



September 25, 2012

Barbara Stocklin-Steely
Principal Planner
Landmark Preservation Commission

cc. Councilwoman Jeanne Robb, Councilman Albus Brooks, Annie Levinsky

Re: Landmark Preservation Ordinance

Dear Ms. Stocklin-Steely:

Capitol Hill United Neighborhoods, Inc. (CHUN) is a registered neighborhood organization, which was formed in 1969 for the area of Denver bounded by Broadway, East First Avenue, Colorado Boulevard and East 22d Avenue. CHUN's mission is to preserve the past, improve the present and plan for the future of Greater Capitol Hill. CHUN has been instrumental in researching, submitting and supporting many successful applications for designations of historic districts and individual historic structures by the Denver Landmark Preservation Commission, including the Quality Hill, Seventh Avenue, Wyman, Sherman-Grant and Swallow Hill Historic Districts. CHUN has also been supportive and instrumental in a number of historic restoration projects, including the Tears McFarlane House, where the CHUN offices currently reside. Regarding the proposed amendments to the Landmark Preservation Ordinance, the following motion was made at the CHUN regular monthly meeting on September 20, 2012. The same motion passed (5 votes in favor and 1 abstention – Amy Zimmer) by the Historic Preservation Committee on August 27, for consideration at the September 20 board meeting.

WHEREAS, The Denver Landmark Preservation Commission and the City Council will be considering several amendments to the Landmark Preservation Ordinance in the next several weeks;

AND WHEREAS Capitol Hill United Neighborhoods has been active for more than 40 years in efforts to protect the historic and architectural resources within the CHUN boundaries, including applying for landmark designation for many structures and districts;

THEREFORE the Board of Delegates of CHUN communicates to the Denver Landmark Preservation Commission and City Council as follows:

1. Many of the elements of the proposed ordinance are beneficial and help to clarify sections of the ordinance that need clarification.
2. However, the proposal to increase the filing fee for an application by a non-owner of a structure from \$250 to at least \$1000 will impose a severe burden on residents or non-profit organizations in less affluent neighborhoods who wish to preserve historic buildings in their neighborhoods. CHUN recommends that the application fee not exceed \$500, and believes anything higher will harm the cause of historic preservation.

3. The proposal for new and additional criteria for land-marking is a mistake. CHUN believes that If much more information is required to be included in an application (as opposed to being allowed to be considered by the Commission), it will be burdensome and beyond the capability of most citizens and non-profit organizations.. These proposed criteria conflate local and national standards for land-marking and are difficult to interpret. The existing criteria for land-marking are sufficient and have produced high-quality applications for many years. In addition, any additional informational requirements should only apply to non-owner applications and not to applications which have owner consent.

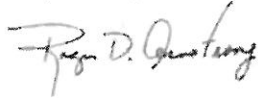
4. The proposed ordinance should clarify that organizations as well as persons have standing to file applications.

5. In summary, CHUN urges the Landmark Preservation Commission and City Council not to discourage or unduly burden citizens or organizations who wish to join the city to protect Denver's many fine historic and architecturally significant buildings and districts.

The motion was approved by the CHUN Board with 12-yes, 4-no, and 2-abstentions (Amy Zimmer)

Please don't hesitate to contact me if you have any questions or need additional information.

Respectfully,

A handwritten signature in dark ink, appearing to read "Roger D. Armstrong". The signature is fluid and cursive, with the first name "Roger" and last name "Armstrong" clearly distinguishable.

Roger Armstrong
Executive Director

Williams, Gretchen - City Council

From: Robb, Jeanne - City Council Dist. #10
Sent: Friday, October 26, 2012 3:17 PM
To: Williams, Gretchen - City Council
Subject: FW: Preserve Owner-Applications for Landmark Designation



Jeanne Robb
Denver City Council District 10
720-337-7710 Phone | 720-337-7717
Jeanne.Robb@denvergov.org

From: Susan Livingston [mailto:susanwehrlivingston@comcast.net]
Sent: Sunday, September 16, 2012 2:50 PM
To: Robb, Jeanne - City Council Dist. #10; Stocklin-Steely, Barbara - CPD Planning Services; Jameson, Savannah - Community Planning and Development; openforum@denverpost.com
Subject: Preserve Owner-Applications for Landmark Designation

