

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2012

COUNCIL BILL NO. 12-0669
COMMITTEE OF REFERENCE:
Land Use, Transportation and
Infrastructure

A BILL

For an ordinance modifying Chapter 30, Landmark Preservation, relating to the Lower Downtown Historic District and the Lower Downtown Design Review Board.

NOW BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. Section 30-2, Denver Revised Municipal Code (DRMC), shall be amended by enacting and adding section 30-2(7.1) to read and be read as follows:

Sec. 30-2. (7.1) *Residential use* shall mean any building or part of a building in which a person or group of persons are provided with sleeping accommodations.

Section 2. Section 30-47, DRMC, shall be amended by adding the language underlined below and deleting the language stricken below to read and be read as follows:

Sec 30-47. The board shall adopt design guidelines in accordance with the Lower Downtown Neighborhood plan and the design guidelines for landmarks structures and districts. Such guidelines shall be adopted by the LDDRDB as rules and regulations under the provisions of Article VI, Chapter 2 of the Denver Revised Municipal Code ~~approved by the LPC.~~

Section 3. Section 30-48(a)(3), DRMC, shall be amended by adding the language underlined below and deleting the language stricken below to read and be read as follows:

Sec. 30-48(a)(3) The applicant may request a decision on an entire project at a single meeting, or may ask for a two- or three-step review. If the applicant requests a step process, the first step is to review the request for demolition a structure, if any. The second step is review of the building envelope (the building's height, mass, form, stepbacks, site plan, and contextual fit), and the concept of the basic exterior facade appearances, including identification of major materials. The third step is review of the remainder of the project. If the applicant requests the step process, approval or denial of each step shall be considered a final decision and separately appealable in accordance with section 30-48(a)(9). ~~to the LPC.~~

Section 4. Section 30-48(a)(9), DRMC, shall be amended by deleting the language

1 stricken below to read and be read as follows:

2 **Sec. 30-48(a)(9)** Any person interested in or aggrieved by a decision or action of the board may
3 obtain judicial review in accordance with the Colorado Rules of Civil Procedure Rule
4 106(a)(4). ~~Such action to obtain review must be brought no later than thirty (30) days after the~~
5 ~~action or decision from which review is sought.~~

6 **Section 5.** Section 30-48(b)(3)d.2, DRMC, shall be amended by adding the language
7 underlined below to read and be read as follows:

8 **Sec. 30-48(b)(3)d.2.** Buildings between fifty-five (55) and eighty-five (85) feet in height (excluding
9 cornices, heating, ventilating and air conditioning equipment, stair enclosures and elevator
10 overruns) may be allowed by the board if they are in context with any contributing buildings within
11 three hundred (300) feet of any point on the property line of the proposed building, and if the
12 structure includes residential uses anywhere in the building in a minimum amount equal to the
13 floor area above the 55-foot limit; All residential use portions of the building shall be constructed
14 first, or at the very least, at the same time as the remainder of the building.

15 **Section 6.** Section 30-48(b)(3)d.3, DRMC, shall be amended by adding the language
16 underlined below to read and be read as follows:

17 **Sec. 30-48(b)(3)d.3.** Buildings between eighty-five (85) and one hundred (100) feet in height may
18 be allowed, but only: if they are in context with any contributing building within three hundred
19 (300) feet of any point on the property line of the proposed building; if the structure includes
20 residential uses anywhere in the building in a minimum amount equal to the floor area above the
21 55-foot limit; and if the additional fifteen (15) feet above the 85-foot limit of 2. above, is a
22 residential penthouse. Notwithstanding the previous sentence, for contributing structures which
23 have no residential uses, the penthouse need not be a residential penthouse, however, all other
24 provisions of this section 30-48 shall apply to such non-residential penthouse. Cornices, heating,
25 ventilating and air conditioning equipment, stair enclosures and elevator overruns must be
26 included in the total height of one hundred (100) feet. The residential penthouse shall be used
27 exclusively for residential or residential support purposes and shall not cover in excess of one-
28 third of the roof area at that level. All aspects of the penthouse shall comply with the design
29 guidelines. All residential use portions of the building shall be constructed first, or at the very
30 least, at the same time as the remainder of the building.

