

Paul C. Cloyd, PE/RA
3033 Yates St.
Denver Colorado 80212

Landmark Preservation Commission
201 W. Colfax Ave., Dept. 205
Denver, CO 80202

Via electronic mail to: landmark@denvergov.org

4 October 2016

Re: Hoyt Residence, 2849 W 23rd Ave, Historic Landmark Designation

Commissioners,

An iconic cultural asset of our community faces destruction. I am writing in support of the nomination of the Hoyt Residence, located at 2849 W. 29th Avenue as a Denver Landmark.

The residence at 2849 West 23rd Ave is significant under history for its association with Merrill H. and Burnham F. Hoyt. Merrill and Burnham Hoyt were renowned Denver architects who had substantial influence on the development of the city. The Denver Public Library and Lake Middle school are just two of many significant examples of their contributions to the development of the city.

In 1889, Merrill & Burnham's father, Wallace Hoyt, became the original owner of this distinctive Queen Anne house overlooking West 23rd Avenue and Jefferson Park. Merrill and Burnham grew up in this house and resided here in their early professional careers. In addition, Burnham Hoyt resided here the midpoint of his career in the 1920s.

The design reflects the Queen Anne style so very popular in Denver prior to the Panic of 1893. Representative features of the style found in the house's design include the complex roof, irregular plan with projecting bay and ornamented brackets and bargeboards. The steeply pitched complex roof form, varying wall materials of brick, stone, and decorative shingles; the multiple belt courses, are all common features of the Queen Anne style. One among many notable features are the large segmental arches of soldier brick, rather than the more common rowlock brick, over the windows on the south, east and west elevations.

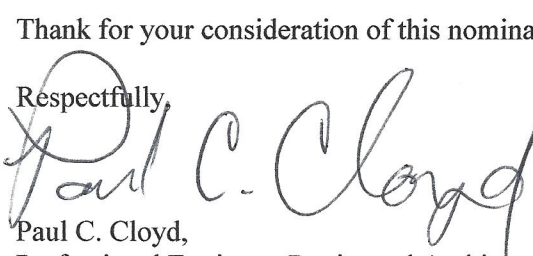
The steeply elevated location of the Hoyt Residence faces the thoroughfare of West 23rd Avenue overlooking Jefferson Park. For more than 125 years the Hoyt Residence has taken in the sweeping views of Jefferson Park.

The owner has filed a certificate of non-historic status under the demolition permit process. Designation will prevent the loss of this Denver and Jefferson Park iconic structure. Historic Denver has offered to work with the owner to find a buyer for the property that would meet her financial expectations and preserve this important place for the larger community. Historic Denver has reached out multiple times to the owner, but to my knowledge the owner has not engaged.

This house exhibits the historical, architectural and geographical value that clearly warrants designation as a Denver Landmark. The Hoyt Residence tells our City's story. The Hoyt Residence should be preserved not demolished.

Thank for your consideration of this nomination.

Respectfully,



Paul C. Cloyd,
Professional Engineer, Registered Architect

Landmark Preservation Commission
Community Planning and Development
201 W. Colfax Ave., Dept. 205
Denver, CO 80202

Joan Bolduc
3033 Yates Street
Denver, CO 80212

Via electronic mail to: landmark@denvergov.org

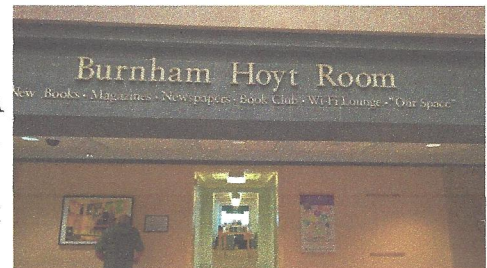
October 2, 2016

Dear LPC members,

I am writing in support of the Landmark Designation Application for the Hoyt Residence located at 2849 West 23rd Avenue. It is a fine example of the Denver version of the Queen Anne Style once dominant in the Jefferson Park neighborhood. It was the family home and residence of two of Denver's civic leaders and most renown architects of the 20th century, Merrill H. and Burnham F. Hoyt.

Merrill H. Hoyt was a prominent Denver architect, business man and leader in the building design community of Colorado from 1910 to 1933. A number of the buildings he designed are on the National Register.

Burnham F. Hoyt was a talented and accomplished American architect and academic who worked in New York and Denver. A number of his buildings are on the National Register. Red Rocks Amphitheater which he designed in 1941 is designated a National Historic Landmark. There is a room named after him at the Central Branch of the Denver Public Library.



We need to protect Denver's built heritage. These men not only influenced Denver in their lifetime but through their work influence the look and feel of Denver today. They were instrumental in making Denver "The City Beautiful" and the home they grew up in and later Burnham returned to was a part of how that all happened.

Please recommend Denver Landmark Status for the Hoyt House located at 2849 W. 29th Avenue.

