

Frequently Asked Questions About Historic Designation (Landmarks & Districts)

The city of Denver's Preservation Ordinance was created in 1967, just a year after the watershed passage of the National Historic Preservation Act. The ordinance is a framework that supports Denver's historic districts and individual landmarks, and specifically outlines provisions related to historic designation, design review and demolition review. It is an important to note that these functions are managed by the City & County of Denver, its Landmark Preservation Committee, and the Denver City Council.

There are 54 local historic districts in Denver and over 340 individually landmarked properties. Landmark designation is a great tool for preserving the historic fabric of Denver's neighborhoods while encouraging thoughtful and sympathetic improvements and additions. Navigating the ins and outs of what designation means for your property, however, can seem like a daunting task. Below we've compiled a number of questions we frequently receive about designation to highlight the benefits of landmark designation and to shed light on the many misconceptions surrounding the process. The City of Denver's Landmark Preservation Commission also has a list of Frequently Asked Questions about historic designation.

Please note: Historic Denver, Inc is a private, non-profit organization that provides ideas and actions for Denver's historic places. We do not manage the city's designation programs. The Landmark Preservation Commission is the formal city agency responsible for designation and design review. To contact the Landmark Commission, please visit their website or call them at (720) 865-2709.

Why do we need Historic Designation?

Historic designation is one method of ensuring that changes to a neighborhood occur thoughtfully, preserving the fabric of a neighborhood that people love— homes with history, vital dwellings that preserve the past, while acknowledging modern lifestyles. Historic district designation can preserve the essential features of a neighborhood, while permitting contemporary improvements and additions that contribute the historic character of the area.

Will historic district designation devalue my property?

Of the 50+ areas in Denver that have been designated historic districts, there is no evidence to support a contention of diminished value. The 2011 economic study *Property Values and Neighborhood Stability* conducted by Clarion Associates of Colorado analyzed the economic impacts of historic preservation in Colorado over the past 20 years. They found that Denver residential property values **increased or stayed the same** as compared to values in nearby, undesignated areas. For example, the Study states:

"In fact, studies throughout the nation demonstrate that local historic designation programs not only help preserve an area's historic character, but they can also add value, stability, and desirability to homes and neighborhoods. Local historic designation typically leads to appreciation in property values at rates that are consistent with, and often greater than, rates in similar, non-designated areas." (pg 23)

"In several of the districts studied, average sale prices for homes within the designated historic district, as well as in the non-designated comparison areas, surpasses the average sale prices for the larger surrounding neighborhoods. This demonstrates that the preservation of historic districts often has a spillover effect into nearby areas, increasing overall desirability of homes in and near a historic district." (pg 24)

What is allowed and not allowed in a historic district or on a historic landmark?

Only exterior changes requiring a city building permit require an additional level of design review in a historic district or individual landmarks. The additional review ensures that the changes are done in a complementary manner to the original structure, the surrounding houses, and the neighborhood.

The following would **not** be affected by historic designation and **do not** require design review:

- Painting the exterior of your home the color of your choice
- Making interior changes to your home
- Most landscaping
- Installing an air conditioning unit
- Installing a lawn sprinkler system
- Installing a satellite dish
- Placing play ground equipment in the yard

The following would likely be allowed after the design review process:

- Sensitive additions to enlarge your home
- Adding or replacing a garage
- Replacing the front door

For more information about the design review process, you can read Historic Denver's Owner's Manual for Historic Homes.

Can I add to my home?

Additions to homes in historic districts are reviewed and approved by the Denver Landmark Commission before a building permit is issued. Additions do not have to duplicate the original style and materials, but must be compatible in massing, size, and scale. Many changes can be approved relatively quickly by working with the Landmark Planning staff. For more complex additions and construction, the Landmark Commission meets twice a month to review applications. The Landmark Preservation Commission has an excellent record of approving projects that meet the contemporary needs of the owners while preserving the historic character of the structure.

What are the First Steps to start the designation process?

You will want reach out to the City of Denver's Landmark Preservation staff to ask them if they believe your home is potentially eligible for designation. They will want to hear as much detail about the home including its history and any significance relating to its location and its architecture. So it is good to gather as much information about the building you already have to share with LPC. You can also reach out to Historic Denver as a resource to talk through the process. They can provide consultants who can write the application for you.

What is the designation process once the application is submitted to LPC?

