs) for at least the building foundation phase must be submitted to the Agency by 7/1/2023, and all remaining phases by 9/1/2023. If the Agency determines that the submittal is inadequate for plan review due to quality or completeness, the project will not have met the criteria herein and it shall be fully designed in accordance with the 2022 DBC.

A major project is not considered to be a new single-family dwelling, two-family dwelling, or townhouse project designed in accordance with the IRC; a tenant improvement; nor any other project with a valuation less than \$10,000,000.

Written Request

A written request to submit a project under the provisions of the 2019 DBC must be emailed to the *Building Official*, Eric Browning (eric.browning@denvergov.org). The written request must contain the following information, in addition to that noted above, and must be received no later than 4/30/2023.

1. Request to proceed under the 2019 Denver Building Code.
2. Address and project master (PM) number of the project.

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3. Description, number of stories, floor area, occupancy, total valuation, etc.
4. Commitment that all phases of construction drawing permit applications (i.e., foundation, podium, superstructure, etc.), exclusive of deferred submittals, will be submitted to the Agency before 9/1/2023, and, if separated into multiple phases, at least the foundation phase will be submitted to the Agency by 7/1/2023.
5. Commitment that at least the foundation phase permit is obtained by 12/31/2023 and *construction is commenced* within 60 days of first building permit issuance.

Obtaining Permits and Commencement of Construction shall mean:

- i. For the purpose of this policy, obtaining a permit shall mean that all reviews are approved, and the commercial construction permit is issued to the Denver licensed contractor.
- ii. Commencement of construction shall mean that the commercial construction permit for the building foundation has been issued, the site is fenced and secured, the contractor is mobilized, and foundation construction has begun. Beginning foundation construction requires pouring concrete for the foundation elements, not just setting forms or placing rebar. (Permits and site work for excavation and shoring is *not* considered to satisfy this criterion.)

Extension of deadlines for Major Projects. The 12/31/2023 and 60-day deadlines listed in section A(5) above may be extended by the building official for an additional 60-days and 90-days, respectively. To request a deadline extension, the owner or owner’s authorized agent of a Major Project must submit an email request to the Building Official no later than 10-business days prior to the expiration of the applicable deadline stating why the Major Project was delayed by economic or site-specific complications beyond the owner’s control.

Major Projects that do not meet the above criteria (in A4 & A5) shall be redesigned and resubmitted for plan review and permits based on the 2022 Denver Building Code. Additional fees will apply.

B. Master and Type Approved Projects

Type Approved (TA) structures based on Master plans approved under the 2019 DBC may continue to have *applications* for permits submitted up 4/30/2023. All *applications* for permits for TA structures on and after 5/1/2023 shall be based on approved Master plans reviewed and approved in accordance with the 2022 DBC.

C. All other projects that are not Major Projects nor Master/Type Approved Projects

Projects that are neither Major Projects nor Master/Type Approved Projects that were designed based on the 2019 Denver Building Code are ineligible for extensions of the code defined dates as outlined in this policy. Those projects and timeframes for application and permit expirations are regulated by 2022 DBC Administrative Section 131.