September 16, 2012

To:
Denver City Council, c/o Councilman Jeanne Robb
Landmark Preservation Commission, c/o Barbara Stocklin-Steely & Savannah Jamieson
Denver Post Editorial Staff

From:
Susan Wehr Livingston
3863 E. Tennessee Avenue (Belcaro)
Denver, CO 80209
cell: 720-480-8762

The present proposals to revise aspects of Denver's Landmark Ordinance contain some points that are practical and improve the process, but others aim to suppress non-owner applications. These latter intend to "protect" the owner from the so-called dangers of citizen activism, even to the point of penalizing the applicants. Yet no City Council person has proposed a measure to protect us -- Denver residents -- from out-of-town owners tearing down our Denver architectural history.

The current landmark ordinance works when an owner applies for a demolition permit, then the submission of a landmark application triggers a period of examination by all parties -- owners, neighbors, politicians and city officials -- as to whether or not the building contributes to Denver's architectural good. No one's property rights are taken away by this process but Denver benefits from having the breathing space to examine what is really being torn down. The non-owner application fits into this process because it pauses the process at the pre-demolition stage and allows all parties to examine what is going to happen here.

The aspects of the proposed new ordinance include: raising application fees by non-owner applicants to \$1000 or greater and denying non-Denver residents from applying. I have been part of two non-owner applications

and for each case I offer the background facts to illustrate why a non-owner application serves the good of Denver citizens and why the proposals short-change the Denver community.

3125 E. Exposition Avenue:

The first building was a Fisher & Fisher residence along E. Exposition. It was bought by 2 contractors from Douglas County who started to tear it down to make room for 4 houses. Catching the sight of neighbors who saw the tear down begin, the neighbors submitted a non-owner application. Additionally, this application team included an out-of-town resident -- the descendent of the original owner. Without a non-owner application being submitted and thus delaying the demolition, Denver would have lost twice: non-Denver developers would have torn down Denver's architectural history without a governmental mechanism to review the situation, and Denver residents and the neighborhood would have lost a Fisher and Fisher mansion in the blink of an eye.

If the proposed changes did take effect, in an identical situation the neighbors would not have been able to save the building without a penalizingly high fee and the descendent would not have been allowed to sign-on.

In the end, the out-of-town developers sold the house to a new owner who preserved and rehabilitated the mansion -- a win-win situation for Denver, the old and new owners, the neighborhood, and private property rights.

825 S. Adams St.:

The 2nd submission again involved an out-of-town buyer and a non-owner submission made up of both neighbors and non-Denver residents. This ended in a sad mess and consequently has been touted by the Denver Post editors and columnists plus our City Councilman Charlie Brown as a reason to gut the Landmark Ordinance. The applicants -- made up of neighborhood residents and non-residents -- hoped to convince the owner to save the existing house, but the owner rejected the neighbors' invitation to mediate and instead fought the designation through an expensive lawyer. With no ability to get the conversation to the table, the applicants withdrew their application and the building was torn down.

But again the present process worked in this situation: the demolition was paused long enough for neighbors, owner, and the larger Denver community to understand what was being lost.

The current proposals to change the non-owner applications by requiring applicants to be only Denver residents and raising the fee astronomically are supported by some City Council people. It thus appears designed to support the power of owners while suppressing the voice of individuals or small groups. It seems not only repressive but down-right vindictive.

The present ordinance does indeed need tweaking. The costs of a non-owner application could be raised to reflect the true cost of administering an application. But to discourage non-owner applications by increasing the fee to \$100 or higher and requiring applicants to be only Denver residents seems punitive and doesn't benefit the citizens of Denver. After all, what would it seem like if we asked that only "*owners*" who are Denver residents could submit a demolition application?

Therefore I hope City Council will vote against the proposed draconian measures.

