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By **Scott Rodwin**, Rodwin Architecture/Skycastle Construction

What Do I Need To Know About Historic Landmark Rules?

Thirty-four years ago, Boulder adopted rules to preserve its significant historic structures. The effort was triggered by the tragic demolition of Central School, the oldest building in Boulder and a true landmark. The Boulder Theater, the Hotel Boulderado, and numerous iconic historic homes have been saved by this ordinance, and have helped create and preserve much of Boulder's special charm.

That said, we also know that it has created some challenges and surprises for property owners. Here's what you need to know to avoid those:

Individual Landmarks:

Any building over 50 years old is potentially a candidate for landmarking, although in reality buildings built post-WWII are rarely landmarked. To initiate work on a building over 50 years old, you

have to submit a Demolition Permit (fee varies based on age of building). It typically takes about two weeks to get a verdict on this administrative review. If the building is deemed potentially landmarkable, the Landmarks Board Design Review Committee will likely call this up to a full Landmarks Board meeting (~\$1,500), where the Board is able to put a 180-day stay on any demolition to review the application more thoroughly.

The trigger for the demo review is if 50 percent of the roof, 50 percent of the exterior walls or any portion of the street-facing wall is being proposed to be removed.

Any exterior changes to an existing landmarked building or any building within a historic district must obtain a Landmark Alteration Certificate prior to being granted a building permit. There is no fee from the City for this.

New additions to a historic building should not try to copy the original building. The City wants to see the difference between new and old.

Landmark status can be granted if the building is architecturally or historically significant (including who designed, built or lived there). "Architectural significance" can include being representative of a particular era (such as mid-century modern). Many of the little cottages around Canyon and 18th or in Newlands are good examples of this. Even though they are not architecturally compelling, the City wants to preserve them. There are similar but fewer examples in unincorporated Boulder County.



The current condition of the building is not a factor in determining its eligibility. The roof can be sagging, the paint peeling and the windows inoperable – that doesn't matter. What does matter is whether or not changes have been made to the historic building. If someone added a small pop top in the '70s to a hundred-year-old home, it is no longer eligible.

Landmarking can happen over the objection of the owner, and the City has initiated this process on the rare occasion when the owner is threatening demolition. More commonly, the City seeks to work with the owner/architect to come to a mutually acceptable compromise. For example, keeping the 800-square-foot original Newlands cottage and adding a 3,000-square-foot new addition on the back.

Not all parts of the house are equally important. Windows are a prime example. The City considers the street face to be the most important, the sides to be less so, and the back the least. They will often be more flexible, depending on how visible the proposed changes are, the historical significance of the window to the design, and the condition of the window.

The penalties for demolishing a historic structure are major. It can include being forced to rebuild the demolished structure to original specs, large fines, a "stop-work order" on the project, and even jail time.

How does the City balance sustainability and historic concerns? With tension. Energy requirements are very important to the Building Department, but the City will make reasonable accommodation for technical infeasibility on historic structures. If you have a stone house, they will not require you to add insulation to those walls. They will, however, generally require you to preserve original historic windows (especially if they have wavy glass) and add storm windows instead of replacing them.

There are some benefits: There are federal and state income tax credits, as well as a waiver of City sales tax on building materials for renovating landmark structures. There are also grants available. Lastly, landmarked structures can sometimes get unique exemptions and variances from floodplain, building code, height, solar shadow, setbacks, building size (FAR), lot coverage, and accessory building rules.

Historic districts:

There are additional restrictions for structures that would otherwise not meet the criteria for historic significance, but because they are inside of an established Historic District, they are required to comply with certain rules or characteristics of that district. These buildings are called "contributing structures." Each district has its own individual rules in addition to the general design guidelines that apply to all landmarks and historic districts.

About the author:

Scott Rodwin, AIA, LEED AP is the owner of the Rodwin Architecture/Skycastle Construction, a 13-person award-winning design/build firm specializing in high-end custom green homes in Boulder. He teaches a free course (good for 2 CEU's) called "Understanding the Rules for Building in Boulder" through BARA several times a year that goes into depth on these topics. scott@rodwinarch.com; www.rodwinarch.com.



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