Chapter 30-6(1)

DEMOLITION REVIEW PROCESS
What is demolition review?

A legal tool that provides communities with the means to ensure that potentially significant buildings and structures are not demolished without notice and some level of review by a preservation commission.

Why do communities adopt demolition review procedures?

To prevent the demolition of historically significant buildings by providing the municipality and other interested parties time to negotiate a preservation solution with the property owner, or to find persons who might be willing to purchase, preserve, rehab or restore such buildings rather than demolish them.
Two types of applications for undesignated properties reviewed by Denver Landmark Preservation staff:

1. Certificates of Non-Historic Status (CNHS) – Chapter 30-6(1)(c)

2. Demolition Permits - Chapter 30-6(1)
Certificate of Non-Historic Status (CNHS)

- 30-6(1)C of the Denver Revised Municipal Code (DRMC)

  - In order to provide certainty in the demolition process, an owner of a structure that is not pending designation and is neither designated nor in a district for designation may apply to CPD to have the structure officially declared to be non-historic and have a certificate to that effect (The "certificate").

  - Said certificate shall prevent an application for designation going forward without the owner's consent for a period of five (5) years from the date of issuance, and for said five-year period will allow an application for demolition to be processed without further review as to the structure's potential for designation.
• Structure not pending designation or already designated
• Requires owner signature – Demo application does not
• $250 application fee – No fee for demo application
• Landmark will provide a physical “Certificate” if issued – Valid for 5 years, unless issued as part of GDP then valid for 10 years
• Provide certainty in process
Demolition and CNHS Review

Demolition and Certificates of Non-Historic Status Applications Reviewed by Landmark Preservation - 2017

- Demolitions Reviewed: 575 (85.2%)
- CNHS Reviewed: 82 (12.1%)
- Properties Posted: 33 (4.9%)
- Demolitions within Historic Districts: 18 (2.7%)
Demo application submitted

Landmark Staff Review

Has potential for designation

Public Notice issued for 21 (up to 28) calendar days

No landmark designation application submitted

Demo approved for permitting

Landmark designation application received

120 calendar day delay period invoked

Does not have potential

Demo approved for permitting

Denver’s Demolition Review for Undesignated Properties over 30 Years Old
• 30-6(1) b, DRMC

– For a structure that is not pending designation as a structure for preservation or as part of a district for preservation at the time an application for demolition is received by CPD, the demolition application shall be reviewed within ten (10) working days to determine whether the structure has potential for designation.
## ADDENDUM A: LANDMARK PRESERVATION COMMISSION OHMS DEMOLITION REVIEW AND RESEARCH CHECKLIST

### Property Address: __________ Property Type: __________

#### A. Initial Application Review

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
<th>Pending Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Application - Ensure application section is filled out clearly and accurately, including parcel information.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Examine Assessor’s Record - Verify property owner, legal description and structure age - must be at least 30 years old to be considered.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Review Photographs - Ensure that primary facades are visible. Compare with Google Street View. Contact site visit if necessary.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>NHSC Payment – process check or bill collectors over the phone payment. Checks are made payable to “Manager of Finance” and dated within 60 days.</td>
<td></td>
</tr>
</tbody>
</table>

Date Completed: __________ (must match the Planning Services date stamp) 

#### B. Preliminary Evaluation

<table>
<thead>
<tr>
<th>Step</th>
<th>Evaluation</th>
<th>Yes/No</th>
<th>Explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Integrity - Does property have historical and physical integrity per Section 30.3 Denver Revised Municipal Code?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Review Maps - Consult current Aerial Maps. Sanborn Fire and other historical and current maps (as available) to confirm age, rarity, alterations &amp; geographical context.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>History - Is property 30 years of age or more (Section 30-3-1)?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Architecture - Does structure have design quality (Section 30-3-2), and convey distinguishing characteristics of an architectural style or type (Section 30-3-2)?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Geography - Does structure meet one or more of the following: - Criteria 35a: Does it have a prominent location? - Criteria 35b: Is it an established, familiar, and orienting visual feature of the contemporary city? - Criteria 35c: Does it promote understanding and appreciation of the urban environment by means of distinctive physical characteristics or rarity?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Is additional research warranted?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### C. Research