Williams, Gretchen - City Council

From: Velez, Kelly - City Council
Sent: Monday, September 17, 2012 2:52 PM
To: Brooks, Albus - City Council District 8; Brown, Charlie - City Council District #6; Faatz, Jeanne R. - City Council Dist #2; Herndon, Christopher J. - City Council District 11; Kniech, Robin L. - City Council; Lehmann, Peggy A. - City Council Dist #4; Lopez, Paul D. - City Council Dist #3; Montero, Judy H. - City Council District #9; Nevitt, Chris - City Council Dist #7; Ortega, Deborah L. - City Council; Robb, Jeanne - City Council Dist. #10; Shepherd, Susan K. - City Council District 1; Susman, Mary Beth - City Council
Cc: Williams, Gretchen - City Council
Subject: FW: 9-18 hearing re:Changes to Landmark Designation process and other preservation issues
Importance: High

From: Jude Aiello [mailto:jaiello50@msn.com]
Sent: Monday, September 17, 2012 2:44 PM
To: Stocklin-Steely, Barbara - CPD Planning Services
Cc: MileHighMayor - Mayor's Office; denc - City Council; Jameson, Savannah - Community Planning and Development; Buckley, Kerry A - Department of Law; Tinianow, Jerry - Mayor's Office
Subject: 9-18 hearing re:Changes to Landmark Designation process and other preservation issues
Importance: High

Barbara, as per my previous email request, please forward this to all members of the Landmark Preservation Commission in preparation for the Tues, Sept 18 public hearing concerning the changes to the Landmark designation process.

I have received limited responses to my original email of Aug 23 below, even though I previously sent it to all those listed above. This is a *major* revision of an ordinance, which I believe will be very detrimental for preservation of our City's history. It also is proceeding as such an accelerated rate, which I believe is an over reaction to just one application. Please especially note my comments in bold red below. Again, I would appreciate feedback. Jude Aiello

From: jaiello50@msn.com
To: denc@denvergov.org; milehighmayor@denvergov.org
Subject: Changes to Landmark Designation process and other preservation issues
Date: Tue, 28 Aug 2012 14:24:28 -0700

Honorable Mayor and City Council members, I'm forwarding an email I sent to some of the CPD staff involved in preservation and to the new Office of Sustainability director, Jerry Tinianow, after attending the last Landmark Preservation Commission hearing. I did get a reply from Jerry, but have yet to hear back from the others. I do hope that someone forwards this to the LPC board members as I requested.

In preparation for the public hearing on Sept 18th dealing with these issues, please read and consider my ideas below. I would appreciate responses from all of you.

I know all of you have many time consuming issues you are dealing with, and most of them seem to be concentrated on growth in those "areas of change" in the new zoning. However, if our areas of "stability", especially those that have historic value, are allowed to be ignored, or worse yet, destroyed, Denver will lose the character that many are now returning to the city for and that draw visitors here. If this destruction continues, we will look like just another suburb. I urge you to take the time and seriously consider some of the suggestions below. Thank you for your time and attention. Jude Aiello

From: jaiello50@msn.com
To: kerry.buckley@ci.denver.co.us; savannah.jameson@denvergov.org; barbara.stocklin-steely@denvergov.org

CC: jerry.tinianow@denvergov.org
Subject: comments on Aug 21, 2012 LPC discussions
Date: Thu, 23 Aug 2012 12:12:44 -0700

Kerry, Savannah and Barbara, I decided to email all of you to share my reactions and comments to some of the agenda items at the Aug 21, 2012 LPC mtg. I'm copying Jerry Tinianow of the Office of Sustainability as I think some of these issues may be of interest to him.

