

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2020

COUNCIL BILL NO. CB20-0648
COMMITTEE OF REFERENCE:
4 Land Use, Transportation & Infrastructure

5 **ABILL**

6 **For an ordinance designating the Howard Berkeley Park Chapel as a structure**
7 **for 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 June 16, 2020, the staff report, and evidence received at the hearing before City Council on
13 July 27, 2020, the Howard Berkeley Park Chapel at 4345 West 46th Avenue meets the criteria for
14 designation as a structure for preservation as set out in Section 30-3, Denver Revised Municipal Code,
15 as amended, by maintaining its integrity, being more than 30 years old, and meeting the criteria in the
16 following five categories from Section 30-3(3):

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

19 The structure has direct association with the history and development of the city. Started in 1917 as a
20 small family-operated funeral home, Howard Mortuary's become one of the most successful and long-
21 lasting mortuaries in the city. The company emphasized their longevity and ties to the community in its
22 advertising often referring to the company's "Denver heritage." As the Howard Mortuary grew, they
23 expanded their services and also looked to expand to new locations. During the post-war era, the
24 population of Denver and the surrounding suburbs increased exponentially. Howard Mortuary chose
25 this location in Berkeley, because the region was unserved and there was a substantial increase in the
26 population in the area. The company's long-term business, ties to the community, and post-war
27 expansion are associated with the development and growth of the city.

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

29 The structure embodies the distinguishing characteristics of a type. Howard Berkeley Park Chapel
30 is a significant example of the mortuary/funeral home type. The character defining features of the
31 mortuary/funeral type often include, one to two stories in height, generally residential in character to
32 fit into the surrounding neighborhood, and specific features designed for the needs of a funeral home.
33 These include spaces to accommodate hearses and a mix of specialized rooms such as, operating
34 and dressing rooms, viewing rooms, storage, casket sales, and chapel. These charter defining

1 features are seen in the property’s height and design, architecturally distinguished chapel for funeral
2 services, reposing or “slumber” rooms, facilities for grieving families, a display room for casket
3 selection, garage space for funeral hearses and limousines, and sheltered entrances for the arrival
4 of families and guests (a portico and two porte cocheres).

5 *d. Being a significant example of the work of a recognized architect or master builder;*
6 The mortuary is a significant example of the work of a recognized architect. J. Roger Musick
7 designed the Howard Berkeley Park Chapel and was a well-known and prolific Denver architect who
8 worked both with partners and as a solo designer. His work included extensive residential
9 development, commercial structures, and some civic/institutional buildings. When discussing his
10 body of work, Musick emphasized the importance of the Howard Berkeley Park Chapel when he
11 selected this building as one of his five principal works of the 1950s and 1960s. Identified as one of
12 his most important designs over a twenty-year period, this is a significant example of Musick’s work.

13 *f. Representing an established and familiar feature of the neighborhood, community, or*
14 *contemporary city, due to its prominent location or physical characteristics;*
15 The structure has a prominent location and has become an established and familiar feature of the
16 contemporary city. The structure was constructed at an important corner in Berkeley, at the
17 intersection of the areas commercial and civic “main street.” The placement of the building on the
18 corner of the property, its large size, and the use of high-quality materials provided a dignified and
19 substantial appearance ensured its place as a focal point and feature for the community.

20 *g. Promoting understanding and appreciation of the urban environment by means of*
21 *distinctive physical characteristics or rarity;*
22 The structure promotes the understanding of the urban environment through physical characteristics
23 and rarity. The mortuary displays distinctive physical characteristics in its Gothic and Tudor arches,
24 portico, arcaded porch, porte cocheres, stained and leaded glass (including a rose window), and
25 double-height gabled-roof chapel. Its exceptional terra cotta ornamentation and the substantial size
26 of the building are also unique for the area. These characteristics are both distinctive and rare in the
27 Berkeley neighborhood and in post-war construction.

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

30 **Section 1.** That based upon the analysis referenced above, and the evidence received at the
31 public hearings, certain property at 4345 West 46th Avenue, and legally described as follows, together

1 with all improvements situated and located thereon, be and the same is hereby designated as a
2 structure for preservation:

3 A PARCEL OF LAND LOCATED IN THE NORTHEAST ¼ OF SECTION 19, TOWNSHIP 3
4 SOUTH, RANGE 68 WEST OF THE 6TH P.M., BEING A PORTION OF LOTS 1 THROUGH
5 12 INCLUSIVE, FOLLMER'S SUBDIVISION OF PLOT 6 BERKELEY GARDENS, AND A
6 PORTION OF PLOT 7, BERKELEY GARDENS, CITY AND COUNTY OF DENVER, STATE
7 OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

8
9 COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE S00°18'14"E
10 ALONG THE WEST LINE OF SAID LOT 1 AND SAID LINE EXTENDED, 116.55 FEET TO
11 A POINT ON THE WEST LINE OF SAID LOT 5, SAID POINT BEING THE POINT OF
12 BEGINNING OF THE LAND LANDMARK PRESERVATION PARCEL;

13
14 THENCE DEPARTING FROM SAID WEST LINE N89°01'38"E, 155.82 FEET;
15 THENCE S00°59'43"E, 49.76 FEET;
16 THENCE N88°56'52"E, 29.92 FEET'
17 THENCE S01°04'43"E, 58.69 FEET;
18 THENCE N89°01'07"E, 10.74 FEET;
19 THENCE S00°58'53"E, 70.29 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE
20 OF WEST 46TH AVENUE AS ESTABLISHED IN BOOK 8412 AT PAGE 26 OF THE
21 RECORDS OF THE CITY AND COUNTY OF DENVER;
22 THENCE S88°58'42"W ALONG SAID NORTH RIGHT-OF-WAY LINE 188.74 FEET;
23 THENCE N45°39'46"W ALONG SAID NORTH RIGHT-FO-WAY LINE, 14.05 FEET TO A
24 POINT ON THE WEST LINE OF SAID LOT 12;
25 THENCE N00°18'14"W ALONG THE WEST LINE OF SAID LOT 12 AND SAID LINE
26 EXTENDED, 168.89 FEET TO THE POINT OF BEGINNING.

27
28 THE ABOVE DESCRIBED PARCEL CONTAIN 32,631 SQUARE FEET OR 0.7491 ACRES
29 MORE OR LESS.

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

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

3 COMMITTEE APPROVAL DATE: June 30, 2020

4 MAYOR-COUNCIL DATE: July 7, 2020 by Consent

5 PASSED BY THE COUNCIL: _____

6 _____ - PRESIDENT

7 APPROVED: _____ - MAYOR _____

8 ATTEST: _____ - CLERK AND RECORDER,
9 EX-OFFICIO CLERK OF THE
10 CITY AND COUNTY OF DENVER

11 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

12 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: July 16, 2020

13 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
14 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
15 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
16 §3.2.6 of the Charter.

17 Kristin M. Bronson, Denver City Attorney

18 BY: _____, Assistant City Attorney DATE: _____