Landmark Preservation and Residential Plan Review

A Presentation for Real Estate Agents

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Community Planning and Development
City and County of Denver
Preservation Organizations and Agencies

Federal preservation agency → National Park Service
State preservation agency → History Colorado
Statewide preservation advocacy org. → Colorado Preservation, Inc.
City preservation agency → Denver Landmark Preservation
Citywide preservation advocacy org. → Historic Denver, Inc.
Who is Denver Landmark Preservation?

- Landmark staff members
  - 11 professionals including dedicated inspector

- Landmark Preservation Commission (LPC)
  - 9-member volunteer commission of preservation and design professionals, appointed by Mayor

- Lower Downtown Design Review Commission (LDDRC)
  - 9-member volunteer commission of community members, preservationists, and design professionals, appointed by Mayor
Types of Designation or Listing

- National Historic Landmarks
- National Register of Historic Places
- State Register of Historic Properties
- Local designation – Denver Landmark or Historic District
National Historic Landmarks

- “Possess exceptional value or quality in illustrating or interpreting the heritage of the United States”
- ~2600 National Historic Landmarks in United States
- Only 25 in Colorado, only 2 in Denver
National Register of Historic Places and State Register of Historic Properties

- Official list of the nation’s and state’s historic places most worthy of preservation

- ~300 individual buildings and historic districts on National Register in Denver

- Honorary designation
  - Local, state, and federal review is only for projects that entail federal funding, are on federal land, or require federal permits.
Denver Landmark Preservation

- 347 Individual Landmark structures
- 56 Historic Districts
- ~4% of buildings in Denver are designated (1 in 25 structures)
Tiers of Local Designation

1. Individual Landmark
2. Contributing Building to Historic District
3. Non-contributing Building to Historic District
Benefits of Local Designation

- Eligible for Colorado Historic Preservation Tax Credit program
  - State income tax credit for 20% of qualified expenses such as repairs

- May be eligible for State Historical Fund grants, though rare for privately owned properties

- On average, property values are higher in locally-designated historic districts and retain their value compared with adjacent neighborhoods without historic designation
Designation as a Regulatory Tool

Denver Zoning Code

Landmark Designation
**Landmark does review:**

- Exterior work that requires a building or zoning permit
- New construction
- Additions
- Exterior alterations
- Egress windows
- Site work and hardscaping
- Fences and Retaining Walls

- Garages and ADUs
- Window and door replacement
- Curb cuts
- Solar
- Exterior electric & mechanical work
- Roofing
- Signage

**Landmark doesn’t review:**

- Paint colors
- Repairs and maintenance (repairing, painting, repointing brick, minor replacement in kind, etc.)
- Storm windows
- Plants or trees
- Interior alterations
- Work below grade
Design Guidelines for Denver Landmark Structures & Districts

- Provide clear and predictable regulations
- Address a wide range of topics
- Include character-defining features for many historic districts
Fences and Site Work

1.6 When they are part of the historic context, preserve and repair historic front yard and street-facing fences, masonry site walls and retaining walls.
   a. Replace only those portions of an original fence, site wall or retaining wall that are deteriorated.
   b. Preserve the character of the original mortar joints when re-pointing an original masonry wall or retaining wall.
   c. Preserve an original stone fence where it is a character-defining feature of the historic district. A new front fence is not allowed.

1.7 Add a new front yard or street-facing fence only when at least one of the following conditions is present:
   a. A new front yard is not a character-defining feature of the historic property or district.
   b. Walls of similar height to those on side-walls are present on several properties in the surrounding context.
   c. It is not possible to create a usable extended side or rear yard area.
   d. Constructing a low fence at the top of a “Denver Hill” sloping front yard area would provide a compatible alternative to retaining the slope. See Section 3. A Fence at the top of the slope” on page 60 for more information.

DENVER ZONING CODE FENCE AND WALL STANDARDS

Article 12: The Denver Zoning Code and Denver Development Code for Designated Areas for the location and height of new fences and walls in front and side-yard areas. The Denver Zoning Code promotes maintenance of historic fences, walls, and provides strategies for the compatible design of new fences.
Solar

Installing Solar Collectors on a Historic Property

When installing solar collectors on a historic property, it is important to minimize visibility from the street and potential impacts on the historic character of the property. As illustrated below, the ideal location for solar collectors is in an unobtrusive location on the property, including an addition, garage or secondary structure. If solar collectors are installed on a historic primary structure, they should be located on the rear portion of a roof plane and sized to be subordinate to the historic structure.

