PROBLEM IDENTIFICATION & CRITERIA FOR SUCCESS
Problem Identification

1. Preserve Neighborhood Character and the Diverse History of the City
   - Ensure that Denver’s history and culture are honored and protected
   - Encourage the preservation of historic places that represent the entire city
   - Investigate how the ordinance could enhance neighborhood stability

2. Improve the Quality of Decision-Making and Public Processes
   - Improve timeframes and deadlines
   - Improve processes to reduce conflict
   - Revise the processes for owner-opposed designations that begin in demolition permit applications
   - Improve and formalize standards used to characterize the opinions of adjacent neighbors, neighborhood associations, and interested parties

3. Provide a wider range of preservation tools that homeowners, landowners, staff, advocates, and neighborhood organizations can use
   - Such as incentives and zoning
   - Ways to encourage property owners to designate
   - Investigate how the ordinance could reduce the environmental impact of demolition
Criteria for Success

• Recommended changes to the Landmark Ordinance will:
  – Retain the fundamental purpose of the ordinance
  – Advance the core values that led the city to create the Landmark Ordinance
  – Serve to protect the character of the city and the attributes of Denver that we care about
  – Make the preservation processes clear and predictable
  – Reduce conflicts over designations and demolitions
  – Provide the opportunity to identify historic resources throughout the city
  – Include a variety of tools
  – Serve property owners
  – Use best preservation practices
  – Define clearly the roles for staff, applicants, building owners, neighborhood representatives, city council, commission and design review boards
  – Bring quality information to decision-making processes
  – Balance responsibilities and benefits
  – Be effective, supported by the public, and feasible for staff to implement
  – Advance practical solutions
ECONOMIC HARDSHIP
• Economic hardship is a review of the economic feasibility to reuse and rehabilitate the property
• Not a review of self-imposed hardships, such as
  – Demolition by neglect by current owner
  – Deferred maintenance by current owner
  – Risky investments by current owner, lack of due diligence, or inopportune economic climate
  – Materials or design of elective alterations by owner
Basically, is the building so structurally unstable or are the materials in such irreparable condition that it no longer makes economic sense to retain the building?
Not a review of the property owner’s financial ability to repair the building.
Update to Section on Economic Hardship

• Add a definition of economic hardship in
• Clarify language about what constitutes economic hardship
• Add a few additional pieces of information required for the application
• Introduce language about how LPC makes their determination of economic hardship

➢ Action: Simplify how LPC makes determination on economic hardship
Add how LPC makes its determination:

In considering the economic hardship application, the commission shall assess whether the requirements set forth by the commission deny all reasonable and beneficial use, or economic return from the property. Factors to be considered by the commission include but are not limited to:

• A substantial decrease in the fair market value of the property as a result of the denial of the certificate of appropriateness or demolition;
• A substantial decrease in the financial return to owners of record or other investors in the property as a result of the denial of the certificate of appropriateness or demolition;
• The structural soundness of any structures on the property and their suitability for restoration or rehabilitation;
• The economic feasibility of restoration, rehabilitation or reuse of the existing structure or improvement on the property in the case of a proposed demolition.

➢ Task Force found this to be too complicated
In considering the economic hardship application, the commission shall assess whether the requirements set forth by the commission shall deny all reasonable and beneficial use, or economic return from the property.
LOWER DOWNTOWN DESIGN REVIEW BOARD
Removed proposal to increase the Lower Downtown Design Review Board’s purview from LoDo to all historic districts in the downtown core.

Omitted from the ordinance update by Landmark staff due to many logistical questions posed by the Task Force, LPC, LDDRB, Lower Downtown RNOs.
Other Changes to LDDR

- Clarify membership requirements (members that must have a direct association with Lower Downtown vs. members with broader geographic associations)
- Add two members to increase diversity of expertise and to help with quorum issues

Action: Confirm how many members must have a direct association with Lower Downtown and confirm new member categories
LDDRB Members - Current

7 members, appointed by Mayor
- A real estate developer
- A practicing architect
- A historic preservationist
- A preservation architect
- A resident of the district
- A property owner of the district
- An owner or operator of a business in the district

2 of the first 4 “shall not live in, own property in, own or operate a business in, maintain an office in or otherwise represent interests in the district.”