<table>
<thead>
<tr>
<th>Step</th>
<th>Research Type</th>
<th>Consulted? (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>In-House Historic Property Surveys - Examine available historic property surveys to determine if structure has previously been documented/identified.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Compare - History Colorado’s online database for prior evaluations of historic significance and historical information.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>City/County Databases and Census Records – Denver Public Library (DPL) online search to document prior inhabitants/owners.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Heritage Quest – Genealogical &amp; Historical database available online from DPL.</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Denver Assessor and Building Permit Records – available from DPL.</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Other Denver Public Library Western History Dept. (circle applicable) - Library Catalog, Architect, Architecture, Building Records, Neighborhood Records, Photographs/Collections, Oratory and Death Notices, Newspaper Search, Biography Records, Business Directories, Lib. Other, Staff Mgr.</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>History Colorado: Stephen H. Hart Library (circle applicable) - Reference and Vertical Files, Lib. Other, Staff Mgr.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Other Sources:</td>
<td></td>
</tr>
</tbody>
</table>

#### D. Landmark Criteria Evaluation

<table>
<thead>
<tr>
<th>Step</th>
<th>Evaluation</th>
<th>Yes/No</th>
<th>Criteria Potentially Met (Circle applicable criteria)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Is One or More History Criteria Potentially Met?</td>
<td>1a 1b 1c</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Is One or More Architecture Criteria Potentially Met?</td>
<td>2a 2b 2c 2d</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Is One or More Geography Criteria Potentially Met?</td>
<td>3a 3b 3c</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>DOES PROPERTY HAVE POTENTIAL FOR LANDMARK DESIGNATION?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### E. Staff Report

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>
Potential for designation

• 30-6(1) b (ii), DRMC

– If the manager determines that the structure may have potential for designation....

• The property shall be posted for twenty-one (21) calendar days for comment about the potential for designation of the property. No demolition permit shall be issued for a period of twenty-one (21) calendar days from the date of the above notifications and posting.

• Notwithstanding the previous sentence, if a notice of intent to file an application for designation is received by the fourteenth calendar day after the posting of the property, no demolition permit shall be issued for a total of twenty-eight (28) days from the initial posting.
Public Notice and Posting

Public Posting
- Signage on property
- Posted on Website

Notifications
- RNO’s within 200 feet of the building
- Council Member for that district
- At-large Council Members
- Historic Denver
- Colorado Preservation Inc.
- State Historic Preservation Officer
- National Trust for Historic Preservation

NOTICE

THE CITY AND COUNTY OF DENVER HAS RECEIVED A Demolition Application

The City and County of Denver, Community Planning & Development, has found this property to have potential for landmark designation pursuant to Section 30-6 of the Denver Revised Municipal Code:

• To designate, a landmark designation application must be filed with Community Planning and Development by April 24, 2018 before 4:30 pm.
• If a notice of intent to file a designation application is received on April 17, 2018, the period for submitting an application is extended to May 1, 2018 before 4:30 pm.
• If a complete landmark designation application, including applicable fee, is not received within the above time periods, landmark approval for the demolition permit will be issued on either April 25, 2018 or May 2, 2018, as applicable.

Property Address: 1286 Osceola

Posted From April 3, 2018 to April 24, 2018

For more information: denvergov.org/preservation

Submit notice of intent to file to: Community Planning & Development, Landmark Preservation, fdenverpms@denvergov.org 720-865-1709

DENVER
THE MILE HIGH CITY
• 30-6(1) b (ii), DRMC

– If a complete application for designation, along with the applicable fee, is received before the demolition permit is issued, the provisions Section 30-6(1)(a) shall apply.

– If the applicable posting period has elapsed and no complete application for designation has been received by CPD, the demolition permit shall be issued.
NATIONWIDE CONTEXT
Nationwide Context

• Initially reviewed 32 cities

• Narrowed to 12 cities for intensive review
  – Peer cities
  – Cities in Colorado
  – Geographically diverse
  – Some larger, some smaller
  – Professionally staffed

• Standard policies

• Best practices

• Austin
• Boston
• Boulder
• Chicago
• Fort Collins
• Los Angeles
• Philadelphia
• Portland
• San Diego
• San Francisco
• Seattle
• Washington DC
<table>
<thead>
<tr>
<th>City</th>
<th>Building Age</th>
<th>Initial Demo Review</th>
<th>Next Review if Significant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austin</td>
<td>45 years or older</td>
<td>Staff</td>
<td>Commission</td>
</tr>
<tr>
<td>Boulder</td>
<td>50 years or older</td>
<td>Staff + 2 Commissioners</td>
<td>Commission</td>
</tr>
<tr>
<td>Denver</td>
<td>30 years or older</td>
<td>Staff</td>
<td>Staff</td>
</tr>
<tr>
<td>Portland</td>
<td>All (National Register-listed)</td>
<td>Staff</td>
<td>N/A</td>
</tr>
<tr>
<td>San Diego</td>
<td>50 years or older</td>
<td>Staff</td>
<td>Applicant report to Commission</td>
</tr>
<tr>
<td>Washington, DC</td>
<td>All</td>
<td>Public</td>
<td>Commission</td>
</tr>
</tbody>
</table>
DESIGNATION PROCESS RESULTING FROM DEMO REVIEW
• 30-6(1)(a), DRMC

  – Upon or after receipt by CPD of an application for designation of a structure or a district for preservation, no demolition permit shall be issued for said structure or any structure in said district for 120 days from the receipt of an application for demolition by CPD.

