

RESOLUTION NO. 1530

**A RESOLUTION OF THE GOLDEN CITY COUNCIL ADOPTING A
CITY HISTORIC PRESERVATION POLICY**

WHEREAS, the Golden City Council and City Comprehensive Plan recognize the importance of historic preservation to the community; and


WHEREAS, the Golden City Council and Historic Preservation Board have identified the need to adopt a set of policies related to those historic resources in the community that have not yet chosen to request historic designation; and

WHEREAS, City Council has reviewed the City of Golden Preservation Policy, dated December 2, 2004, and supports its adoption.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. The City of Golden City Council hereby adopts the Golden Preservation Policy, dated December 2, 2004 and attached hereto as Exhibit A. City council directs City staff and the Historic Preservation Board to implement the plan.

Adopted this 9th day of December, 2004.



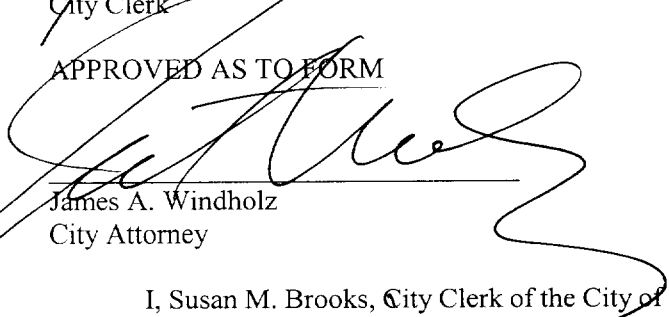
Charles J. Baroch
Mayor

ATTEST:



Susan M. Brooks, MMC
City Clerk

APPROVED AS TO FORM



James A. Windholz
City Attorney

I, Susan M. Brooks, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing is a true copy of a certain Resolution adopted by the City Council of the City of Golden, Colorado at a regular meeting thereof held on the 9th day of December, A.D., 2004.

(SEAL)

ATTEST:



Susan M. Brooks, City Clerk of the City of
Golden, Colorado

Exhibit "A"
City of Golden Preservation Policy
December 2, 2004

Purpose The Policy presented in this report is intended to assist the Golden City Council, through its Historic Preservation Board (HPB), in efforts to accomplish historical preservation in the Golden Community. This policy has been prepared by City staff and HPB based upon comments from City Council, the Golden City Manager, and the Golden Community. For more information on the contents of this paper contact the Planning and Development Department at 303-384-8097.

Background The City of Golden's HPB, staff, and Council have succeeded in preserving a number of sites and structures of cultural and historical significance to the community, with the assistance of community groups and individuals. Some of the successes result from long term efforts of HPB and Golden Landmarks Association to promote the creation of historic districts and awareness of cultural heritage in the community. However, there have been some unsuccessful efforts to preserve significant sites or structures. Past failures, although not numerous, have usually resulted from late or last minute efforts to affect the decisions of private property owners or public land owners, often after a demolition or construction decision has been made. The problem, of late or no notice being given to the cognizant preservation authorities of plans that affect cultural and historic resources, is our most pressing preservation issue today. This paper sets forth a Policy of Historical Preservation, identifies the myriad ways that historical resources of the community might be endangered, and constructs a system of early notification of preservation authorities of pending threats so that they can participate in or provide input to the decision-making process.

Policy It is the policy of the City of Golden that the City Planning Department staff and the Historic Preservation Board receive prompt notice when any management entity of the City is informed of any endangerment of those buildings or landforms described in and affected by this policy, within the City limits or surrounding areas, including City, County, State, Federal, School District, Colorado School of Mines, or private properties. This policy shall be in addition to those procedures and requirements associated with formally designated historic sites and structures, and any other applicable requirements such as those required by the National Environmental Policy Act (NEPA). It shall be a continuing responsibility of senior management of the City staff to implement this policy. The implementation of this policy shall be based upon the following structure:

1. Upon receipt of information pertaining to the planned or potential endangerment of those specific buildings or landforms discussed in the balance of this policy, City staff and officials shall promptly notify the Planning and Development Department Director or designee, who will pass the notice on to the Historic Preservation Board for review.
2. The HPB shall, based upon the cultural resource surveys discussed below and other available information make a determination regarding the recommended historical significance of the building or landform, and whether HPB desires to participate as a technical and policy resource in future discussions of the affected building or landform.
3. The HPB recommendation will be forwarded to City Council for their use in evaluating City controlled or regulated projects, and in discussing and/or negotiating projects with those other public entities that do not submit construction or demolition projects to the City for permit.