Determination that inverse must also be true: 2 of these 4 MUST represent the district
LDDRB Members - Current

- 7 members, appointed by Mayor
  - A real estate developer
  - A practicing architect
  - A historic preservationist
  - A preservation architect
  - A resident of the district
  - A property owner of the district
  - An owner or operator of a business in the district

- 2 of the first 4 “shall not live in, own property in, own or operate a business in, maintain an office in or otherwise represent interests in the district.”

- Determination that inverse must also be true: 2 of these 4 MUST represent the district
Strike this portion of Section 30-46(d):

Two (2) of the four (4) members listed in subsection (b)(1) through (4) above shall not live in, own property in, own or operate a business in, maintain an office in or otherwise represent interests in the district. No member of the board shall be a member of the LPC.
LDDRB Members - Proposed

- 9 members, appointed by Mayor
  - A real estate developer
  - An *practicing* architect
  - A historic preservationist
  - A preservation architect
  - An *architectural historian*
  - An *at-large member*
  - A resident of the district
  - A property owner of the district
  - An owner or operator of a business in the district
LDDRB Special Review District

- Current Quorum: 4 of 7
- Proposed Quorum: 5 of 9

- Supermajority to concur for approval of projects in Special Review Districts (would remain)
  - Current: 5 of 7
  - Proposed: 6 of 9
CULTURE CRITERIA
Proposed Definition

• Culture is rooted in a community’s heritage. It includes the traditions, beliefs, customs, and practices of a particular community. It can encompass businesses, institutions, organizations, events, arts, and crafts.
• National Register of Historic Places
  – *Culture is understood to mean the traditions, beliefs, practices, lifeways, arts, crafts, and social institutions of any community*, be it an Indian tribe, a local ethnic group, or the people of the nation as a whole.
Social and cultural heritage resources, both tangible and intangible, help define the beliefs, customs, and practices of a particular community.

Such social and cultural heritage resources include buildings and monuments as well as businesses, institutions, organizations, events and traditional arts, crafts, and practices.

They are rooted in the community’s history and/or are important in maintaining its identity.
Proposed Criteria

1. History
2. Architecture
3. Geography (Prominence or Distinction, Urban Environment)

4. Culture. To have cultural significance, the structure or district shall:

   A. Represent an era of culture or heritage that allows an understanding of how the site was used by past generations;

   B. Be a feature of a neighborhood, community, or the city that is a source of pride or cultural significance; or

   C. Be associated with social movements, groups, institutions, or patterns of growth or change that contributed significantly to the culture of a neighborhood, community, city, state, or nation.
R and R Bar

• LGBTQ+ Bar since 1960s

• Meet Landmark Criteria?
  – History
    • Long running gay bar
  – Architecture
    • Commercial
  – Geography
    • Colfax, identifiable sign
    • Rare
  – Integrity
    • Permastone within Period of Significance
• Paul and Lawrence Martinez
  – Important figures in the Westside Chicano movement

• Meet Landmark Criteria?
  – History
    • Chicano movement
  – Architecture
    • Terrace
  – Geography
    • Corner property
  – Integrity
    • Stucco within Period of Significance
DEMOLITION REVIEW & DESIGNATIONS FROM DEMOLITION REVIEW
Demolition and Certificate of Non-Historic Status Applications Reviewed by Landmark Preservation - 2017

- Demolitions Reviewed (85.2%)
- CNHS Reviewed (12.1%)
- Properties Posted (4.9%)
- Demolitions within Historic Districts (2.7%)
Extend Pause (Milestones)

10 Business Day Review

Community file Notice of Intent

Demo approved or Pause

7-Day Pause

Demo approved or Designation app submitted

25 Day Public Notice Period

City Council Process and Mayor Signature

25 Day Public Notice Period

Community file Notice of Intent

Demo approved or Pause

39-Day Pause

Demo approved or Designation app submitted

25 Day Public Notice Period

City Council Process and Mayor Signature
Extend Pause (Calendar Days)

