



**DENVER**  
THE MILE HIGH CITY

**Community Planning and Development**

**Planning Services**

Plan Implementation

Landmark Preservation

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**TO: Land Use, Transportation and Infrastructure Committee  
Jeanne Robb, Chair and Judy Montero, Co-Chair**

**FROM: Barbara Stocklin-Steely, Community Planning & Development**

**DATE: September 11, 2012**

**RE: Proposed Text Amendments, Chapter 30, Denver Revised Municipal Code (Landmark Preservation Ordinance)**

## **I. SUMMARY**

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The Lower Downtown Design Review Board (LDDRDB) performs design review for proposed exterior construction work, including additions, alterations and new construction, within the Lower Downtown Historic District. The LDDRDB, in its efforts to clarify and streamline the design review process, is requesting a number of process and procedure changes to its design review process. Some changes, including efforts to update the Lower Downtown Design Guidelines, do not require ordinance changes, but other requested process and procedure revisions do require revisions to the Landmark Preservation Ordinance. The six proposed ordinance revisions are delineated below.

## **II. HISTORY OF THE TEXT AMENDMENTS**

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- The LDDRDB held a special work session on April 25, 2012, to discuss a number of design review issues related to the Lower Downtown Historic District in early 2012.
- At the April 25, 2012, meeting, the LDDRDB discussed the need to eliminate conflicts between the adopted design guidelines and the Landmark Preservation Ordinance (Chapter 30, Denver Revised Municipal Code), to provide a clear definition for "residential use" since additional height is triggered in Special Review Districts when "residential use" requirements are met, and to provide other clarifications in the ordinance to reflect current practices and to provide clarifications where needed.
- At its August 2, 2012, meeting, the LDDRDB unanimously (6-0) recommended approval of the proposed text amendments to Chapter 30, Landmark Preservation, Denver Revised Municipal Code. The intent of these revisions was to represent a phase I effort to update and improve the processes and procedures related to LDDRDB design review, focusing on the most straightforward improvements which are clearly consistent with the adopted Lower Downtown Neighborhood Plan.
- While it was not a public hearing, the LDDRDB provided opportunity for anyone to speak on this item. LoDo District Inc. spoke in support of the proposed ordinance revisions at the August 2, 2012, meeting. All Registered Neighborhood Organizations within 200 feet of the Lower Downtown Historic District boundaries were notified of the public meeting.

- Landmark Preservation staff in Community Planning and Development Department subsequently sent information on the proposed text amendments to all Registered Neighborhood Organizations within 200 feet of the Lower Downtown Historic District boundaries. Staff provided information on the proposed text amendments at the Lower Downtown Neighborhood Association (LoDoNA) on August 13, 2012.
- The Landmark Preservation Commission (LPC) reviewed the proposed text amendments and unanimously (9-0) recommended approval at its August 21, 2012, meeting.
- The proposed text amendments represent a phase I effort to update and improve the processes and procedures related to LDDRБ design review in the Lower Downtown Historic District.

### **III. LDDRБ AND LPC RECOMMENDATIONS**

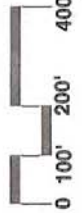
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The LDDRБ and LPC both voted unanimously to support the text amendments to Chapter 30 (Landmark Preservation), Denver Municipal Code. A summary sheet of the proposed amendments is attached.

**LANDMARK PRESERVATION ORDINANCE (CHAPTER 30) – LDDRB RECOMMENDED REVISIONS**

<b>PROPOSED ORDINANCE REVISIONS</b>	<b>IMPACT</b>
<p><b>1. Clarify that protests to Lower Downtown Design Review Board (LDDRB) design review decisions go directly to court and are not appealable to LPC</b></p>	<p>Cleans up ordinance revisions from 2010 which intended to make this change, but left some “hanging” language in the ordinance. Expedites appeal process. Reflects “appeal” framework already in place for Planning Board &amp; LPC when acting in quasi-judicial capacity.</p>
<p><b>2. Add definition of “Residential use” to landmark ordinance, and definition to include hotel uses (to match ZO) per LDDRB recommendation of April 25, 2012</b></p>	<p>Allows hotel uses to benefit from height incentives in special review districts in Lower Downtown Historic District. Prior lack of definition made it unclear whether hotel uses could benefit from the height incentive. LDDRB felt that hotel use is compatible with the LD Neighborhood Plan which supports a lively 24-hour pedestrian district with street level uses, and that new hotel building designs can readily be compatible with the district.</p>
<p><b>3. Clarify that in Lower Downtown Historic District special review districts, an additional 15’ height is allowed for stair enclosures and elevator overruns for buildings between 100’ and 130’ in height per LDDRB recommendation of April 25, 2012.</b></p>	<p>Ordinance and design guidelines currently conflict. This revision, as recommended by LDDRB, will eliminate confusion for applicants and reflect current practice.</p>
<p><b>4. Clarify that additional height allowed for residential use cannot be transferred to another building and must be built as part of initial construction per LDDRB recommendation of April 25, 2012.</b></p>	<p>Clarifies original intent of ordinance, and removes potential loophole which creates potential inequity in process when residential intent is not met.</p>
<p><b>5. Allow LDDRB to approve design guidelines, rules and policies in lower downtown historic district without LPC approval.</b></p>	<p>Allows LDDRB to make needed changes to Lower Downtown design guidelines. LDDRB has matured since ordinance inception &amp; has best knowledge of district.</p>
<p><b>6. Require LDDRB recommendation instead of LPC for changes in boundary/contributing-noncontributing status for lower downtown historic district.</b></p>	<p>Will ensure that city board with most familiarity with lower downtown district makes recommendations on boundary changes and contributing/noncontributing status of individual buildings to City Council. LPC review could still occur as courtesy.</p>

# Lower Downtown Historic District



August 2001

## LEGEND

- Contributing Building
- Non-contributing Building
- District Boundary
- Denver Historic Landmark
- National Register
- Denver Landmark & National Register

Special Review Districts 9/2008