The process used to designate a structure or district under the local ordinance is much like to processes used in other land use decisions and includes many opportunities for public input. While any member of the community can submit a nomination for designation, in the form of an application, this is just the beginning of the process, which includes:

- 1) Review by Planning Department staff and the LPC to determine whether the application is complete and meets the criteria.
- 2) A public hearing before the LPC on the merits of the application and recommendation to council if warranted.
- 3) Denver Planning Board review of district applications with particular attention to existing city plans.
- 4) Review by City Council's Land Use, Transportation & Infrastructure Committee (LUTI) for determination of whether the full Council will consider the matter.
- 5) First reading and second reading with a public hearing before City Council.
- 6) City Council decision to designate or not weighing all factors and impacts.

What is Design Review?

For locally designated homes or commercial buildings, either individual landmarks or contributing structures in a historic district, certain exterior changes do require design review by the Landmark Preservation Commission. Typically design review is required for any change that requires a zoning, building, demolition, revocable or curb cut permit on the exterior of a building and/or its landscape. Examples of the kind of items reviewed include:

- Window replacement or installation
- New roofing or siding
- Exterior doors
- Additions

Property owners begin the process of design review by submitting an application to the Landmark Preservation Commission staff. Well over half of all applicants are approved administratively in less than two weeks. More significant projects are reviewed by the Landmark Preservation Commission and their twice-monthly meetings. Proposed changes are reviewed in accordance with the City's adopted Design Guidelines, which are based on the Secretary of the Interior's Standards, a national document published by the Park Service.

To ensure the design review process goes smoothly, owners can contact Landmark Preservation staff early in the planning process for advice and recommendations. Historic Denver is also willing to provide preliminary advice and answer general questions about design review.

What kinds of projects are reviewed by the Landmark Commission?

In historic districts, only exterior changes to the structure that require a building permit receive design review by the Landmark Commission. This review will ensure that the changes are done in a complementary manner to the structure, the surrounding homes, and the neighborhood.

- No restrictions or review for interior renovations.
- Most major additions and changes go before the Landmark Commission for review.
- Smaller additions, modifications, and most garage additions are approved administratively.
- Minor changes that can be reviewed by Planning staff, such as re-roofing, detached garages, replacement of downspouts and gutters, or re-pointing, receive a quick sign-off.

How does the Landmark Preservation Commission's "Design Guidelines for Landmark Structures and Districts" apply to homes in a historic district?

The Guidelines are specific to historic districts, and are used by the Commission and staff to review submitted designs. If a residential project involves the exterior of the house and a *permit* is required for the project (this includes building permit, curb cut permit, demolition permit, revocable permit, zoning construction permit and request for zoning lot amendment) then the project must be reviewed and approved by the Landmark Preservation Commission before the permit will be issued.

The provisions of the Design Guidelines that relate to that particular project will be applied in the design review process. The City's staff is available to consult with you and provide input, regardless of the need for a permit. Where no permit is required, the Design Guidelines are non-binding.

The city website has helpful information, including application forms and submittal requirements

What is the Landmark Commission's approval rate for design review?

- The Landmark Commission's approval rate for 2013 was 99%.
- Of the 399 applications which received formal design review in 2013, 398 received approval. (The approval rate for prior years is similar).
- Of the 398 approved, 325 were administratively approved, without formal Landmark Commission review.

What home improvements are eligible for tax credits in a historical district, and how significant are the credits?

Provided the appropriate guidelines are followed, here are a few activities that could be eligible for the Colorado State Preservation Income Tax Credit:

- Window restoration
- Removal of historically incompatible materials
- Roof replacement
- Electrical and plumbing upgrades
- Masonry repairs

The financial benefits can be substantial. Owners of "contributing" properties in historic districts may receive a credit of 20% of their qualified costs up to \$250,000 taken over five years, i.e., five annual \$10,000 state tax credits.

[Keep in mind that a tax credit is different from -- and much better than -- a deduction. A tax credit allows you to offset your taxes on a dollar-for-dollar basis. A deduction only allows you to reduce your taxable income.] Between 1991 and 2010, 951 property owners in Colorado have qualified for the state tax credit approval for restoration, renovation, and repair, totaling more than \$98.5 million dollars in qualified expenditures.

What costs are covered by the tax credits?

