



August 5, 2009

Mr. Peter Park, Manager
Community Planning & Development
City & County of Denver
Webb Municipal Office Building
201 W. Colfax Avenue, 2nd Floor
Denver, CO 80202

Dear Peter,

Thank you for the opportunity to discuss with you the key preservation issues we have identified in the proposed new zoning code.

Historic preservationists are keenly interested in the new zoning code, as few laws have made as significant an impact on our historic neighborhoods over the years, and we anticipate that the new code will affect the direction of local preservation for many years to come. Consequently, with the preservation of Denver's iconic historic structures and irreplaceable historic fabric at the core of each of our organizational missions, we have been active participants in reviewing and commenting on the draft at various public venues. We continue to believe that the new code can achieve the Blueprint Denver goal of providing greater stability for Denver's established neighborhoods by encouraging the conservation of valued existing structures and guiding new development that is more compatible with the existing neighborhood context.

We wanted to take the opportunity to highlight just a few key areas where we feel specific attention is warranted from a preservation perspective:

1. When applying the new contexts to existing areas of the City, special attention should be paid to the impact of changing minimum lot sizes and the dimension and scale for buildings on such lots, as well as to the potential for adverse and unintended consequences of splitting large lots into reduced minimum-sized lots. Both could inadvertently encourage and accelerate the demolition of historic homes.
2. Defining and enforcing appropriate building forms within each context is at the heart of the new code. While some areas, such as along parkways, contain large single family homes, many others are dominated by bungalows and other low-rise dwellings where the mass and height of homes allowed under the regulations for the proposed Urban House form would be out of character. Based on the current draft maps and related context assignments, a significant portion of the City will be offered only the Urban House form, despite the actual diversity of existing forms on the ground. The preservation community believes that in many areas the Urban House form is simply too large and too tall for the lots and inconsistent with the existing neighborhood fabric. We suggest looking at ways to add another building form, a new zone district designation, or even a new context that recognizes the difference between neighborhoods of smaller, low-rise homes and neighborhoods with larger, taller homes.
3. While the draft makes efforts to enforce reasonable front set-backs in established neighborhoods by using an averaging methodology, the proposed side and rear set-backs, as well as suggested height limitations, are much less consistent with the existing conditions and many neighborhoods. This will not only limit solar access, but also disrupt the established and valued development pattern in many areas. For example, many

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neighborhoods include lots with large side-yards that are a character-defining feature. The averaging approach, or another similar methodology that takes into account the existing neighborhood character, should be applied to all set-backs and height limitations to ensure context consistency.

4. Accessory Dwelling Units are a sensible and commonplace feature in many of Denver's established neighborhoods, but the current draft requires clarification regarding the appropriate set-backs for such units, their relationships to other secondary structures such as garages and utility buildings, and their scale in comparison to the primary structure on the lot. We also feel that the current requirements in the existing zoning code for detached garages in areas where this is the pattern is important, but currently absent from the draft.
5. Many preservationists are concerned about the proposed new zoning for existing designated historic districts. It makes sense that through this update the underlying and adjoining zoning in and near historic districts be made more compatible with the historic district ordinance. This is especially important if, as indicated on www.newcodedenver.org, the process for additions and alterations to building in districts is to be simplified according to underlying zoning standards.
6. We urge you to include provision in the code or the enabling legislation for a mandatory review of the new code after some reasonable period of time (e.g., one or two years). We think it inevitable that unintended consequences will result from the application of the new code and, to the extent practicable, we would like to see those issues addressed as part of a single review process in a set period of time rather than piecemeal as issues arise. We believe this might serve to produce a more cohesive and consistent product that will better endure the test of time and produce more consistent results across the City.

Again, thanks to you and your staff for taking the time to meet with us to discuss these issues. We are more than happy to continue the conversation as the draft moves forward. As mentioned before, there are few tools as powerful as zoning in shaping a city, and it is imperative that we think carefully and with great deliberation about how the new code will affect the historic resources that our city cannot afford to lose.

Sincerely,



Robert E. Musgraves
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James Hare
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Barbara Pahl
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cc: Tyler Gibbs, Community Planning & Development
Jeremy Wells, Denver Landmark Commission