**1. Preferred Solar Collector Location, if on a Historic Primary Structure**

If the existing structure has a high level of historic significance, the surrounding context has many exact historic structures, or the roof is highly visible, solar collectors should be set back from the front façade and flush-mounted to the roof. Features include:

- Panels located on the rear 2/3 of the roof length, behind the front façade
- Panels flush with the roof

**2. Inappropriate Location for Solar Collectors on a Historic Primary Structure**

In most cases, the LPC will consider solar collectors that are not located on the rear 2/3 of the roof length behind the front façade of a historic structure to be inappropriate. Installation of smaller or less visible collectors may sometimes be considered at this location on a case-by-case basis.

[Diagram of solar collector installation on a historic property]

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3. Place collector in an unobtrusive location on the property. Such locations may include a garage or an addition to primary structure, as illustrated at right.

4. Shown above, is an inefficiency structure, making necessary impacts by housing solar collectors on the rear 2/3 of the roof length. The collectors illustrated above do not minimize visual impacts because they are located on the front 1/3 of the roof length.
Window or Door Replacement

Queen Anne-style (Victorian) house

Craftsman-style bungalow

Saving Windows, Saving Money:
Evaluating the Energy Performance of Window Retrofit and Replacement
19. Locate a new basement egress window to be as inconspicuous as possible.
Accessory Structures

4.18 Locate the garage as a secondary structure in non-historic surrounding development patterns.

4.19 Locate the garage as a secondary structure in historic surrounding development patterns.

4.20 Design the garage in accordance with the historic context.

4.21 Design the garage in accordance with the historic context.
Additions

Location & Design of a Residential Addition

A number of scenarios for rear and rooftop additions to a historic structure are illustrated below and on the following page. The illustrations demonstrate one condition on an interior (non-encroaching) lot. The location and design of the additions illustrated on this page are compatible with the historic structure and surrounding context.

1. SUBORDINATE ROOF ADDITION
   This modestly-scaled rear addition is minimally visible from the public right-of-way to achieve a high level of compatibility with the historic structure and context.

2. SUBORDINATE REAR ADDITION WITH CONNECTING ELEMENT
   This rear addition is clearly differentiated from the original structure with a connecting element that articulates the wall plane between the original structure and the addition to achieve a high level of compatibility with the historic structure and context.

3. REAR DORMER ADDITION
   This new dormer provides a compatible small-scale addition because it is located on the rear slope of the existing roof line and is minimally visible from the public right-of-way. See "Dormer Location" on page 32 for more information.

4. SIDE DORMER ADDITION
   This new dormer provides a compatible small-scale addition because it is located substantially to the rear of the existing roof line.

5. INCOMPATIBLE REAR ADDITION
   This rear addition is not compatible with the historic structure and context because it overpowers the existing structure.

6. INCOMPATIBLE ROOF ADDITION WITH SETTACKS
   This rooftop addition is set back from the front side walls. The illustrated design may not be appropriate in all cases and would require sensitivity to ensure that the integrity of the historic house is retained.

7. INCOMPATIBLE TWO-STORY ADDITION
   This two-story rear addition is not compatible with the historic structure and context because it overpowers the original structure.

8. INCOMPATIBLE ROOF TOP ADDITION WITH CONNECTING ELEMENT
   The rooftop addition is taller than the original structure but is still clearly differentiated with a connecting element to achieve an acceptable level of compatibility with the historic structure and context in most cases.

9. INCOMPATIBLE ROOF TOP ADDITION WITH SETTACKS
   This rooftop addition is set back from the front side walls. However, it is not compatible with the historic context because it overpowers the original structure.

Figure 23: Location & Design of a Residential Addition

Figure 24: Location & Design of a Residential Addition (continued)
Infill Construction
Material Requirements

- Vinyl windows are not allowed on historic buildings
- Lap siding may not have a faux-wood grain
- Lap siding should have a 4” exposure
- Windows should be inset 1” to 2” into wall plane
Citywide Demolition Review

Demolition Applications Reviewed in 2018

- Approved, Not Posted (95.8%)
- Posted (3.4%)
- Posted and Notice of Intent (0.4%)
- Designations submitted to LPC (0.3%)
- Designations to City Council (0%)

Total of 674 Applications Reviewed
Common Mistakes?