Recommendations The great diversity of ownership arrangements and City jurisdictional authority affecting the cultural and historic resources in the community require diverse approaches for implementing this policy. This section of the paper is structured by ownership type, to best present system and procedural steps required to implement the policy. Some of the implementation steps remain to be accomplished. After this policy is approved by City Council, a timeline will be prepared by the City Planning Department and the HPB, working together, for accomplishing the work that remains to be done.

1. City Properties In recent years, the City has begun to perform Cultural Resource Surveys on major projects on City property. Following from this trend, the following standard procedures shall be applied for projects involving City-owned properties:

- City staff should prepare an inventory and “reconnaissance” level survey of all city owned structures. A similar effort should be made to identify significant landforms of geological or archeological interest on City land or where the City has substantial easement rights. This inventory should be included in the City’s Geographic Information System (GIS) files, and organized based upon categories of buildings including eligible for local or national designation, over 50 years old but not eligible, over 40 years old, less than 40 years old, and significance. For landforms of geologic or archeological interest on City lands, only significant landforms would be inventoried.
- Except as listed herein, all projects on city land that may involve the demolition of any structure or the disturbance of land will be referred to the Planning Department for review of impact to known or unknown cultural resources. For any affected City-owned structure over 40 years old, or any landform of known geological or archeological interest in the above inventory, the Planning Department will promptly refer the project to HPB for comment. For major projects, City Council may authorize retaining a consultant to perform a cultural resources survey. If HPB promptly advises City Council in writing of significant concerns it may have with the project, City Council will defer final agreements for demolition or construction until such time as City Council has reviewed such concerns. Exceptions to this section will include any street repair project that does not include widening the roadway or demolition or construction of a bridge or other structure, any utility replacement project (unless removal of a building or disturbance of a significant landform is involved), and emergency repairs to public facilities.

2. City projects on non-City properties

- Except as listed herein, all projects where the city is proposed to be the contractor (regardless of ownership of the land or buildings), that involve the demolition of any structure or the disturbance of land, will be referred to the Planning Department for review of impact to known or unknown cultural resources. For any structure over 40 years old, or any landform of known geological or archeological interest, the Planning Department will promptly refer the project to HPB for comment. If HPB promptly advises City Council in writing of significant concerns it may have with the project, City Council will defer final agreements for demolition or construction until such time as City Council has reviewed such concerns. Exceptions to this section will include any street repair project that does not include widening the roadway or demolition or construction of a bridge or other structure, any utility replacement project (unless removal of a building or significant landform is involved), and emergency repairs to public facilities.

3. CDOT Projects The Colorado Department of Transportation routinely performs Cultural Resource Surveys pursuant to the National Environmental Policy Act (NEPA) for its infrastructure projects. Such surveys are reviewed and approved by the State Historical Society on all infrastructure projects. This process includes the opportunity for the City of Golden and others to comment and is adequate for informing the Planning Department, and, if needed, the HPB of pending projects within CDOT’s authority. If Golden were to object to such a project on historical preservation grounds, CDOT could still proceed over such objection. On a case-by-case basis, City Council, with assistance by HPB and City staff, could oppose such a project through either the political process or a lawsuit pursuant to NEPA.

4. Jefferson County Projects

- The City will request that the County prepare an inventory and “reconnaissance” level survey of all county-owned structures within City limits. A similar effort should be made to identify landforms of geological or

archeological interest on County owned land in and adjacent to the City. This inventory should be included in the County's and City's Geographic Information System (GIS) files, and organized based upon categories including eligibility for local, state or national designation, over 50 years old but not eligible, over 40 years old, less than 40 years old, and significance. For landforms of geologic or archeological interest on County lands, only significant landforms would be inventoried. If the County is unwilling to perform such inventory, the City will consider performing the inventory using City resources or grants

- The City will request that the County consider designation for any significant properties found to be eligible. In addition, the City will request official notification (prior to building permit submittal) at least 180 days prior to the planned demolition of any structure over 50 years old to provide time for the City to review the project and recommend alternatives if appropriate.
- In any event, if City staff learns of the endangerment of a County-owned structure or landform of potential historical interest within the Golden City limits, whether prior notice has been received from Jefferson County or not, the HPB will be promptly informed.

5. Jefferson County R-1 School District The R-1 School District does not own any schools over 50 years old. The Golden High School building is the oldest structure and is planned for replacement as a result of the successful 2004 bond issue. The City supports this demolition and replacement on site. For future purposes, the City will request official notification at least one year prior to the planned demolition of any school district structure over 50 years old to provide time for the City to review the project and recommend alternatives if appropriate. It should be noted that the School District does not apply for or receive building permits for construction or demolition of schools, but did submit for zoning approval of the Mitchell School replacement, as is now required by code. In any event, if City staff learns of the endangerment of a School-District-owned structure or landform of potential historical interest within the Golden City limits, whether prior notice has been received from the District or not, the HPB will be promptly informed.