Let me start with Kerry's overview of the Landmark Designation Process. Kerry said even if CPD staff find a building meets the guidelines for designation, the LPC could still recommend it not be designated if the building no longer has the "integrity" due to deterioration or changes to the structure. My concern is this interpretation could encourage owners who don't want the designation to actively deface the building, or to allow it to become in essence a demolition by neglect. I thought the goal of preservation was to rescue these buildings and encourage their upkeep. This "loophole" of agreeing that it is historic but also agreeing that due to neglect or outright abuse it can be demolished could result not only in the loss of historically significant buildings, but it can impact neighborhood safety as owners could damage the buildings, possibly polluting the neighborhood and making the buildings unstable. Also, every time an old building is taken down, even if some of it gets recycled, it still is a great waste of energy and resources, with a resulting greater waste by using new materials from half way around the world, not to mention the extreme use of fuel (with the resulting pollution) from all the vehicles involved with new construction. There is the additional disadvantage of the loss of solar access (and privacy) to neighbors with the new builds, not to mention the added heat to the surrounding area not only from the bigger building, but the added hardscape and diminished open green space. **There should be incentives for saving and reusing old buildings instead of the present practice which makes it more profitable to take them down and build bigger.**

Next is the issue of accessory buildings, including garages, no longer being reviewed by LPC. I think that day's agenda item #649-12: 3336 W 30th Ave gives a perfect example of why these buildings should still be reviewed. As you may remember, this concerned a small all brick flat top garage that was a contributing structure in the new Ghost Historic district. . The young owner wanted a bigger garage and produced a very basic drawing of a 2 or 3 car garage with a peaked roof with siding. Even though CPD said that the majority of the garages in that district were flat topped, the owner said that many near him were not (as they were put there before the district was designated)

My first thought, which I wish I could have shared with LPC, but not being an item for public comment I was not able to, was why wasn't the suggestion made that he keep the current garage and just add on to the side of it for the space he needs? Or at least reuse the brick for the new garage? Instead, the commission voted to let him demolish this contributing historic structure and even indicated that his plan (which sounds like a large tough shed) would be ok, even though the new roofline would now be visible from the street (not to mention probably blocking the neighbors view from across the alley). I think LPC made a mistake in allowing this, and by no longer reviewing any accessory buildings this will probably lead to a rash of cheap replacement building which will be out of scale with uncharacteristic materials. Soon these districts will look like suburbia when you go thru the alleys!

The last issue is concerning the changes to non-owner initiated landmark designations, making it more expensive and difficult to apply, and in fact limiting the people who can apply. I am just amazed that a commission that is suppose to be responsible for preserving historic structures and districts is putting road blocks in the way of letting that happen. **Instead of looking at WHO is initiating an application, both CPD and LPC should be concerned about WHAT is being requested for designation and not only it's historic value, but the value of preserving as environmentally sustainable.** I have always thought it was backwards that instead of the City initiating the designation process it is left up to the citizens to do that work and pay for it. I was amazed when I found out there are areas of town the federal government has indicated should probably be historic areas, but have not been designated as no one has stepped forward to do an application. When Charlie Brown talks about "hostile applications" from non-owners, it really would be more accurate to describe the city's stance as hostile to preservation. (Unfortunately the City has the same requirement for violations; instead of the City actively seeking out the violations, it's up to the citizens to make a report before the City will respond, and even then the City can refuse, as they have done recently with new complaints about more damage to the historic Bosler House) With such a bias in favor of owners, instead of preservation of our city's historic homes and districts, we are losing the character of many of our older neighborhoods with resulting negative environmental impacts.

The new zoning code has been a huge disappointment as it has not been effective in part of it's mission: to preserve the areas of stability. I hoped that at least the LPC could preserve the small fraction of those areas of stability which have

some historic status. It appears that "owners rights" trump neighborhood rights and the preservation of history.

Please forward this email to members of LPC. I would invite feedback. Besides my email, jaiello50@msn.com, I can be reached by phone at (720) 732-1629. Thank you for your time and attention to this. Jude Aiello

FAIRHILL & CO.

September 15, 2012

Dennis Humpheys, Chairman
Denver Landmark Commission
City and County of Denver
Denver, CO 80204

Dear Dennis,

I am writing to express my concern that the changes proposed for Section 30-2 are very significant and the public needs time to hear about the proposed language changes and their potential impact on Denver's historic fabric. As I understand, some proposed changes were posted only yesterday, September 14 for a public hearing today.