  – If at the end of the 120-day period the structure or district has not been designation by council, the demolition permit shall be issued.

• If designation application is received, the designation process ensues
  – Structure must be designated within 120 days

• Application
  – Must have 3 applicants
    • Residents, property owners, or business owners
  – $875 application fee for owner-opposed
Denver’s Designation Process for Properties Resulting from Demo Review over 30 Years Old
<table>
<thead>
<tr>
<th>Steps</th>
<th>Timeline</th>
<th>120-day count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Applicant submits designation application</td>
<td>NA</td>
<td>40</td>
</tr>
<tr>
<td>2. Staff Review</td>
<td>+ 2 days</td>
<td>42</td>
</tr>
<tr>
<td>3. Landmark Preservation Commission Public Hearing</td>
<td>+ 25-40 days</td>
<td>74</td>
</tr>
<tr>
<td>4. LUTI Committee of City Council</td>
<td>+ 14 days</td>
<td>88</td>
</tr>
<tr>
<td>5. Mayor/Council</td>
<td>+ 7 days</td>
<td>95</td>
</tr>
<tr>
<td>6. City Council First Reading</td>
<td>+ 7 days</td>
<td>102</td>
</tr>
<tr>
<td>7. City Council Public Hearing</td>
<td>+ 7 days</td>
<td>109</td>
</tr>
<tr>
<td>8. Effective Date</td>
<td>+ 4 days</td>
<td>113</td>
</tr>
</tbody>
</table>
NATIONWIDE CONTEXT
Commonalities

- Subject to state enabling law
- Ordinance or code is tailored to each city

- Citywide reviews
- Preservation staff perform initial demo review
- Process allows for designation from demo review
- Preservation Commission involved earlier in process and stronger role
- Stronger and more incentives
- Longer timeframe/starts at submission of designation application
- City Council approves
• Commission meeting
  – Commission recommends to initiate historic zoning process

• Staff writes the application
  – Public notification

• Returns to Commission
  – If recommend approval, forward to Planning Commission

• Planning Commission
  – Recommend approval or denial, forwarded to City Council

• City Council Public Hearing
  – Designate or deny

• Approximately 6 month process
• Board meeting
  – Issue demo approval
  – Stay of demo for 180 days
  – Initiate Landmark designation process

• Staff writes report
  – Landmark criteria
  – Economic cost, condition of building, and character of neighborhood

• Initiation Public Hearing
  – Commission accepts or does not accept application

• Designation Public Hearing
  – Recommend approval or denial
  – If denial, City Council can call it up

• City Council Hearing
  – Designate or deny
• Board reviews application/report
  – Applicant prepares a report
  – Staff uses applicant information as part of their report
• Board hearing
  – Deny or designate
• Owner can appeal to City Council
• City Council reviews on narrow findings
  – Error in report
  – Violation of process
  – New information
• No demo review for undesignated properties
• No designation through demo review
• Demo review only applies to properties listed in National Register of Historic Places (per state law)
• Staff nominate National Register properties
• City Council vote on National Register demos - must find that an economic hardship exists and/or that the demolition would better meet the goals and policies of the Comprehensive Plan
• Other demo policies:
  1. **120-day demolition delay** period for individually listed Historic Landmarks, individually listed Conservation Landmarks and contributing properties in Conservation Districts, and ranked resources on the Historic Resources Inventory (HRI). Unranked resources on the HRI are not subject to any historic resource protections, but may be subject to a **35-day demolition delay** applied to permits to demolish residential structures in residential zones.

  2. **Deconstruction Policy** - Projects seeking a demolition permit of a house or duplex must fully deconstruct that structure if it was built in 1916 or earlier or is a designated historic resource (National Register, Local Landmark or District, Local Conservation Landmark or District, or included in HRI). All houses and duplexes ranked as I, II or III in Historic Resource Inventory are subject to policy regardless of construction date.
• Designation submitted via public notification period
  – Property owner, community org w/preservation or land use planning as stated mission, gov’t agency or neighborhood organization can submit nomination; preservation staff generally do not
  – Designation application must be received within 30-day public notice period
  – Applicant required to notify property owner

• Historic Preservation Review Board (HPRB) reviews nomination
  – 90-day stay on demolition
  – Property owner can waive 90-day period if they want extra time to negotiate with Historic Preservation Office or applicant for landmark application
  – HPRB makes final designation decision
Questions?