• Selling a property as a scrape in a historic district
• Doing work without Landmark approval or building/zoning permits:
  • Window replacement
  • Site work
  • Egress windows
• Contractors not reading permits or Landmark-approved plans
  • Material requirements
What can be built on my client’s property?

1. Research Property Information
2. Find your Zoning
3. Determine if a Site Development Plan or PBG applies
4. Navigate the Denver Zoning Code
   a. Determine permitted uses
   b. Determine permitted building forms
   c. Non-conforming lots, structures, and uses
Research Property Information

Find your Zoning

- Find information about a project location:
  - [www.denvergov.org/maps/map/property](http://www.denvergov.org/maps/map/property)
Research Property Information
Denver Property Taxation and Assessment System

- [https://www.denvergov.org/Property/](https://www.denvergov.org/Property/)

- Owner
- Legal description
- Property summary
- Assessed values
- Neighborhood sales
Research Property Information Request

Research / Permit Records

• Copies of completed construction permits, certificates of occupancy, or copies of approved plans
  • Email cpd.permitrecords@denvergov.org

• Verification Letters:
  • [www.denvergov.org/zoning](http://www.denvergov.org/zoning) (under “Zoning Review, Permits & Inspections” box)
    • Zone district verification letter
    • Zoning use verification letter
    • Zoning bank letter
    • Zone lot verification letter
    • Zoning compliance letter
Find your Zoning

- Denvergov.org/maps/map/zoning
- Zone District
- Overlay Districts
- Code Version
Determine if a SDP or PBG applies

- Site Development Plan (SDP)
- Planned Building Group (PBG)
- denvergov.org/maps/map/sitedevelopmentplans
Navigate the Denver Zoning Code

Denver Zoning Codes

- Denvergov.org/zoning
- Two Codes
  - Denver Zoning Code (adopted in 2010)
  - Former Chapter 59 (adopted in the 1950s)
Navigate the Denver Zoning Code
Zone Lots vs. Parcels

- Zone lot = “buildable” land
- Assessor parcels ("tax lots") may not be buildable under zoning codes
Navigate the Denver Zoning Code
Determine Permitted Building Forms

- Example:
  - U-TU-B

- Which building forms are permitted?

- How many primary structures are allowed with the tandem house building form?
Navigate the Denver Zoning Code

Determine Permitted Uses

- Determine which uses are permitted based on building form.
Navigate the Denver Zoning Code

Determine Permitted Uses

- Look up the Use Table
- Determine if:
  - Use is permitted
  - Use limitations are applicable
  - Required zoning procedure
- Read through use limitations

### SECTION 5.4.4 DISTRICT SPECIFIC STANDARDS

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<tr>
<th>USE CATEGORY</th>
<th>SPECIFIC USE TYPE</th>
<th>APPLICABLE USE LIMITATIONS</th>
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<td>Residential</td>
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<td>PRIMARY USE CLASSIFICATION</td>
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<td>Dwelling, Single Unit</td>
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<td>Dwelling, Multi Unit</td>
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<td>Dwelling, Live / Work</td>
<td>Vehicle: 1/unit, Bicycle: 1/4 units (80/20)</td>
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<td>USE LIMITATIONS</td>
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Navigate the Denver Zoning Code
Nonconforming Lots, Uses, Structures

- Division 12.7 Nonconforming Uses
- Division 12.8 Nonconforming Structures
- Division 12.10 Nonconforming Zone Lots
Common Mistakes?

- Not knowing the extents of the zone lot (buildable area)
- Wanting to build a duplex/ADU on a lot that is too small
- Is that second unit/ADU permitted?
- Second Kitchens require an Affidavit and Use permit
  - This use permit does not transfer with owners.

THE ZONING PERMIT ALLOWING THE SECOND FULL KITCHEN IS PERSONAL TO THE OWNER; AS SUCH, THE PERMIT WILL AUTOMATICALLY EXPIRE AND BECOME VOID SHOULD THE OWNER TERMINATE HIS/HER PRIMARY RESIDENCE AT THE SUBJECT PROPERTY. At such time, unless otherwise separately and properly permitted to a new Owner and primary resident, the Second Full Kitchen will need to be removed.
Thank You!

Denver Landmark Preservation
www.denvergov.org/landmark
landmark@denvergov.org
720-865-2709

Residential Plan Review
www.denvergov.org/DS
residentialpermits@denvergov.org
720-865-2710