- **120** Day Notification
  - **Approximate 32 day notice**
  - **25 – 40 Day Notification**

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**39-Day Pause**

- **120** Day Notification
  - **Approximate 32 day notice**
  - **25 – 40 Day Notification**
Extend Pause & Reduce Notification

**7-Day Pause**
- 7-Day Notification
- Approximate 32 day notice
- 25 – 40 Day Notification

**39-Day Pause**
- 39-Day Notification
- Approximate 20 day notice
- 15 – 35 Day Notification
DESIGN REVIEW TIMEFRAMES
Section 30-6(5) for LPC:
The commission shall take action on the application within thirty (30) days of receipt of all information requested by the commission or commission staff.

Section 30-48(a)(6) for LDDRB:
The board shall make its decision within thirty (30) days of receiving all requested information. If no action is taken within the above specified 30-day time period, then the application shall be deemed to be approved unless the review period is extended by mutual agreement of the applicant and the board.
What happens if 30 days is not met for LPC project?

- Automatically approved?
- Automatically denied?
- Continued to next LPC meeting?

What about projects that are reviewed administratively, that don’t require LPC or LDDRB review?
Denver boards and commissions associated with building, zoning or planning

<table>
<thead>
<tr>
<th>Board or Commission</th>
<th>Maximum Timeframe for Review</th>
<th>Projects per meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board of Zoning Adjustments</td>
<td>None</td>
<td>Limited</td>
</tr>
<tr>
<td>Building Code Board of Appeals</td>
<td>None</td>
<td>Limited</td>
</tr>
<tr>
<td>Planning Board</td>
<td>None</td>
<td>Limited</td>
</tr>
<tr>
<td>Arapahoe Square Design Advisory Board</td>
<td>None</td>
<td>Limited</td>
</tr>
<tr>
<td>Landmark Preservation Commission</td>
<td>30 days</td>
<td>Unlimited</td>
</tr>
<tr>
<td>Lower Downtown Design Review Board</td>
<td>30 days</td>
<td>Unlimited</td>
</tr>
</tbody>
</table>
December 18, 2018 LPC Meeting

Design Review Projects
These are items that require individual consideration by the Commission.

- Abigail Christman
  2018-TANC-009 330 Gaylord Street — Country Club
  Description: 1K 20% Reduction Tax Credit Part 2
  Withdrawn by applicant

- Abigail Christman
  2018-TANC-008 330 Gaylord Street — Country Club
  Description: 1K 20% Reduction Tax Credit Part 9
  Withdrawn by applicant

- Brittany Bryant
  2018-COA-580 476 Lafayette Street — East 22nd Avenue
  Description: 2BR-3BA Additions
  Withdrawn by applicant

- Jenci White
  2018-COA-493 2541 Curtis Street — Curtis Park
  Description: Window Replacement
  Recommendation: Approval

- Jenci White
  2018-COA-494 56 W. Maple Avenue — Baker
  Description: Rear Addition and new dormer windows
  Recommendation: Approval

- Jenci White
  2018-COA-495 3425 Eliot Street — Potter Highlands
  Description: ADU
  Recommendation: Approval

- Jennifer Coppato
  2018-COA-902 2500 Arapahoe Street — Curtis Park
  Description: INF - Design Details
  Recommendation: Approval

- Abigail Christman
  2018-COA-504 577 High Street — Dining Park
  Description: Garage Items and addition
  Recommendation: Approval with Condition

- Abigail Christman
  2018-COA-505 1651 Emerson Street — Swallow Hill
  Description: Window replacement and rear door
  Recommendation: Approval with Condition

- Brittany Bryant
  2018-COA-496 378 Lafayette Street — Country Club
  Description: Addition
  Recommendation: Approval with Conditions

- Brittany Bryant
  2018-COA-503 390 Humboldt Street — Country Club
  Description: Addition
  Recommendation: Denial

16 Design Review Projects + 2 Public Hearings

~ 5 hour meeting

(approximately 2.5 hours longer if 3 projects had not withdrawn)

- Business Items had to be deferred to next meeting
January 8, 2019 LPC Meeting

MEETING AGENDA
Landmark Preservation Commission
1:00 p.m., Tuesday, January 8, 2019 at 201 W. Colfax Ave., room 4 F 6
Please offer a max of 1 phones prior to the start of the meeting.

