

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2019

COUNCIL BILL NO. CB19-0913  
COMMITTEE OF REFERENCE:  
Land Use, Transportation & Infrastructure

**ABILL**

**For an ordinance designating 4345 West 46<sup>th</sup> Avenue as a structure for preservation.**

**WHEREAS**, pursuant to Section 30-4, Denver Revised Municipal Code, the Landmark Preservation Commission has transmitted to the Council a proposed designation of a structure for preservation; and

**WHEREAS**, based upon evidence received by the Landmark Preservation Commission at a hearing on August 20, 2019, the staff report, and evidence received at the hearing before City Council on September 23, 2019, the structure at 4345 West 46<sup>th</sup> Avenue meets the criteria for designation as a structure for preservation as set out in Section 30-3, Denver Revised Municipal Code, as amended, by maintaining its historical and physical integrity, relating to a historic context or theme, and meeting the criteria in the following three categories:

(1) History.

*a. Having direct association with the historical development of the city, state, or nation;*

The structure at 4345 West 46<sup>th</sup> Avenue has direct association with the history and development of the city. Started in 1917 as a small family-operated funeral home, Howard Mortuary's become one of the most successful and long-lasting mortuaries in the city. The company emphasized their longevity and ties to the community in its advertising often referring to the company's "Denver heritage." As the Howard Mortuary grew, they expanded their services and they looked to expand to new locations. During the post-war era, the population of Denver and the surrounding suburbs increased exponentially. Howard Mortuary chose this location in Berkeley as the area was unserved and there was a substantial increase in the population in Denver and the metro region. The company's long-term business, ties to the community, and post-war expansion are associated with the development and growth of the city.

(2) Architecture.

*a. Embodying distinguishing characteristics of an architectural style or type;*

The structure at 4345 West 46<sup>th</sup> Avenue embodies the distinguishing characteristics of a property type. Howard Berkeley Park Chapel is a significant example of the mortuary/funeral home type. The character defining features of the mortuary/funeral type include the following: one to two stories in height; generally residential in character to fit into the surrounding neighborhood; designed to accommodate hearses, porte cocheres; and a mix of specialized rooms such as, operating and

1 dressing rooms, viewing rooms, storage, casket sales, and chapel. These are seen in the property's  
2 height and design, architecturally distinguished chapel for funeral services, reposing or "slumber"  
3 rooms, facilities for grieving families, a display room for casket selection, garage space for funeral  
4 hearses and limousines, sheltered entrances for the arrival of families and guests (a portico and two  
5 porte cocheres), and an interior driveway for arrival and departure of grieving family members.

6 *b. Being a significant example of the work of a recognized architect or master builder;*

7 The structure at 4345 West 46<sup>th</sup> Avenue is a significant example of J. Roger Musick, a well-known  
8 and prolific Denver architect who worked both with partners and as a solo designer. His work  
9 included extensive residential development, commercial structures, and some civic institutions.  
10 When discussing his body of work, Musick emphasized the importance of the Berkeley Park Chapel  
11 when he selected this building as one of his five principal works of the 1950s and 1960s. The  
12 structure at 4345 West 46<sup>th</sup> Avenue is identified as one of his most important designs over a twenty-  
13 year period.

14 (3) Geography.

15 *a. Having a prominent location or being an established, familiar, and orienting visual*  
16 *feature of the contemporary city;*

17 The structure at 4345 West 46<sup>th</sup> Avenue has a prominent location and has become an established,  
18 familiar, and orienting visual feature of contemporary Denver. The structure was constructed at a  
19 prominent corner in Berkeley, at the intersection of the area's commercial and civic "main street."  
20 The prominent placement of the building, its large size, and the use of high-quality materials to  
21 provide a dignified and substantial appearance ensured its place as a focal point and orienting visual  
22 feature for the community.

23 *b. Promoting understanding and appreciation of the urban environment by means of*  
24 *distinctive physical characteristics or rarity;*

25 The structure at 4345 West 46<sup>th</sup> Avenue promotes the understanding of the urban environment  
26 through physical characteristics and rarity. The mortuary displays distinctive physical characteristics  
27 in its Gothic and Tudor arches, portico, arcaded porch, porte cocheres, stained and leaded glass  
28 (including a rose window), and double-height gabled-roof chapel. Its terra cotta ornamentation and  
29 the substantial size of the building are also unique for the area. These characteristics are both  
30 distinctive and rare in the Berkeley neighborhood and the post-war construction.

31 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**  
32 **DENVER:**

1           **Section 1.** That based upon the analysis referenced above, and the evidence received at the  
2 public hearings, certain property at [fill in], and legally described as follows, together with all  
3 improvements situated and located thereon, be and the same is hereby designated as a structure for  
4 preservation:

5           Lots 1 - 12, inclusive, Follmer’s Subdivision of Plot 6, Berkeley Gardens, and Plot 7 and the  
6 west one-half of Plot 8, Berkley Gardens, except those parts described in Book 1695 at  
7 page 569 and Book 8412 at Page 26,  
8 City and County of Denver,  
9 State of Colorado.

10          **Section 2.** The effect of this designation may enhance the value of the property and of the  
11 structure, but may delay or require denial of building permits found unacceptable by the Landmark  
12 Preservation Commission under the criteria contained in the Design Guidelines for Historic Structures  
13 and Districts and Section 30-6 of the Denver Revised Municipal Code.

14          **Section 3.** This ordinance shall be recorded among the records of the Clerk and Recorder of  
15 the City and County of Denver.

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1 COMMITTEE APPROVAL DATE: September 10, 2019

2 MAYOR-COUNCIL DATE: n/a

3 PASSED BY THE COUNCIL: \_\_\_\_\_

4 \_\_\_\_\_ - PRESIDENT

5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_; \_\_\_\_\_

10 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: September 12, 2019

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of  
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
14 §3.2.6 of the Charter.

15 Kristin M. Bronson, Denver City Attorney

16 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_