Multiple sections of 30-2 are proposed to be deleted in their entirety and replaced with terms and concepts that have no definitions in place. The proposed changes introduce the concept of "themes", which is a significant alteration to the ordinance as is the insertion of "physical integrity" as criteria for designation. The integrity concept appears to be a direct conflict with the city ordinance that requires property owners to maintain their structures or be subject to receivership.

I am concerned that the impact of these proposed changes, in particular the changes to Section 30-2 (4.1), (4.2) and (6.2) may also be in conflict with Denver's Comprehensive Plan and Blueprint Denver that both express the value the community places on historic preservation.

Raising fees to keep up with inflation is one issue. Adding new language without the requisite definitions to accompany these new terms and providing time for the public to review these proposals before official action is taken does not match my definition of a democratic process.

I ask the Commission to delay its consideration to allow time for responses to the above concerns be formulated. Thank you.

Sincerely,



Sarah McCarthy
Fairhill & Co.



October 16, 2012

Dennis Humphries, Chair
Landmark Preservation Commission
City & County of Denver
201 W. Colfax
Denver, CO 80203

Dear Mr. Humphries,

Since the public hearing on the proposed changes to the Landmark Ordinance was first opened on September 17, 2012 we have had the opportunity to listen to feedback from the community-at-large, including a great discussion during the Community Forum we hosted on October 10th.

During that meeting we heard concern about the tight timeframe in which the community must prepare a designation application if they wish to extend the conversation about the future of a potential landmark. Currently that timeframe is 21 days for properties deemed to have potential for designation as individual landmarks. Given that the proposed changes include adding considerations for context and integrity we believe that additional time is warranted to ensure that the LPC receives high quality applications. Therefore we would like to propose an amendment to the process that would allow one week of additional time as well as provide a window in which the property owner and applicants might come together prior to the filing of a formal application. This concept is an addition to our previous comments on proposed changes, which were submitted in a letter to you on September 17.

The concept relates to the process once the staff has determined that a property has potential for individual designation and posted that property as eligible (in response to either a demolition application or an application for a Certificate of Non-Historic Status) for a period of 21 days.

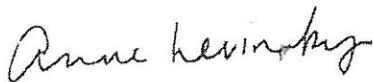
- 1) If by day 21 there has been no response from the community the demolition permit or certificate of non-historic status is issued. This means that for the large majority of properties there is no change to the process and the property owner has the desired certainty by day 21.
- 2) If by day 21 a team of at least three applicants (residents or property owners in Denver) submit a formal "Intent to File a Designation Application," along with the required fee, then:

- a) The formal designation application will be due seven days later (on day 28 after the posting)
- b) The affected parties, including the property owner, related RNOs and council representative will be notified that the LPC is expecting an application
- c) The concerned parties can potentially meet to discuss alternatives to both designation and demolition and seek a win-win outcome
- d) If resolution is found the applicants can elect not to submit the formal application and the fee will be refunded
- e) If no resolution is found the applicants can submit the formal application on day 28 and the process moves forward as currently outlined, with resolution required within 120 days

We feel this idea addresses concerns expressed by the public in the LPC public hearings, maintains a rapid timeframe for property owners, and provides a better opportunity for dialogue early in the process. Because the proposed changes include eliminating the initial LPC review the addition of the "gap" week between day 21 and day 28 has little impact on the overall timing of the process.

While we recognize the time is now getting short on this process we believe this concept merits your consideration and possible recommendation to City Council. Please let me know if you have any questions and thank you for all your efforts on this matter.

Sincerely,



Annie Levinsky
Executive Director
Historic Denver, Inc.

Williams, Gretchen - City Council

From: Robb, Jeanne - City Council Dist. #10
Sent: Friday, October 19, 2012 3:58 PM
To: Williams, Gretchen - City Council
Subject: FW: Proposed Revisions to Landmark Designation Process

For 10/30



Jeanne Robb
Denver City Council District 10
720-337-7710 Phone | 720-337-7717
Jeanne.Robb@denvergov.org

From: Dennis Cox [<mailto:dox37@comcast.net>]
Sent: Tuesday, October 16, 2012 11:48 AM
To: Barbara.Stocklin@denvergov.org; Landmark - Community Planning and Development; Robb, Jeanne - City Council Dist. #10
Subject: Proposed Revisions to Landmark Designation Process

October 16, 2012

Ms. Barbara Stocklin-Steely

Principal City Planner/Historic Preservation Lead

Wellington Webb Municipal Office Building

201 West Colfax Avenue, Department 205

Denver, Colorado 80202

RE: Opposition to Changes for Non-Owner Initiated or Supported Designations Only.

