



DENVER
THE MILE HIGH CITY

Community Planning and Development
Planning Services
Plan Implementation
Landmark Preservation

201 W Colfax Ave, Dept 205
Denver, CO 80202
p: 720-865-2985
f: 720-865-3056
www.denvergov.org/planning

LANDMARK PRESERVATION COMMISSION MEETING MINUTES

Tuesday, February 3, 2009 at 1:00 p.m.
MEETING LOCATION – 201 W. COLFAX, RM. 4.F.6

Members Present: Chair Dennis Humphries, Barbara Gibson, Christopher Meza, Stephen Leonard, and Edward Shalkey

Absent: Co-chair Carla McConnell, James Bershof, and Ronald Roybal

Staff Present: Steve Oliver, Greg Savage, Fran Mishler, Tyler Gibbs, Kerry Buckey, George Gause, Judy Blake, and Savannah Jameson

Chair called meeting to order at 1:10 p.m.

I. Review And Approval of Minutes

Motion by: S. Leonard, move to delay approval of minutes.

Second by: E. Shalkey

Vote: Unanimous in favor, motion carries.

II. Applications for State Income Tax Credit

Motion by: S. Leonard, I move to approve the preliminary and final Tax Credit credits as presented.

Second by: C. Meza

Vote: Unanimous in favor, motion carries.

III. Committee Reports

Civic Center guidelines committee report and discussion

C. Meza – On January 6, we formed the subcommittee and have met during the past three weeks. Carla had some suggestions that we might want to talk about.

M. Bernstein – These meetings were productive and had strong spirit. We thought it would be good to work from what we call the table and to address the list of concerns. We are here today to proceed with the list and get final approval on February 17, 2009.

Erin Trapp, Director DOAC – We are here to talk about public art projects. We had a town hall meeting last week and had almost 200 people there, to hear about public art process.

Kendall Peterson, DOAC – The selection process has a panel of seven people. We add members as needed, for instance with the new Justice Center, we had a Judge on the panel, and we want to make sure that the Landmark commission is represented in this process. We want to make sure that the art work is unique for each unique location.

E. Trapp – Now our emphasis is to integrate art into the design for whatever the structure or place and we feel that we have addressed the concerns.

D. Humphries – It seems that the issue is of temporary art.

S. Leonard – There is no concern regarding the central gathering or art near the McNichols building. The issues were largely whether public art could just go anywhere in the park and then the issue over temporary meaning a year versus short term public art and whether it would revitalize the park. I prefer it be vacant one half of the time. It is necessary to recognize the Secretary of the Interior Standard Guidelines for historic and places that say that change should be minimal. If we can limit the duration public art and the proliferation of permanent public art, we can at least get close to the line where we can say that we are not in a major way impacting the park. The guidelines are the only thing we will have to prevent awful things in the future.

E. Trapp – I hope that the approach we have historically taken represents our commitment to the character of the park.

S. Leonard – It could be finessed or re-written, but we need to assure that the park doesn't become a large temporary art project.

E. Trapp – My preference is to respect the commission and this body would always be a strong consideration.

S. Leonard – I am concerned that the character would be compromised.

D. Humphries – Erin, it seems that you would be a consideration for all future work in the park.

* Conversation by several regarding the character of the park, specific areas for permanent public art, safeguards in the guidelines and standards. Clarification was made that all of these issues are resolved and protection verbiage will be put into the final guidelines.

E. Trapp – This body has representation and the final approval.

D. Humphries – We will continue to another committee meeting.

*General conversation regarding the kiosks in the park.

- When we started we were to have three (3) structures, and we now have a permanent kiosk and the size of them is a concern.
- The kiosks have been reduced in size and it was stated the two (20 permanent kiosks on Broadway and one (1) temporary kiosk in the McNichols area would be okay.
- It was determined that these issues of the kiosks and the public art could go back to the committee for clarification

Motion by: D. Humphries, I move to empower the subcommittee to do the final negotiations on this list for considerations and changes to come back for a vote.

Second by: E. Shalkey

Vote: Unanimous in favor, motion carries.

IV. Other Business

Downtown Historic District Tax Rebate Presentation & Discussion

F. Mishler – This is an analysis of the downtown Denver Historic District Tax Rebate The question is should the ordinance be amended or re-written.

Ordinance No. 970 was created in late 2000 to create an effective method of providing economic incentives in the form of a property tax rebate for property owners of historic buildings in the Downtown Historic District. The purpose of the rebate is to encourage these property owners to preserve, renovate, and maintain the exterior of their buildings and their building systems. The tax rebate is calculated as the difference between taxes paid in the base year of 1999 and the current year taxes paid times the city fund mill levy, which is the mill levy portion of the General Fund.

In recent years, the question has arisen as to the effectiveness of the Ordinance. Some of the problems that have been identified are as follows:

- Many buildings in the Downtown Historic District have been turned into condominiums, creating multiple small ownerships, instead of one single owner for a property. The tax assessor's records,

from which the approved list is drawn, only lists these owners, not a property association. Therefore, checks are sent to individual owners.

- As a result of the division of many buildings into condominium ownership, the program is administratively cumbersome. Approximately two hundred of the checks are written for less than \$500, calling into question whether they are put to the use the tax rebate intended—the upkeep of the exterior of the buildings and the building systems.
- The tax rebate for the Downtown Historic District is unique among historic districts and was negotiated partly in order to provide an incentive to create the district.
- The tax base year used is 1999, but the condominium ownerships, generally, were not in existence at that time.