Costs covered by the tax credits include the "hard costs" associated with the physical preservation of a historic property, covering such aspects as:

- Carpentry
- Ceilings
- Cleaning
- Doors & exterior repair
- Painting
- Plaster
- Roofing & flashing
- Sheetrock
- Re-pointing
- Windows

Who is eligible to apply for the State tax credits?

Homes more than 50 years old and part of a historic district are eligible for Colorado Historic Preservation Income Tax Credit. In Denver, the Landmark Preservation Commission reviews applications for tax credits. Property owners and tenants with a lease of five or more years are eligible. For more information and to apply for a tax credit, please visit the City of Denver's Community Planning and Development website.

What is the difference between contributing and non-contributing homes?

Both contributing and non-contributing structures require design A historic district can be comprised of both contributing and non-contributing structures. Typically, a designating ordinance for a historic district will include a Period of Significance. Structures that were built within this period are considered contributing unless there have been significant negative alterations and thus loss of historic integrity. Non-contributing structures are those built outside the Period of Significance, or those that have been altered and no longer have historic integrity. Homeowners of contributing buildings may be eligible for state income tax credits for qualified projects. If not specifically stated in the designating ordinance for a historic district, contributing or non-contributing status will be decided by the Landmark Preservation Commission.

Can I demolish my home?

Non-contributing (or non-historic) structures may be approved by the Landmark Commission for demolition without a public hearing. Contributing (or historic) structures may be demolished if economic hardship is established at a public hearing of the Landmark Commission.

What do I need to do if I want to install storm windows?

Although any alteration to windows in historic districts does require a permit, adding storm windows does not. While not required, the homeowner may opt to consult the City staff and get their input on the proposed project. Storm windows are encouraged, as is renovation and repair of existing windows. The installation of storm windows should be appropriate to the existing architecture.

What do I need to do if I want to install a storm, security or screen door?

Installing storm, security or screen doors does not require a permit from the City and therefore may be installed with no involvement by the City. While not required, the homeowner may opt to consult the City staff and get their input on the proposed project. If contacted, the city can provide advice utilizing related Design Guidelines.

What do I need to do if I want to add or repair a fence or retaining wall?

There are very specific zoning codes relating to fences whether or not there is a historic district. From the front facade of the house forward to the street, a proposed fence cannot exceed 4 feet in height. (In historic districts, if appropriate, the fence should be "transparent" to maintain the open view plane from the street.) From the front facade of the house back along the property line to the alley, and along the alley, fences can be 6' tall. If taller, they will need a zoning variance.

Most substantial fences, brick or stucco, will need permits because of footings required for support posts. Design Review will take into consideration the street character and the impact on the neighborhood when reviewing proposed retaining walls and fences.

What do I need to do if I want to put up shutters?

Shutters do not require a building permit and may be put up by the homeowner with no involvement by the City. However, as in all projects in historic districts, consideration should be given to the appropriateness of shutters (or any other similar addition) in terms of the original architecture.

If the homeowner decides to consult the City staff (which is not required) the staff will offer advice based on historic documentation. In some instances, the addition of shutters might be discouraged if they do not fit the architectural character of the house. It's important to note that since no permit is required to install shutters, the advice provided by the City is non-binding.

What is the difference between a historic district and a conservation or design overlay district?

A neighborhood conservation or design overlay district is a zoning tool used to preserve, revitalize, protect, and enhance significant older areas within a community beyond what is specified in the standard zoning code. Conservation or design overlay regulations are applied in addition to standard zoning regulations. Conservation or design overlay regulations will differ from neighborhood to neighborhood depending on the area's character and needs. Typically, conservation or design overlays regulate fewer features and will focus more on significant character defining features, such as lot size, building height, setbacks, streetscapes, and tree protection. Unlike historic districts, conservation or design overlays rarely consider specific elements, such as windows, buildings materials, colors, and decorative details. In addition, most conservation or design overlays do not include demolition delays or prohibitions, a tool utilized in historic districts.

Conservation or design overlays are created through the desire and need of the neighborhood, and must be approved by City Council.

Note: This FAQ was developed by Historic Denver, Inc with material adapted from the work of volunteers in the Washington Park neighborhood. Historic Denver is happy to field questions about designation, as we strive to be a resource (303) 534-5288.

Questions can also be directed to the Landmark Preservation Commission at their website, or you can call them at (720) 865-2709.