



DENVER
THE MILE HIGH CITY

Community Planning and Development
Planning Services
Plan Implementation
Landmark Preservation

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LANDMARK PRESERVATION COMMISSION
MEETING MINUTES
Tuesday, August 19, 2008 at 1:00 p.m.
MEETING LOCATION – 201 W. COLFAX, RM. 4.F.6

Members Present: Co-chair Carla McConnell, Barbara Gibson, , James Bershof, Christopher Meza, Stephen Leonard, and Edward Shalkey

Absent: Ronald Roybal, and Dennis Humphries,

Staff Present: Steve Oliver, Greg Savage, Fran Mishler, Kerry Buckey, (City Attorney), Judy Blake and Savannah Jameson

Chair called meeting to order at 1:10 p.m.

- I. Review And Approval of Minutes
Motion by: B. Gibson, we move to approve the minutes of the June 17, 2008 meeting.
Second by: J. Bershof
Vote: Unanimous in favor, Motion carries.
- II.. Applications for State Income Tax Credit
Motion by: B. Gibson, move to approve the tax credits as presented.
Second by: E. Shalkey
Vote: Unanimous in favor, Motion carries.
- III. Public Hearing
De-Designation of parcel of land within the East High Designation
Chair opened Public Hearing at 1:15 p.m.

Staff Presentation

St. Charles Town recently purchased the 2405 East Colfax Avenue parcel and is under contract to purchase the 1530 Josephine Street parcel. Staff also recommended that the Josephine Street right-of-way, and the parcel immediately to the west at 1525 Josephine Street, should be considered for de-designation as they do not independently meet the landmark criteria and by de-designation would create an even and congruent border for the East High School Landmark property. The de-designation would be only these three properties from the multi-block area designated with the East High School structure. The designation boundaries would stay the same for the remainder of the landmark property.

Community Planning and Development (CPD) has received a complete application for a de-designation for these two properties submitted by St. Charles Town Company. Staff has reviewed the original Landmark application for East High School, as well as the staff report and minutes of the public hearing for designation, which have been included. Staff has also analyzed existing conditions relative to the required criteria for designation.

On July 15, 2008, a preliminary investigation was held by the LPC. The Commission reviewed and discussed the application for parcel de-designation with the applicant in attendance. The LPC voted to set a public hearing for the de-designation of 2405 East Colfax Avenue, 1530 Josephine

Street and 1525 Josephine Street for August 19, 2008, as the lack of citations in the original landmark application or current evidence linking these properties to the design of East High School or the City Park Esplanade these properties should be considered for removal from the property contributing to the East High Scholl designation as a structure for preservation.

For purposes of this analysis the current criteria for a landmark structure were used. Staff specifically considered the property's status relative to the criteria required for landmark designation in two categories, criterion 2D regarding architecture; and criterion 3A regarding geography.

Architectural Significance:

- *Embodies those distinguishing characteristics of an architectural-type specimen*
- *2d. Portrays the environment of a group of people in an era of history characterized by a distinctive architecture style (current criteria for designation of a Structural Landmark)*

The City Beautiful Movement was the belief that the creation of highly visible and monumental buildings would inspire moral and civic virtue in a cities' population. The City Beautiful Movement also encouraged large park like areas surrounding civic buildings. When Denver Public School's upgraded their school buildings, 1922-1932, they incorporated these ideals into the design of the new schools.

George H. Williamson designed East High School, 1925, as a monumental building located in a park-like setting. The parcels at the corner of Colfax Avenue and Josephine Street were included in the original eleven acres purchased for the development of East High School. This allowed for the development of the Esplanade linking Colfax with City Park and providing an expanded foreground for the high school. Josephine Street was re-routed to the west, increasing the size of the blocks between Josephine and the Esplanade.

However, some original commercial development remained and the blocks were never fully integrated into the uses or design of the East High School campus. The parcels identified in this application have been in undistinguished commercial use for the majority, if not all, of the high school's history. The properties in consideration for de-designation have never included significant structures and must therefore be considered in relationship to the East High School Landmark Structure.

Geographical Significance:

- *Unique location or singular physical characteristics represent an established and familiar visual feature of the neighborhood, community or city. (1990 criteria for designation used in the East High School Landmark Application)*
- *3a. Have a prominent location or be an established, familiar, and orienting visual feature of the contemporary city(current criteria for designation of a Structural Landmark)*

The parcels, 2405 East Colfax Avenue, 1530 Josephine Street and 1525 Josephine are located adjoining the major intersection of Colfax Avenue and Josephine Street, as well as East 16th Avenue. From these vantage points the clock tower of East High School is a prominent feature. Colfax Avenue was the most prominent thoroughfare in the region at the time of construction and East High School was located on Colfax Avenue with the intention to be a highly visible symbol of the community and to provide an emphasis on its connection to the adjoining park and parkway system.

