

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2024

COUNCIL BILL NO. CB24-0915  
COMMITTEE OF REFERENCE:  
4 Land Use, Transportation & Infrastructure

5 **ABILL**

6 **For an ordinance designating 5086 Vrain Street as a structure for preservation.**

7 **WHEREAS**, pursuant to Section 30-4, Denver Revised Municipal Code, the Landmark  
8 Preservation Commission has transmitted to the Council a proposed designation of a structure for  
9 preservation; and

10 **WHEREAS**, based upon evidence received by the Landmark Preservation Commission at a  
11 hearing on June 18, 2024, the staff report, and evidence received at the hearing before City Council on  
12 August 12, 2024, the structure at 5086 Vrain Street meets the criteria for designation as a structure for  
13 preservation as set out in Section 30-3, Denver Revised Municipal Code, as amended, by maintaining  
14 its integrity, being more than 30 years old, and meeting the criteria in the following four categories from  
15 Section 30-3(3):

16 *a. Having direct association with a significant historical event or with the historical*  
17 *development of the city, state, or nation;*

18 The structure at 5086 Vrain Street (the "Structure") has a direct association with the historical  
19 development of Denver, particularly with the development of the Berkeley neighborhood, in that it  
20 anchored the newly populous neighborhood that began around 1920.

21 *b. Having direct and substantial association with a recognized person or group of persons*  
22 *who had influence on society;*

23 The Structure has a direct association with Dorothea and Adolph Kunsmiller, German immigrants to  
24 Colorado, who, over the course of their lives, had a substantial influence on society due to Dorothea's  
25 membership on the Denver Public Schools Board, and Adolph's involvement as a prominent and  
26 influential banker in Denver and his involvement in civic affairs particularly in support of Denver's Jewish  
27 community.

28 *c. Embodying distinctive visible characteristics of an architectural style or type;*

29 The Structure is rare example of a 1920s simplified Spanish Eclectic Style house in Denver due to  
30 its essentially linear volume clad with white-stuccoed walls under red-tiled roofs, in addition to the  
31 Structure's simple boxy shapes, iron 'balconet' at upper doorway, and incorporation into an  
32 indigenous garden-hillside.

1           g. *Promoting understanding and appreciation of the urban environment by means of*  
2           *distinctive physical characteristics or rarity;*

3 The Structure promotes understanding and appreciation of the urban environment based on its  
4 distinctive physical characteristics and rarity, as its early Spanish Eclectic Style on a heavily  
5 vegetated lot in Berkeley Park Heights stood out then as it does now, particularly in that it still  
6 contains many mature trees attributed to the Kunsmillers' considerable gardening skills.

7 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**  
8 **DENVER:**

9           **Section 1.** That based upon the analysis referenced above, and the evidence received at the  
10 public hearings, certain property at 5086 Vrain Street, and legally described as follows, together with  
11 all improvements situated and located thereon, be and the same is hereby designated as a structure  
12 for preservation:

13           Lots 1-6 and the north 1/2 of lot 7 and the west half of the adjoining vacated alley,  
14           Block 3,  
15           Berkley Park Heights, together with the east half of vacated Vrain St. and the south half of  
16           vacated 51st Ave.,  
17           City and County of Denver,  
18           State of Colorado.

19           **Section 2.** The effect of this designation may enhance the value of the property and of the  
20 structure, but may delay or require denial of building permits found unacceptable by the Landmark  
21 Preservation Commission under the criteria contained in the Design Guidelines for Historic Structures  
22 and Districts and Section 30-6 of the Denver Revised Municipal Code.

23           **Section 3.** This ordinance shall be recorded among the records of the Clerk and Recorder of  
24 the City and County of Denver.

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26                                   **[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]**

1 COMMITTEE APPROVAL DATE: July 16, 2024

2 MAYOR-COUNCIL DATE: July 23, 2024

3 PASSED BY THE COUNCIL: \_\_\_\_\_

4 \_\_\_\_\_ - PRESIDENT

5 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

6 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
7 EX-OFFICIO CLERK OF THE  
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_; \_\_\_\_\_

10 PREPARED BY: Adam C. Hernandez, Assistant City Attorney DATE: August 1, 2024

11 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
12 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to  
14 §3.2.6 of the Charter.

15 Kerry Tipper, Denver City Attorney

16 BY: \_\_\_\_\_, Assistant City Attorney DATE: \_\_\_\_\_