Sincerely,

Joan M. Bolduc

**NORTH SIDE HIGH SCHOOL ALUMNI
ASSOCIATION
c/o NORTH HIGH SCHOOL
2960 NORTH SPEER BOULEVARD
DENVER, CO 80211**

SENT VIA E-MAIL

October 11, 2016

Landmark Preservation Commission
Community Planning and Zoning
City and County of Denver
201 W. Colfax Ave., Dept. 205
Denver, CO 80202

RE: Historic Landmark Designation, Hoyt Residence, 2849 W. 23rd Avenue

Dear Commissioners:

I am a member of the 1,500-member North Side High School Alumni Association (NSHSAA). I practiced law in Colorado for forty-three years and, upon retirement, I became actively involved with the NSHSAA. I am an historian/archivist (volunteer) for the NSHSAA and, as such, I maintain archives, files, records and memorabilia relating to former North High School students, faculty, principals and staff of North High School, as well as persons, businesses, institutions and other important matters relating to the community of North Denver. The records and memorabilia of the NSHSAA are maintained in the North High School Alumni Center, a museum-like facility located in North High School. In addition to activities supporting North High School and its current students and staff, the NSHSAA is strongly committed to preservation of the history of North Denver and the legacies of former students, teachers, principals and staff of North High School and members of the North Denver Community.

I only became aware of the pending Application for Historic Landmark Designation (the Application) for the Hoyt Residence, located at 2849 W. 23rd Avenue, and the request by the current owner of the property for a Certificate of Non-Historical Status (the Request) last week. I have researched the matters encompassed by the Application and the Request. I believe that I, on

behalf of the NSHSAA, I am in a position to provide comment relative to the historical significance of the Hoyt Residence, which was built and first occupied in 1889.

The first owners of the residence were Wallace Hoyt and Lydia Tompkins Hoyt, parents of Merrill H. Hoyt and Burnham F. Hoyt, North High School graduates. Merrill and Burnham both practiced architecture and are historically significant figures in Denver's history because of their architectural contributions to that history.

Merrill, born in 1881, and Burnham, born in 1887, spent their childhoods in the Hoyt Residence, located at 2849 W. 23rd Avenue. After graduating from North High School, Merrill and Burnham initially became draftsmen. Starting in 1908, Burnham, a 1904 graduate of North High School, studied at the Beaux-Art Institute in New York City and subsequently trained with renowned architects of the day in New York City, including the renowned New York architectural firm of George Post and Bertram Goodhue. Burnham returned to Denver in 1919 and jointed Merrill in forming the Denver architectural firm of M.H. and B. Hoyt, Architects. Together, the brothers designed numerous commercial, residential and religious buildings in Denver.

Merrill designed the Delta National Bank, Delta, Colorado, which is on the State Register of Historic Places. Together with Burnham, Merrill designed buildings that are Denver Local Landmarks, including the Denver Press Club and Lake Junior High School. Merrill and Burnham also designed the St. Martin's Chapel at St. John's Cathedral, which is on the National Register.

Burnham returned to New York in 1926 and, during his second tenure in that city, became Dean of the School of Architecture at New York University. Merrill died unexpectedly in 1933 and, in 1936, Burnham returned to Denver to practice architecture, forming his own firm.

Until his health declined in the early 1950s, Burnham was a prolific architect. During his career, he designed a number of buildings in Denver, including the Denver Children's Hospital; the Albany Hotel addition; the Boettcher School; Fourth Church of Christ Scientist (with Merrill); Denver Press Club (with Merrill); Lake Junior High School, (with Merrill); Montview

Boulevard Presbyterian Church, Education Wing; Central Library, Denver Public Library; and Park Hill Branch Library (with Merrill). One of Burnham's most renowned works is Red Rocks Amphitheater, which is still regarded as having the finest acoustics of any concert venue in the world. That beautiful facility is booked almost every night during the summer and is a destination of choice of almost every performing artist of any significance. Additionally, Burnham designed many significant residences in the Denver area, including the Cherokee Castle at the Cherokee Ranch, in Sedalia.

Burnham received national recognition for his architectural achievements. Some of Burnham-designed structures have been designated Denver Local Landmarks and some are on the National Register, such as the Cherokee Castle, Anne Evans Mountain House, the Maitland Estate, the Central Library, Denver Public Library and Red Rocks Amphitheater. Burnham is recognized by Historic Denver as Colorado's foremost mid-20th Century architect.

Unquestionably, Merrill Hoyt and Burnham Hoyt are two of the most important figures in Denver's architectural history. A number of their architectural contributions are currently in use and are important and visible reminders of Denver's history.

Merrill and Burnham spent their formative years residing in the Hoyt residence at 2849 W. 23rd Avenue. Merrill and Burnham both attended Boulevard Elementary School and North High School and the residence remained in the Hoyt family until the then-widowed Lydia Hoyt sold it in the 1930s. During the time Merrill and Burnham collaborated on substantial architectural designs at their architectural firm, 1919 to 1926, Burnham resided in the Hoyt Residence.