Landmark Preservation Commission:

CPD Manager to raise application fee for non-owner-initiated designations from \$250 to up to \$1,000.

Impact: To raise the level of community support and buy-in required to file a landmark designation application, but to also keep the fees in line with other Community Planning and Development Department(CPD) fees.

The fee increase penalizes non-owner individuals and lowers the level of anyone's support filing a landmark application. We need a more flexible rather than a more rigid process to protect potentially historic properties. We have painful examples of owners of both potentially historic and historic structures who prefer demolition over preservation without any community support whatsoever.

The effort to lower protections for neighborhoods is part of a trend where building code and zoning ordinance requirements are being waived to benefit such entities as brewpubs which have the benefit of paid staff and lawyers. RNOs and neighborhoods generally do not have paid staff and lawyers to represent preservation and community property rights. If we are waiving building code and zoning requirements, then do so to support public health and safety, historic preservation and healthy neighborhoods. There is no level playing field. What is happening are attacks on volunteer efforts passionately fighting for the very issues that these proposed changes are subverting.

Of the three residents or property owners who can initiate applications, who pays the \$1,000 or any part thereof? RNOs don't have the money to pay for every issue with which RNOs deal. Again, there is no level playing field.

To require that non-owner applications come from three Denver residents or property owners lowers the standard for organizing for community support and buy-in. Such a requirement precludes organizations deliberating searching for old buildings for adaptive reuse. We need non-resident groups with imagination and initiative to be part of that process. Community support and buy-in starts with one individual starting the process in a short time frame that allows for community support and buy-in to follow. Indeed, this whole effort to weaken preservation protections began with one person with no community support and buy-in whatsoever. The limited support now involves people surrounding one property and issue. We need to be more far-sighted.

Dennis Cox

Denver resident and property owner



Guiding Success. Inspiring Excellence.

October 24, 2012

Denver City Council
City & County Building
1437 Bannock Street, Room 451
Denver, CO 80202

Molly Urbina
Manager, Community Planning and Development
201 W. Colfax Ave., Sept. 205
Denver, CO 80202

Dear Honorable Council Members and Ms. Urbina,

On behalf of the Denver Metropolitan Association of REALTORS® (DMAR), I respectfully submit this letter with our thoughts on the proposed amendments to the City's Landmark Preservation Ordinance. DMAR represents over 5,000 real estate professionals in Denver and the metropolitan area.

Denver has a unique and cherished history, as evidenced by our many landmark structures and districts. We believe finding consensus on ways to preserve historic properties adds to the character and appeal of the City. DMAR supports historic preservation when the designation is supported by the property owner. A landmark designation permanently restricts an owner's property rights. Therefore, it should not be undertaken lightly when the owner is not the applicant and does not consent. Once a property is designated, not only is the structure likely never coming down—impacting redevelopment potential—but all exterior work including but not limited to alterations, materials, window and door replacement, roofing, even paint color is subject to landmark design guidelines and the review/approval of the Landmark Preservation Commission. The cost of meeting these guidelines is bore by the owner.

Denver has experienced a number of high-profile landmark applications over the years that did not have the owner's consent. This burdens property owners and harms the image of the City. Regardless of whether the subject property is subsequently designated by Council, the cost and heartburn of having to defend your property against an undesired landmark application cannot be understated. Some notable examples of non-owner applications in Denver over the last few years include the S.R. DeBoer property, the Weber-Mills-Ford House in the West Highlands neighborhood, a late 1950s single-family house in Belcaro, the Boettcher Center east building on the University of Denver campus, the old Cathedral High School, an old/decrepit warehouse on Huron Street in the Prospect neighborhood, and of course, the Gates Rubber Factory.