31 **Section 7.** Section 30-48(b)(4)d.4, DRMC, shall be amended by adding the language
32 underlined below and deleting the language stricken below to read and be read as follows:

1 **Sec. 30-48(b)(3)d.4.** Buildings between one hundred (100) and one hundred thirty (130) feet in
2 height, excluding ~~cornices, heating, ventilating and air conditioning equipment,~~ stair enclosures
3 and elevator overruns not in excess of fifteen (15) feet tall, may be allowed by the board if they
4 are in a special review district 1, 2 or 3, provided the structure includes residential uses anywhere
5 in the building in a minimum amount equal to the floor area above fifty-five (55) feet. All
6 residential use portions of the building shall be constructed first, or at the very least, at the same
7 time as the remainder of the building. The following three (3) areas are defined for purposes of
8 this article section 30-48(a)(3)d.4. as special review districts:

9 **Section 8.** Section 30-48(c)(4)b, DRMC, shall be amended by adding the language
10 underlined below and deleting the language stricken below to read and be read as follows:

11 **Sec. 30-48(c)(4)b.** The applicant may appeal the decision ~~to the LPC~~ under the provisions of
12 section 30-48(a)(~~89~~), above.

13 **Section 9.** Section 30-48(c)(5), DRMC, shall be amended by adding the language
14 underlined below and deleting the language stricken below to read and be read as follows:

15 **Sec. 30-48(c)(5)** Applications for demolition review of contributing structures shall include, but
16 are not limited to valuation of the property, estimates of the costs and income for rehabilitation of
17 the building, estimates of the costs and income for new development, preliminary development
18 plans, and reports as to the condition of the building prepared by professionals with experience in
19 preservation and rehabilitation. The board ~~in~~ shall establish the submittal requirements for an
20 application by rules and regulations under the provisions of Article VI, Chapter 2 of the Denver
21 Revised Municipal Code. ~~Such rules and regulations shall not be effective until approved by the~~
22 ~~LPC.~~ Such application shall be filed with community planning and development ~~upon forms~~
23 ~~prescribed by the board.~~

24 **Section 10.** Section 30-49(b), DRMC, shall be amended by deleting the language stricken
25 below to read and be read as follows:

26 **Sec. 30-49(b)** The owner of a property may petition the board to include said property on the
27 survey as a contributing building. If the board determines that the property is a proper candidate
28 for inclusion as a contributing building, the board shall forward its recommendation ~~to the LPC.~~
29 ~~The LPC shall review the recommendation of the board and make its own recommendation to the~~
30 city council, which may then by ordinance include said property as a contributing building in the
31 district.

32 **Section 11.** Section 30-50(g), DRMC, shall be amended by adding the language underlined

1 below and deleting the language stricken below to read and be read as follows:

2 **Sec. 30-50(g)** The decision of the board is a final decision and may be appealed to the LPC as
3 provided in section 30-48(a)(89) above.

4 COMMITTEE APPROVAL DATE: 9/11/2012.

5 MAYOR-COUNCIL DATE: 9/18/2012.

6 PASSED BY THE COUNCIL _____ 2012

7 _____ - PRESIDENT

8 APPROVED: _____ - MAYOR _____ 2012

9 ATTEST: _____ - CLERK AND RECORDER,
10 EX-OFFICIO CLERK OF THE
11 CITY AND COUNTY OF DENVER
12

13 NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2012; _____ 2012

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15 PREPARED BY: Kerry A. Buckey _____ 7/6/2012

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17 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
18 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
19 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
20 § 3.2.6 of the Charter.

21
22 Douglas J. Friednash, City Attorney

23 BY: _____, _____ City Attorney Date: _____
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