6. Colorado School of Mines

- The City will request that the Colorado School of Mines (CSM) prepare an inventory and "reconnaissance" level survey of all CSM structures. A similar effort should be made to identify significant landforms of geological or archeological interest on CSM land. This inventory should be included in the CSM's and City's Geographic Information System (GIS) files, and organized based upon categories including eligibility for local or national designation, over 50 years old but not eligible, over 40 years old, less than 40 years old, and significance. For landforms of geologic or archeological interest on CSM lands, only significant landforms would be inventoried. If CSM is unwilling to perform such an inventory, the City will consider performing the inventory using City resources or grants.
- The City will request that CSM perform a Cultural Resources Survey (either in house or by a consultant) for any construction project involving the demolition of a building over 40 years old, disturbance of the Dakota Hogback, or disturbance of the Welch Ditch.
- The city will request that CSM consider formal local historic designation for any significant properties found to be eligible. In addition, the City will request official notification at least 180 days prior to the planned demolition of any structure over 50 years old or disturbance of any landform of historic interest, to provide time for the City to review the project and recommend alternatives if appropriate. It should be noted that CSM does not apply for or receive building permits for construction or demolition of its properties. In recent years, however, CSM has provided site plans to the City for zoning and utility review.

7. Lookout Mountain School for Boys (and Other State Property)

- The City will request that the State prepare an inventory and “reconnaissance” level survey of all non-CSM, state-owned structures within City limits, as well as continued study of historic structures at Camp George West. A similar effort should be made to identify landforms of geological or archeological interest on state owned land. This inventory should be included in the State’s and City’s Geographic Information System (GIS) files, and organized based upon categories including eligibility for local or national designation, over 50 years old but not eligible, over 40 years old, less than 40 years old, and significance. For landforms of geologic or archeological interest on state lands, only significant landforms would be inventoried. If the state is unwilling to perform such inventory, the City will consider performing the inventory using City resources or grants.
- The City will request that the state perform a Cultural Resources Survey (either in house or by a consultant) for any construction project involving the demolition of a building over 40 years old or disturbance of a landform of historic interest.
- The City will request that the state consider formal designation for any significant properties found to be eligible. In addition, the City will request official notification at least 180 days prior to the planned demolition of any structure over 50 years old or disturbance of any landform of historic interest to provide time for the City to review the project and recommend alternatives if appropriate. It should be noted that the state does not apply for or receive building permits for construction or demolition of its properties. In addition, the Lookout Mountain School for Boys has not historically agreed to submit site plans for zoning review.

8. United States Facilities The only known federally owned properties in Golden, not already subject to local land use regulation and permitting, are the two post offices.

- The City will request that the United States consider formal historic designation for the downtown Post Office. In addition, the City will request official notification at least one year prior to the planned demolition of any federal structure over 50 years old to provide time for the City to review the project and recommend alternatives if appropriate. It should be noted that the United States does not typically apply for or receive building permits for construction or demolition of post offices and other federal properties.
- In the event that the United States may decline to request formal historic designation of the downtown post office, the City will research other methods such as seeking Congressional support. Following such research, any further action would only be taken with express support from City Council.

9. Private properties The process to compile information about private properties and affect alteration decisions of the owners of historic private properties will be a complex process, as described below:

- The City has compiled the detailed surveys and reconnaissance surveys completed over the past several years for the three historic districts, all of the designated properties, eligible properties, and other properties over 50 years old. This information will be added to the City’s GIS system before the end of 2004 and used to track proposed building alterations and demolitions.
- Once the above-described data base is compiled, HPB and Planning Department staff will identify areas or properties that should be included in additional reconnaissance level surveys after 2004 so that, over time, all privately-owned historic resources are documented. For landforms of geologic or archeological interest on private lands, only significant landforms would be inventoried. HPB will assure that continuous progress is maintained on these activities consistent with the priorities of other programs supporting historical preservation.

- Within the year 2005, HPB will evaluate and discuss with Council a series of revisions to Chapter 18.58, including a discussion of whether an ordinance change to allow for brief stay of demolition (up to 180 days) would be appropriate for non designated historic resources to allow time for a mutually acceptable preservation plan to be developed if the demolition of an historic resource (landform or structure) is proposed. Under current City ordinance, the owners of all such private structures must apply for a demolition permit prior to its removal, modification or new construction, which would initiate City review. The modification of a landform may or may not require a specific permit from the City. It is noted that the Uniform Building Code penalty for not obtaining such a permit, when required, may not be sufficiently adequate to deter violations. Consideration of an ordinance change in this regard may well be warranted.