

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2020

COUNCIL BILL NO. CB20-xxxx
COMMITTEE OF REFERENCE:

4 Land Use, Transportation & Infrastructure

5 **A BILL**

6 **For an ordinance temporarily amending Section 30-6(1) of Article I, Chapter 30**
7 **(Landmark Preservation) of the Denver Revised Municipal Code for the period**
8 **June 19 through August 2, 2020, to postpone certain actions and toll certain time**
9 **limits within the article.**

10 **WHEREAS**, Denver Revised Municipal Code (D.R.M.C.) Section 30-6(1) requires the
11 executive director of Community Planning and Development to review a structure for its potential
12 for historic designation when the owner of a structure applies for a demolition permit or a certificate
13 of demolition eligibility; and

14 **WHEREAS**, D.R.M.C. Section 30-6(1) also requires that any structure deemed to have
15 potential for historic designation must be posted for 21 days to notify the public about the potential
16 for demolition of the structure or issuance of a certificate of demolition eligibility, along with
17 notification by the executive director of Community Planning and Development of this same
18 information; and

19 **WHEREAS**, certain parties may file a notice of intent to file an application for historic
20 designation during the 21 day posting period of a structure deemed to have potential for historic
21 designation, which results in the posting period being extended to 60 days, and a meeting involving
22 the owner of the structure, the parties who filed the notice of intent to file an application for historic
23 designation, and a meeting facilitator; and

24 **WHEREAS**, after the meeting described above has taken place, and prior to the end of the
25 60 day extended posting period, a party may file an application for historic designation for the
26 structure deemed to have potential for historic designation; and

27 **WHEREAS**, an application for historic designation must meet certain criteria of D.R.M.C.
28 Section 30-3, including architectural, historical, physical, or cultural factors; and

29 **WHEREAS**, in early March, both the state of Colorado and the city declared states of disaster
30 emergencies due to the risk of spread of Coronavirus disease 2019 (COVID-19); and

1 **WHEREAS**, the state of Colorado and the city have issued various orders aimed at slowing
2 the spread and transmission of COVID-19, including requiring and/or recommending social
3 distancing; and

4 **WHEREAS**, certain entities who are interested in submitting a historic designation application
5 as a result of the processes of D.R.M.C. Section 30-6(1) must rethink their approach to consensus-
6 gathering, research, and other important aspects of the historic designation process due to concerns
7 with the spread of COVID-19, including adapting and planning for different collaborative tools such
8 as virtual meetings, online surveys, and coordination of access to historic records and photographs
9 in the Denver Public Library; and

10 **WHEREAS**, in order to give the entities above time to adapt and plan for different
11 collaborative tools requires in the historic designation application process, the city desires to amend
12 temporarily certain processes and timelines in D.R.M.C. Section 30-6(1) which will further the public
13 health, safety, and welfare of residents of the city and county of Denver.

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

16 **Section 1.** That the notification and posting requirements of D.R.M.C. Sections 30-6(1)(b)(ii)
17 and (c)(ii) are postponed, but only for the period of June 19 through August 2, 2020, for any property
18 containing a structure the executive director of Community Planning and Development determines to
19 have potential for designation. On August 3, 2020, the executive director of Community Planning and
20 Development will post any property that received a postponement under this Section 1, and notify all
21 required entities. The procedures of D.R.M.C. Sections 30-6(1)(b)(iii)-(vi) and (c)(iii)-(vi) will also begin
22 on August 3, 2020.

23 **Section 2.** That the processes of D.R.M.C. Sections 30-6(1)(b)(iii) and (c)(iii) are tolled, but
24 only for the period of June 19 through August 2, 2020, for any property that prior to June 19, 2020, has
25 been posted for notification about the potential for demolition or receipt of a certificate of eligibility of
26 demolition of the property as required by D.R.M.C. Sections 30-6(1)(b)(ii) and (c)(ii). On August 3,
27 2020, the processes of D.R.M.C. Sections 30-6(1)(b)(iii) and c(iii), including all time limits within these
28 sections that were tolled, will continue.

29 **Section 3.** That the 90 day deadlines of D.R.M.C. Sections 30-6(1)(b)(v) and (c)(v) are
30 tolled, but only for the period of June 19 through August 2, 2020, for any property in which an
31 application for historic designation has been submitted after a meeting has been held under D.R.M.C.
32 Sections 30-6(1)(b)(iii) and (c)(iii), and prior to June 19, 2020. On August 3, 2020, any 90 day deadlines
33 that were tolled, will continue.

1 COMMITTEE APPROVAL DATE: [fill in]

2 MAYOR-COUNCIL DATE: [fill in]

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: [fill in]

11

12 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
13 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
14 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
15 §3.2.6 of the Charter.

16 Kristin M. Bronson, Denver City Attorney

17 BY: _____, Assistant City Attorney DATE: _____

DRAFT