



November 30, 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,

We wanted to thank you for providing historic preservation organizations the opportunity to once again meet with staff from Community Planning & Development to discuss the third draft of the new Denver Zoning Code. We had a constructive meeting with Tyler Gibbs, Jeremy Wells, George Gause and Savannah Jameson on November 10<sup>th</sup>. We expressed to them our pleasure at the new lot coverage standards, as well as several other edits to the draft which will help support, sustain and strengthen Denver's great neighborhoods while also allowing the city to grow and change.

We expressed to Tyler and the staff that we believe it is very important to conduct detailed modeling of the proposed form standards in order to not only tweak calibrations, but also to understand how the new forms will interact with the forms that exist in our city's fabric, particularly in our historic neighborhoods. We continue to be concerned about the scale and shape of the Urban House Form in particular, and feel that the language related to the roof form should be clarified to ensure that the results match CPD's intention to encourage traditional roof forms. **We also encourage you to consider reducing the percentage of allowed occupied space on third stories from 75% to 50% in order to ensure that 2 ½ story houses, which are already large in comparison to most of Denver's existing house forms, do not in actuality become 3 story homes.**

Additionally, because the new code makes many small lots conforming and because the lot coverage standards are more generous on the smaller lots, the implementation of the new code may actually defeat the goal of reducing scrap-offs and encouraging appropriate in-fill. If it becomes possible for a property owner to build a structure that is three to four times the size of an existing historic home, tear-downs will result. This will not lead to increased density or a more sustainable city --it will lead instead to larger, incompatible structures. Careful testing of the forms and lot coverage standards is necessary to avoid this unintended consequence. **We, therefore, suggest retaining the 37.5 % lot coverage standard for the "A" lots as well as the "B" and "C" lots.**

It is exciting that the concept of "Neighborhood Conservation Overlay Districts" now exists in the code. Conservation Districts can be a valuable and flexible tool to protect neighborhood character, slow inappropriate development and stabilize property values. **Once the New Code is enacted, we encourage CPD staff to assist neighborhoods interested in preparing plans and standards to achieve the neighborhood conservation overlay, including provisions for open space, landscapes and other contextual features. We also believe that some sort of overlay district should be developed for the**

**city's historic parkways.** The National Trust for Historic Preservation is currently researching lessons learned about conservation districts in other communities and we will be sure to share the results of this study with your staff.

The shift to the use of administrative adjustments as a remedy to places where the new code and the historic patterns are mismatched, particularly in historic districts, is good. However, particularly outside historic districts, the language indicates that the zoning administrator can make some determinations, such as height, based only on reference to a single nearby structure. There is nothing to say that this other structure is not already incompatible, and so an inappropriate trend could be perpetuated unintentionally. **Instead of using a single example building on a nearby lot, the zoning administrator should look to the context of the block, and use averages or means to determine an appropriate, contextually sensitive exception.**

The use of average front set-backs in single-unit zones is an important element of the code, and we hope this same standard will be applied to areas, such as General Urban neighborhoods, where single-family structures are mixed with two-unit and multi-family structures. We have noted that this is particularly important in U-RH and G-MU contexts, and believe that consideration should also be given to rear set-backs when multi-family structures are developed next to single-family homes. **It is possible to incorporate diverse forms and retain neighborhood character as long as common set-backs and building scales are retained.**

Finally, since our meeting last week we have heard from neighbors across the city about concerns related to the map assignments for eclectic neighborhoods, such as Capitol Hill. **We hope you will take the time now to address these complex areas, as this will not only help them to preserve their existing character, but also to encourage density, affordability and ease of code implementation.**

We are continuing to study the forms and will send along any other comments that arise. Thank you again for all the time and energy your department is pouring into this important undertaking.

Sincerely,



Annie Levinsky  
Executive Director  
Historic Denver, Inc.