Whether these properties were ultimately designated or not, a central fact in each of these cases is that the respective owners invested a significant amount of time, money and resources to defend their property rights against an undesired, and at times questionable, landmark application.

DMAR was initially very pleased to learn that the City was working to revise the Landmark Ordinance and procedures to, among other things, raise the application fee for non-owner applications; require the application to come from a minimum of three Denver residents; and include additional criteria for the LPC to consider including physical integrity and historic context of the structure.



The initial recommendation proposed increasing the non-owner application fee to \$1,000. It goes without saying that DMAR believes that allowing "anyone" (i.e. a non-owner from outside the City) to submit a landmark application, to potentially permanently alter someone's property rights, for \$250 is much too lenient. The \$250 fee was set back in the 1960s when the Landmark Ordinance was first adopted. It has not been increased since. Like others, we find this very troubling. Fees have risen significantly for other City services to reflect the current cost of staff time and resources. We believe this philosophy should also apply to landmark applications.

We believe the initial recommendation of a \$1,000 fee for non-owner applications was too low because: (i) commercial or residential property can easily lose hundreds of thousands to potentially millions of dollars (assuming redevelopment potential) in value; (ii) the cost of defending one's property rights in front of LPC and City Council has easily cost owners more than \$10,000 (ask any owner in the examples provided above); and (iii) you are permanently altering an owner's property rights.

However, we recognize fees cannot be set arbitrarily and must reflect the amount of staff time, resources and ultimate cost associated with the City processing an application. The costs associated with the 120 day landmark application process includes staff research; posting of the property; notifying RNOs and other referral entities; review of any submitted application for content and completeness; initial LPC briefing; staff analysis, memo and recommendation; and all other procedural requirements and meetings including a public hearing at LPC, City Council Committee, Mayor-Council, City Council First Reading and City Council Final Consideration and potentially a public hearing. We believe a \$1,000 is reasonable and that a well-founded argument can be made it is too low.

For these reasons, we were very disappointed to learn that the Landmark Preservation Commission recommends the non-owner application fee be set at \$500. Community Planning and Development has publicly stated numerous times that \$1,000 represents the amount of staff resources involved in a non-owner application. We do not believe the City should be subsidizing the cost to take away an unwilling owner's property rights. We understand going from \$250 to \$500 is "statistically" a 100% increase. That said, the non-owner application fee has not been changed since the 60s. The process involves considerable staff time and resources, carries a significant short-term cost to an owner to defend against; and has the potential to negatively impact the value of the property.

We understand that a relatively small number of properties have been subject to a non-owner landmark application. But we have seen the use and awareness of this "threat" become greater in recent year and a bargaining point to extract concessions from the owner. We are not confident that requiring even three Denver residents to make an application will be a deterrent to restricting an owner's use. As you are all aware, motivated citizens will do anything necessary to achieve their objectives.

Denver property owners deserve better protections against unwarranted applications. Although we would prefer to have owner consent required for a Landmark designation, the proposed changes still allow non-owner applications. Our hope is that a fee increase to \$1,000 will deter frivolous applications from being submitted. A \$1,000 fee for non-owner applications is reasonable and well-founded. Also, please keep in mind that a City Council Member or the City can submit a landmark application which does not require a fee. This provides those who would find a \$1,000 fee burdensome a legislative alternative.

DMAR does not oppose the other proposed changes to the Landmark Ordinance and strongly applauds the work of all stakeholders involved. Thank you for your thoughtful consideration of this matter and please do not hesitate to contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Pike", with a stylized flourish at the end.

Dave Pike
Chairman of the Board

Cc: Mayor Michael B. Hancock
Janice Sinden, Chief of Staff
Doug Friednash, City Attorney
Skye Stuart, Legislative Director
Barbara Stocklin-Steely, Principal Planner - Historic Preservation

October 26, 2012

Land Use & Transportation Committee
Denver City Council
1437 Bannock
Denver CO 80203

Dear Council Members,

Since 1967, Denver's Landmark Preservation Ordinance has been an invaluable tool in protecting many of our city's most notable structures. As a resident of one of Denver's older, established neighborhoods, it is gratifying to know that Chamberlin Observatory, the Iliff Mansion, and a 1930's small concrete house will remain part of our neighborhood's legacy for future generations. However, I agree that it is time for some changes to be made, and support the proposals put forward by CPD's Landmark staff as well as an additional recommendation by Historic Denver.