Ordinance 970 states that “For each qualifying structure in the Downtown Historic District, the City Council MAY annually appropriate a rebate amount equal to the local portion of real property taxes due in excess of those local property taxes due for tax year 1999...” \$210,000 has been appropriated for this year, however it is being re-evaluated in light of current budget concerns. The following are some of the questions that arise as a result:

- City Council may rescind the appropriation for this year. Should property owners be involved in the process?
- What is the best way to inform property owners of the change?
- How does LPC view this particular budget saving measure?
- Should the Ordinance be re-evaluated such that the original intent is better facilitated?

As part of the tax rebate process, a determination of whether or not a building is considered a qualifying structure is required. To be considered qualifying, the following criteria must be met:

1. The building must be in the Downtown Historic District
2. The building must be certified by the Landmark Preservation Commission (LPC) as qualifying based on the following criteria:
 - a. The street elevation of the building must be in good repair; and
 - b. The street elevation of the building must be substantially original in appearance; and
 - c. The building systems must be in good repair.
3. Owners of structures with DURA obligations are not eligible for this rebate.

Of the 43 buildings in the Downtown Historic District, 40 were certified this year by Landmark staff.

B. Gibson – I don’t think it is our purview, as I think the ordinance should stay in place.

S. Leonard – When that agreement was decided there were some very large buildings that were included into that “Chocolate Chip” district, they got something. If we take away what they got are they going to be able to say that they don’t want to be a historic landmark anymore?

D. Humphries – I am not prepared to make an opinion.

B. Gibson – I think the decision whether to rescind is fully in the hands of the City Council. As far as re-evaluating the ordinance the education is not there for those people taking part in it anyway, so they don’t understand it. I think the ordinance should stay in place. I think that historic downtown is very important but how it is managed, if it is part of changing the ordinance, then I am happy to work on that.

D. Humphries – I think we have a responsibility to offer an opinion.

K. Buckey – There was substantial negotiations because the idea was to try to get the complaints from property owners known, and most of the property owners were on board. I think a recommendation from the commission is a good thing.

S. Leonard – Everett brought in a de-certification of buildings that were not kept up. In effect by de-certifying them, I suppose we were then going to tax them at full rate.

F. Mishler – I think that ordinance should be amended to better serve and because we have a budgetary crises that historic preservation seems to be left among the first to take the hit.

D. Humphries – So are you recommending that we not encourage that it be rescinded for the year.

F. Mishler – I think it is recommended that the ordinance not be eliminated but to just suspend it for one year.

Motion by: S. Leonard, I move that the commission extend its understanding to the City Council and the need to rescind the rebate for one (1) year, and express it’s strong concern that historic preservation not be set back by doing this on a permanent basis, and that we continue to find ways evaluate the effectiveness.

Second by: E. Shalkey

Vote: Unanimous in favor, motion carries.

V. Design Review

1. **Project 405-08 455 Westwood Dr.**

Staff presentation

G. Savage – This is a re-study of the front entry and was before the Landmark Commission on December 16, 2008 and I am now recommending approval. They did decrease the size of the front terrace, and lowered it slightly and by planting the row of shrubs in the front of this minimizes the terrace.

Laura Messack, Project Manager, D. H. Ruggles and Doug Rockee with Rockee Design were present.

Motion by: E. Shalkey Project 405-08, 455 Westwood Dr., I move that we approve as presented.

Second by: S. Leonard

Vote: Unanimous in favor, motion carries.

2. **Project 309-07 3225-3233 Zuni St.**

Staff Presentation

S. Oliver – Previously we were given approval for mass and scale, and today we are looking for approval of materials. We are asking the commission for recommendation with conditions of two (2) things, one is that on the outside there of the front there is a 2x2 wood configuration of material siding and they are using brick instead which ties in better with the building next door, and it would have a little more prominence. And the second (2) thing would be to consider a revision of the windows on the north portion.

The design has included porches at the entrance doors which correlate to the historical house elements and relationships. The front window design is contemporary in nature and relates to the intention of a commercial storefront which provides another transitional piece at this point between the existing commercial and residential architectures. To complete this transition the north unit, which is immediately adjacent to the existing residential could provide a window pattern which is emulates the pattern and configuration found in the design of the historic house elevations.

Historical reference is contained in this new, contemporary structure. The horizontal banding of the wood elements on the front is evocative of traditional brick banding. Consideration should be given to using the traditional material.

Applicants Presentation

Ryan Holtman, owner and architect – We are trying to get this going again. I appreciate the comments for changing windows up on that northern unit. However we are trying to maintain the symmetry of the building.

Board Discussion

Question was asked if Mr. Holtman was comfortable with brick as brick is a good idea, and his response was that he was not sure if it tied in with the Weir building, he would like to see some stucco coating and see some more wood.

Motion by: C. Meza for Project 309-07, 3225-3233 Zuni St., I move to approve the project as presented with details to come back to staff.

Second by: B. Gibson

Vote: Unanimous in favor, motion carries.

3. Project 251-08 2335 Hooker St.

Staff Presentation

G. Savage – The applicant is looking for an opinion, as they have been in before and this time they have a proposal to just leave the frames and replace the sash only. The problem is that it does reduce the size of the glass 2” on one dimension and 1” on the other dimension. It seems like the window committee has said “no inserts”, but in general we just want an opinion.

B. Gibson – If it is a radical change, then I think they should stick with the original.

*No motion or additional comments at this time.

X. Other Business

S. Leonard – This is a tribute to the Rocky Mountain News. The only change I would make to this is on the very last line is that a plaque or other suitable tribute for this 150th anniversary, be placed in an appropriate place rather than Civic Center Park.

Motion by: S. Leonard, I make the motion that we adopt this resolution and forward it to City Council.

Second by: E. Shalkey

Vote: Unanimous in favor, motion carries.

Meeting adjourned at 2:20 p.m.

Submitted by:

Judy Blake