The application later includes the following statements under *Geographical Integration: The Neighborhood and City Park:*

“City beautification campaigns at the time East High was built were geared toward improving the quality of life of Denver's residents. No less important was a conscious effort to impress visitors to the city.

Geographic placement of awe-inspiring edifices on major thoroughfares like Colfax Avenue was therefore no accident.”
(East High School Landmark Application)

The original application also makes the following statements emphasizing the importance of the view of the school from Colfax Avenue:

“The East High Tower is perhaps the most visible and familiar feature east of the Capitol dome.”

“The school was originally conceived and remains the most significant geographical focal point in the City Park area, and has few rivals in the city as a whole. It has also endured as a popular community gathering place, with its expansive grounds, playing fields, and auditorium”.

“The imposing East High building, dramatically situated on the open space of the City Park Esplanade, is fully visible from the north or the south on major thoroughfares of Colfax Avenue and 17th Avenue, where tens of thousands of commuters pass daily.”

“The City Park District, which incorporates the Esplanade and its memorial gateways and fountains, is listed on the National Register of Historic Places. The East High Building is a significant component of this architectural entity in that its original placement and design was consciously planned to integrate with the “City Beautiful” plans of the early 20th century.” (East High School Landmark Application)

The alignment of the school tower on axis with 16th Avenue and the broad vista provided by the Esplanade and Sullivan Gate on Colfax, as well as the connection to City Park on the north, fulfilled City Beautiful objectives,. They are strong evidence and realization of the formalistic objectives relating the placement of the building in relationship to the framework of avenues, parks and parkways.

There is no evidence that the property included in the de-designation application was ever intended to be a part of the formal composition of the East High School site.

Using the current criteria, 2405 East Colfax Avenue, 1530 Josephine Street and 1525 Josephine Street do not meet the minimum criteria for designation in categories 2d Architecture or 3a Geography. Given the lack of citations in the original landmark application or current evidence linking these properties to the design of East High School or the City Park Esplanade these properties should be considered for removal from the property contributing to the East High School designation as a structure for preservation.

Note: Staff has also contacted persons involved in the original application to determine if additional information or evidence of intent could be determined. To date, no clear recollection of the reasoning behind the original boundary has been discovered.

S. Leonard – Is every piece of vacant land described as supported for the district?

S. Jameson – No

Jim Borgel, attorney with Holland and Hart, representing a land owner – I am here to speak on behalf of the property owner of 1530 Josephine St.

Applicant's Presentation

Jim Borgel, attorney with Holland and Hart, representing land owner /co-applicant for the De-designation – I am here to speak on behalf of the property owner Beverly Clark of 1530 Josephine St.

Charlie Woolly, St. Charlestown Company

Larry Nelson, St Charlestown Company, applicant for De-designation

C. Woolly – We have been working on the development of this property for a couple of years. The properties are the gas station and 1530 Josephine St., and in order to focus on this we worked with the Church of the City for their relocation and have completed that by finding a permanent home for them. We felt we were far enough to bring plans to the City and at that point we were told by staff that part of the property was Landmarked. It was also not recorded. On the survey it said “not valid after 1961”. It was clear to us that this was never planned to be part of the ordinance. We are trying to do a mixed use project, and East high wants to know what other opportunities there are, and I think we have their support. CHUN is also supportive of this.

J. Borgel – Beverly Clark has owned this site since 1975. I agree with the fact that this was probably a mistake. There are blanks on the application for signatures that remain blank and that were intended for objective signatures. Also, there is the fact that the ordinance went un-recorded for 17 years and was just recently remedied by the City. The documents show that it is fairly apparent that the legal description was incorrect and the wrong one was used originally. We feel this is very important and ask that this parcel be approved for de-designation. My client also would like to retire and planned to use her land sale for that.

B. Gibson – How does this impact what you want to do with this property?

C. Wooley – We asked for guidelines and they make no sense to us, as this is not a district.

L. Nelson – Since there are no guidelines on how you build on vacant ground, much of your guidelines are aimed at residential property. The guidelines don't seem to apply. This is a mistake and has no relationship to East high.

