

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2022

COUNCIL BILL NO. 22-1472
COMMITTEE OF REFERENCE:
4 Land Use, Transportation & Infrastructure

5 **ABILL**

6 **For an ordinance designating 401 North Madison Street as a structure for**
7 **preservation.**

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

11 **WHEREAS**, based upon evidence received by the Landmark Preservation Commission at a
12 hearing on November 1, 2022, the staff report, and evidence received at the hearing before City Council
13 on December 12, 2022, the structure at 401 North Madison Street meets the criteria for designation as
14 a structure for preservation as set out in Section 30-3, Denver Revised Municipal Code, as amended,
15 by maintaining its integrity, being more than 30 years old, and meeting the criteria in the following four
16 categories from Section 30-3(3):

17 *c. Embodying distinctive visible characteristics of an architectural style or type;*

18 The structure at 401 North Madison Street (the "Structure") embodies the distinctive visible
19 characteristics of the Late Modern architectural style. According to the book published by Historic
20 Denver, "The Mid-century Modern House in Denver," written by architectural critics Michael Paglia
21 and Diane Wray Tomasso, "Late Modern architecture was reductive and functionalist." The authors
22 explained defining characteristics of Late Modernism to include the following: horizontally oriented;
23 hooded or deep-set windows; large areas without windows; use of industrial materials like concrete;
24 dramatic sculptural conception of a building's volume: no ornament; walls without eaves or with
25 boxed or cantilevered eaves; decorative use of functional features; and, flat and shed roofs. All these
26 characteristics are found in the Structure. Additionally, the Structure is featured prominently in the
27 book as an example of Late Modernism architecture.

28 *d. Being a significant example of the work of a recognized architect or master builder;*

29 The Structure is a significant example of architect Richard Crowther's Modernist residential design
30 work. Crowther, who came to Denver in 1948, was an artist and an architectural pioneer in
31 commercial modern green holistic passive solar design. From his early career, Crowther anticipated
32 the energy issues generated by man-made climate change in his designs. The Structure is among

1 Crowther’s most important designs and embodies his guiding fossil fuel-free design philosophy.
2 Although not his first passive solar design, it was completed at the height of his architectural career,
3 and served as his home and laboratory until his death in 2006. Additionally, the Structure has been
4 featured by many architectural publications, architectural critics, and other commentators as the
5 preeminent expression of Crowther’s design philosophy.

6 *e. Containing elements of architectural design, engineering, materials, craftsmanship,*
7 *or artistic merit which represent a significant innovation or technical achievement;*

8 The Structure contains elements of design, engineering, and materials that represent a significant
9 innovation in solar, and energy-conserving architecture -- what is now call passive house design. As
10 such, the Structure was horizontally oriented, with the exception of large, angled windows to capture
11 sun light. The Structure has little ornament, but deeply hooded openings, which lend a sculptural
12 quality to the Structure. The use of tinted concrete as the building material increases the solar gain
13 of the Structure, where desired. In other areas, lighter concrete or metal materials redirected
14 unwanted solar heat.

15 Crowther stated, “The traditional concept of architecture has been a ‘shelter’ – a shelter from climate,
16 a shelter from predators and hostile persons, a shelter for valuables and a shelter for personal
17 privacy. While these time-honored considerations remain of consummate value, holistic architecture
18 optimally would also use energies of the sun, earth, air, water, people, and architecture itself.” As a
19 whole, the design, engineering, and materials of the Structure were an innovative approach to
20 “Green” architecture, long before the philosophy became popular in the architecture field.

21 *j. Being associated with social movements, institutions, or patterns of growth or change*
22 *that contributed significantly to the culture of the neighborhood, community, city, state, or*
23 *nation;*

24 The Structure is an important example of a building constructed with the ethos of the environmental
25 sustainability movement and sensitivity to the potentially disastrous effects of climate change. Daniel
26 Geary wrote in “Environmental Movement” that in the late 1960s, energy conservation and
27 environmentalism “became a mass social movement ... drawing on a culture of political activism
28 inspired in part by the civil rights and antiwar movements, thousands of citizens, particularly young
29 middle-class white men and women, became involved with environmental politics.” A series of well-
30 publicized environmental disasters further legitimized the environmental movement, leading to the
31 creation of the Environmental Protection Agency in 1970.

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

3 **Section 1.** That based upon the analysis referenced above, and the evidence received at the
4 public hearings, certain property at 401 North Madison Street, and legally described as follows, together
5 with all improvements situated and located thereon, be and the same is hereby designated as a
6 structure for preservation:

7 Plot 10, Block 22, Harmans Subdivision
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.

16 **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: November 15, 2022

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: November 17, 2022

11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
12 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 Kerry Tipper, Interim Denver City Attorney

16 BY: _____, Assistant City Attorney DATE: _____