As an Historic Denver board member and Preservation Committee Chair, I have been aware of the proposed changes as they have evolved. There has been much opportunity for public input via LPC public hearings, RNO notification, and a community forum hosted by Historic Denver. The final recommendations made by the Landmark staff and Historic Denver took into consideration ideas that came up in these meetings.

At the community forum, the suggestion was made to add one week to the application deadline. This would give an applicant extra time to do the research needed under the new proposals, while still keeping the 120 day timeline for City Council resolution. The recommendation to address context and integrity in an application will result in higher quality applications and allow the LPC to consider these aspects, but it will also require more time on the part of applicants. As a participant in several applications for designation, I am aware of the many hours needed to complete an application under even the current requirements.

I feel this would satisfy a property owner's need for resolution within a set timeline (which remains the same), as well as satisfy an applicant's need to spend additional time filling out a more substantial application. I urge you to accept all proposals.

Sincerely,

Rosemary Stoffel
University Park Historic Preservation Chair
Historic Denver Board Member

To: Landmark Preservation Commission
From: Kathleen Wells, 1515 E. 9th Ave., Denver, CO
Date: October 1, 2012
Re: **September 14 2012 Revisions to Denver's Landmark Ordinance**

The intent of Denver's ordinance is to protect, enhance, perpetuate and promote use of structures and districts of historical, architectural, and geographic significance as a "public necessity"—"required in the interest of the prosperity, civic pride and general welfare of the people"

<http://www.denvergov.org/Portals/646/documents/LPC/Chap%2030%202-1-2010.pdf>

Moreover, data show that property values increase, when buildings are landmarked and districts are created.

Therefore, it is important that any changes to the ordinance do not work to undermine its original aims. Based on my experience landmarking properties in Denver, I continue to have the following concerns about proposed changes to the ordinance:

1. (See #1 of revision/Additional information): A fee larger than \$500, in conjunction with all of the other suggested changes, will make it difficult for residents (and non-profit agencies) to submit applications for non-owner initiated designations. I also note that the larger the fee that is charged, the less willing applicants will be to negotiate with others involved in the case.
2. (See #2 of revision): Failure to define explicitly "applicants" to include non-profit agencies will exclude all such entities that do not own property. It will be harder for many individuals to pay the application fee than for many non-profits: Thus, this rule will depress applications.
3. (See #2 of revision/Additional Information): While it is reasonable and fair for non-owners to contact property owners, it is unreasonable and unfair to ask non-owners to obtain community input and support in order to submit an application. There is neither enough time (21 days) nor enough resources for non-owners to take on this task. I argue it is the responsibility of Denver's landmark staff to obtain community input and to assess community support for an application.
4. (See #4 of revision/Historic or Physical Integrity): The Commission is well aware of the effect of Denver's Neglected and Derelict Building Ordinance on efforts to landmark buildings. Specifically—owners of buildings that have the potential to be landmarked have been known to allow their buildings to deteriorate thus making it difficult for buildings to retain the "design, materials, workmanship, and feeling", for example, that may be required to show historic significance. I urge the commission to tackle this problem in the landmark ordinance.
5. (See #4 of revision Integrity): The ordinance should recognize explicitly that decisions regarding landmarking are made on a case-by-case basis so that the seven qualities that define integrity will not be used in a formulaic manner.

6. (See #4b/Historic Context): I understand the importance of context and comparative assessments of a property. However, I remain concerned that the LPC is underestimating the expertise and time that is required to assess context, even if that context is described in 2 or 3 sentences. I suggest that 4b be eliminated because a good description of the history criterion assumes a description of context. The revision's emphasis on context and comparative assessment appears to be an over-reaction to recent but rare cases that have come before the Commission. The City's historic preservation staff will be able to make a determination of whether or not the history criterion is handled well in any given application.