B. Gibson – I wonder what Kerry thinks about new construction guidelines.

K. Buckey – It can be done, and can be reviewed, but I don't think this is terribly limiting. It is a strong argument that there was a mistake. Zoning did know that this was a Landmarked piece of land.

S. Leonard – Are there limiting factors on the north side of the Safeway store, and how far setback is needed?

L. Nelson – The new ordinance passed last year, requires a 35' setback from the Esplanade.

C. Woolly – we were asked to increase setbacks along Josephine.

L. Nelson – We don't want to see cars, we want a street wall. The concept is retail with apartments over that.

Public comments

Larry Williams, Direct or for Facilities Projects, DPS – There were 23 buildings designated, it was rushed, and my suspicion is that this was an error by including that parcel of land.

C. McConnell – There was one letter in opposition submitted by Carol and Don Etter.

Board Deliberation

C. McConnell – The design team and land owner could change; our decision cannot be based on expectations of what one development team may do.

J. Bershof – I think this was a mistake, it is clear to me that the legal description was in error.

S. Leonard – Was notification required?

K. Buckey – Yes

C. Meza – It appears to me that it was in error.

E. Shalkey – The argument is strong that it was an error, but we do know that it is currently designated.

S. Leonard – I agree that including that piece of property makes sense. I think they knew what they were doing. The Commission at that time made a decision. I think initially the effort was to maintain a view. I think it is one of the glories of the school along with the building. I would be overjoyed if we could find a way to accomplish this and still preserve that view. If we begin de-designation, we could lose it.

B. Gibson – It is obvious that errors were made, and no notification, but I agree with Steve.

C. McConnell – I don't believe development is hampered by the designation and I believe this land is an appropriate piece of that designation.

T. Gibbs – Main street zoning allows 5' setback. (Build to set-back requirement.)

S. Leonard – If a build to line is up to the property line then I can't see how you are going to have the view.

J. Bershof – I think it is a fairness issue. I strongly believe it was a mistake. With no owner's notification, I will have to vote for it to be not a part of the designated land.

S. Leonard – I don't feel that we can see what really happened in 1992.

B. Gibson – I am concerned that the fact that the property owner was not notified, and also that it was not owned by DPS.

L. Nelson – This is not a district, it is a structure. This has no relationship to East High.

C. McConnell – If DPS wanted to put a structure on Colfax on vacant land, we'd be reviewing that proposal.

C. Woolly – The application did not include this in the legal description in 1992.

L. Nelson – The survey used to make Josephine St. go through the property and it makes no sense as the street moved.

J. Borgel – The landowner has a contract to sell this to the St. Charlestown Company, and this sale is in limbo. This is not fair to refuse to recognize the error of 17 years ago. This puts my client, Beverly Clark in a very difficult predicament. I understand the board's perspective but I think it fails to recognize the error.

L. Nelson – We are adding 12' along Josephine.

C. McConnell – I would say that we can't decide here based on what this development team may do.

E. Shalkey – I agree.

Motion by: J. Bershof , I move to approve the De-designation of the parcel of land from East High.

Second by: C. Meza

Vote: Three in support (J. Bershof, B. Gibson, and C. Meza) and three opposed (E. Shalkey, C. McConnell, and S. Leonard), motion deadlocked.

C. McConnell – Jim, is your argument that there was harm done to the owner?

J. Borgel – I think it is an issue of error and fairness.

B. Gibson – Kerry, what about the issue of the legal description?

K. Buckey – It says that the property was owned by the school and it was not, and no Notification went out, which does add to the unfairness.

J. Borgel – From our standpoint for getting this matter resolved, I recommend that you move this on to the City Council. Our preference would be even if it is a deadlock to move it to City Council. We feel that that is the level where the mistakes were made.

C. McConnell – Our discussion has focused along the 15th St. Corridor and potential set-backs.

K. Buckey – You can do that but the problem is that the zoning doesn't change.

S. Leonard – If we leave it in a Landmark district, we'd have no restriction on setbacks, would we?

K. Buckey – You might restrict the height.

S. Leonard – The issue is, what's going to be developed if we de-designate?

J. Bershof – I agree, but I believe we are taking advantage of the mistake.

C. McConnell – How is it enforced?

J. Bershof – I believe this was not intended to be included and it is causing harm.

S. Leonard – If I saw the 13' setback, I might be able to go with the de-designation with part of this and have protection of the view plane.

J. Borgel – Our preference at this point would be to move it on to council.

C. Woolly – We discussed it and we agree.

Motion by: J. Bershof , for the De-designation of a parcel of land from the East High School designation, because this commission is deadlocked, I move that this be sent to City Council.