Call to Order

Meeting Record for approval – December 4th and 18th, 2018

Public Comment (limited to 2 minutes per speaker)

Consent Agenda
These are routine design review items which meet the design and guidelines and are recommended for Commission approval without discussion. Any Commission member can request that an item on the Consent Agenda move to the Design Review Agenda.

Brittany Bryant
2018-COA-515 Lafayette Street – East 7th Avenue
Description: Dormer Addition

Beca Dietrich
2018-TAXC-008 3144 Newton St – Wolff Place
Description: Tax Credit Part 2 (R14)

Public Hearings

Kara Hahn
2018L-011 – 1000 Albion Street
Description: Landmark Designation Application
Recommendation: Approval
Withdrawn by Applicant

Design Review Projects
These are items that require individual consideration by the Commission

Jennifer Coppeto
2016-COA-324 545 Circle Drive – Country Club
Description: Alterations and Request for Administrative Adjustment
Recommendation: Approval

Jessie White
2016-COA-521 2856 W. 36th Ave. – Potter Highlands
Description: Dormers and small rear addition
Recommendation: Approval

Brittany Bryant
2018-COA-527 751 St. Paul Street – East 7th Avenue
Description: Site Work
Recommendation: Approval

Krystal Marquez
2018-COA-516 636 N Clayton Street – East 7th Avenue
Description: Retaining Wall Violation
Recommendation: Approval

Krystal Marquez
2018-COA-517 3460 W Hayward Place – Allen M. Ghost
Description: Phase 1 – Mass, Form & Context
Recommendation: Approval

Krystal Marquez
2018-COA-515 2905 Curtis Street – Curtis Park
Description: Addition
Recommendation: Approval

Brittany Bryant
2018-COA-520 3250 Bryant Street – Potter Highlands
Description: Window Replacement & Porch/Addition Modifications
Recommendation: Approval with Conditions

Business Items

Discussion Items

9 Design Review Projects + Business Items

~ 3 hour meeting
LPC/LDDRB adopt a policy concurrent with ordinance update:

- No change to filing deadlines (28 days for LPC, 23 days for LDDRB)
- Specify maximum number of design review cases in combination with public hearings for each LPC/LDDRB meeting
  - No set number of items on Consent Agenda
- Projects to be placed on agenda in order they are received
  - If meeting agenda associated with filing deadline is full, project placed on next LPC/LDDRB agenda (delay by 1 meeting)
Benefits:

- More predictable timeframe for customers
- Encourages complete applications
- Greater assurance of LPC/LDDRB quorum throughout meeting
- Flexibility during inclement weather, disasters, emergencies
- Adopted through rule-making process: public review
Alternative: Extend 30-day requirement to 60 days

• Issues:
  – Still does not answer what happens if project is not reviewed within required timeframe
    • Automatically approved?
    • Automatically denied?
    • Automatically continued to next meeting? If LPC/LDDRB loses quorum at next meeting or it snows, then what?
  – Implies a longer timeframe for LPC/LDDRB review than recommended policy
DEFINITIONS
Definitions

- **Demolition**
  - Defined in design guidelines, but not in ordinance
- **Object**
  - Based on National Park Service definition
  - Allow for designation of free-standing signs, not signs attached to buildings
- **Period of Significance**
  - Based on National Park Service definition
- **Temporary**
  - Based on existing city language
  - Signs and structures
Certificate of Non-Historic Status

- Similar review process
- 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

- Structure not designated or pending designation
  - Same as demo review
- Requires owner signature
  - No signature for demo application
- $250 application fee
  - No fee for demo application
Certificate of Non-Historic Status

- Certificate of Non-Historic Status
  - Confusing name
  - Not well understood

- Change in name proposed by Task Force member
  - Certificate of Landmark Review
  - Certificate of Landmark Release
  - Certificate of Landmark Clearance
  - Certificate of Demolition of Eligibility