Second by: B. Gibson

Vote: J. Bershof, C. Meza and B. Gibson in favor, and E. Shalkey, C. McConnell, and S. Leonard opposed. Deadlock vote.

S. Leonard – I would strongly vote against it. We could recommend this to City Council with approval, we could recommend without approval, or we could just not recommend at all.

E. Shalkey – I am not in favor of moving anything to City Council without a specific recommendation from the Commission, so I will vote against that.

C. McConnell – All in favor that this motion is withdrawn say “I”.

All 6 commissioners stated, “I”, in favor of withdrawing the motion.

Motion by: E. Shalkey, for the De-designation of a parcel of land from East High, I move that we continue this Public Hearing to the next LPC meeting on September 2, 2008.

Second by: S. Leonard

Vote: Unanimous, motion carries.

IV. Design Review

1. **Project #165-08 320 High St.**

Staff Presentation

G. Savage – This project is to demolish the existing garage and carport and build a second floor addition to the house. I think this is a well designed project. It is a very large addition and this has not yet been brought before the country Club Design Review board.

Applicant’s Presentation

Don Ruggles, D.H. Ruggles & Associates, Architect – This project is to connect the addition to the home of the 1960’s. This is a Fisher and Fisher house. We will be respecting the gables and design of the roofscape, and we have added a hip roof on the north end of that section. The chimney is actually a functioning chimney, so we are using that to locate the new flue’s for the addition. We have created variations on the rafter tails, gable and the end details.

J. Bershof – Tell me your theory about the shutters.

D. Ruggles – It was just about finding a rhythm, as the owner wanted the shutters to all look alike. We had the old “Fisher & Fisher” drawings to use.

J. Bershof – On the south side of the new addition, the French doors seem to be unrelenting.

D. Ruggles – On the street side of the addition, there are three large double hung windows, and three spaces between the columns. We took that rhythm and followed it back to what was on the face of the house.

Motion by: J. Bershof, for Project 165-08, 320 High St., I move to approve this project as presented.

Second by: E. Shalkey

Vote: Unanimous, motion carries.

2. **Project #153-08 340 Lafayette *re-submittal**

Staff Report

G. Savage – This project was previously approved with a return for additional information and a detail of the wall around there rear yard, also a window assessment, because all of the existing windows were going to be replaced. The main concern about most of the windows is the operating condition. Most of the #3’s rating was in the operation of the window.

Ann Cuthbertson, Architect – The window assessment was performed by Scott Wells. The frames Are fairly unique, the windows are set deeply in, and we want to leave the head, jambs, sill plate and most frames are in fairly good shape. We could retain or restore, but we need to replace the sash and hinge mechanisms. We would propose to replace the sash and leave the frames.

E. Shalkey – The wall detail looks fine.

Motion by: J. Bershof, for Project 153-08, 340 Lafayette St., I move to approve as presented today with details of the windows to be brought back to staff.

Second by: B. Gibson

Vote: Unanimous, motion carries.

3. **Project #288-08 1427 Larimer**

Staff's presentation

G. Savage – This is a simple project, it is a review of the wall projecting sign in Larimer Square. The actual projecting portion is very minimal and isn't overbearing, and it goes well with the building.

Applicant's presentation

J.D. Easton, R.& D. Signs – I was asked to create this sign for an up-scaled club. The vintage Key is representative of their logo. It is to be done in gold leaf, and the only lighting will be The copy of LED's which will be hidden just to create a halo glow.

Motion by: B. Gibson, Project 288-08, 1427 Larimer St., I move to approve this sign as presented.

Second by: S. Leonard

Vote: Unanimous, motion carries.

V. **Information Items – Period of Significance discussion by Savannah Jameson**

Many historic districts do not have a Period of Significance. It is important to establish that for all historic districts that are under the design purview of the LPC. The period of Significance identifies the time frame in which the district was established and aids in establishing a more predictable and comprehensive design review process for the applicant and for the LPC. Presently only 20 of the 48 Historic Districts in Denver have official periods of significance. It wasn't until 2000, with Alamo Placita Historic District #36 that periods of significance began to be routinely included in the designating ordinance. This is for your review first, and we will post for the RNO's, etc. We want to set a public hearing for September 16, 2008

Motion by: B. Gibson, for the Period of Significance, I move to set a public hearing for September 16, 2008

Second by: S. Leonard

Vote: Unanimous, motion carries.

Meeting adjourned 3:30 p.m.

Respectfully submitted,

Judy Blake