The Hoyt Residence will forever be associated with the Hoyt brothers. Merrill and Burnham are among the most important and significant people who have attended North High School. The NSHSAA, tasked with preserving the legacy of those who have walked the hallowed halls of North High School, strongly believes the connection between Merrill Hoyt and Burnham Hoyt with the Hoyt Residence must be preserved. The NSHSAA urges the Landmark Preservation Commission to grant Landmark Designation to the Hoyt Residence. The NSHSAA realizes that the current

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owner of the Hoyt Residence seeks a Certificate of Non-Historical Status, which could ultimately lead to demolition of the Hoyt Residence. Therefore, the NSHSAA asks that this letter also be construed as opposition to the Certificate of Non-Historical Status and urges that Landmark Designation be granted for the Hoyt Residence, in order to preserve this historically significant residence. It would be a tragedy if this connection to Denver's historical past is lost.

Please note that I wish to speak at the Public Hearing on this matter, scheduled on Tuesday, October 18, 2016 at 1:00 p.m.

Sincerely



Larry D. Tannenbaum
Archivist/Historian (volunteer)
North Side High School Alumni
Association

cc: Rafael Espinoza (via e-mail)
Amanda Sandoval (via e-mail)
Ray McAllister, President, NSHSAA (via e-mail)
David Parce, NSHSAA (via e-mail)
Paul Cloyd (via e-mail)

October 12, 2016

Denver Landmark Preservation Commission
Community Planning and Development
City and County of Denver
201 W. Colfax Ave.
Denver CO 80202

Dear Commissioners:

I am the owner of the home 3 doors to the East of 2849 W. 23rd Ave. I am writing in favor of landmark designation of the property. In addition to the property meeting all three criteria for designation including history, architecture, and geography, I would like to offer my reasons for supporting the designation.

The home at 2827 W. 23rd Ave. has been in my family for more than 65 years. A home's history and who lived in it, is important. My family has seen Jefferson Park evolve drastically over that time. Some changes have been negative and some positive, but one constant has been the presence of a handful of well-preserved homes surrounding Jefferson Park. The Hoyt Home is one of these crown jewels of the neighborhood. There are only 7 to 8 old homes left on the streets facing the park. Only a few of those are well-preserved and architecturally in tact. The Hoyt Home is one of these homes.

I am in the process of exploring the option of applying for landmark designation of my house and give my word that I will do so if the Hoyt Home is also preserved.

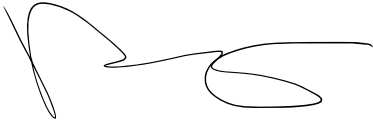
The legal description of the land where my house and the Hoyt Home is built is Town of Highland C H Walker's Sub. At least a part of what is now known as the Jefferson Park neighborhood was originally part of the Town of Highland which became a city in 1885.

The Rocky Mountain News described the Town of Highland:

"No more handsome location for residences can be found than on the highlands of Highland, on the opposite side of the river from and overlooking Auraria and Denver, and a vast extent of surrounding territory."

I urge you to vote to preserve the little of what we have left of this past time that the Rocky Mountain News wrote about all those years ago. Vote to preserve the Hoyt Home, it is the right thing to do.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brent Weakley', with a stylized, elongated flourish extending to the right.

Brent Weakley
Owner
2827 W. 23rd Ave.
Denver CO 80211
303-358-2168

From: [Jessica Alizadeh](#)
To: [Hernandez, Adam C. - Department of Law](#)
Cc: [Lucero, Nathan J - City Attorney Office](#); [Matthew S. Rork](#)
Subject: RE: Landmark Designation of 2849 W. 23rd Avenue
Date: Friday, October 14, 2016 12:12:09 PM
Attachments: [image001.png](#)

Mr. Hernandez,

I did not receive a message from Mr. Lucero. Upon receipt of your response to Mr. Rork very late yesterday afternoon, I checked my phone messages again to be certain. There are none from Mr. Lucero, nor did he ever respond to either of the emails I sent.

Our client did receive the email you attached referencing the LPC hearing (“Hearing”) date on October 18. That email was sent to Ms. Battista on September 20. However, when Ms. Battista, Mr. Richmond, myself, Ms. Hahn, Ms. Hahn’s supervisor, another city attorney, and you met just two days later on September 22, you collectively changed course and stated in no uncertain terms that the Hearing date was undetermined.

You stated that it would either be on October 18 or November 1, and asked me to consider waiving the 120 day deadline to accommodate an even later Hearing date which I declined. All of you, including Kara who drafted the email you reference, made it clear during our meeting that the Hearing date was undetermined as of September 22. Kara went on to explain that once the date was finalized, she would send notice via certified letter as required by code. Lest there be any doubt that the date was undecided as of September 22, or that you all stated the same, please refer to the City’s own notes from that meeting produced under our CORA request which confirm my account.

Accordingly, the official notice letter allegedly sent to our client is also dated September 20. If on September 22 the City was still unsure of a Hearing date and told us that a letter go out once you decided, it is clear that the letter was not sent until the afternoon of September 22 at the earliest and not on the 20th as its date would imply. Having worked on other hostile designation cases in Denver, we know that it is the City’s procedure to retain in its file a copy of the sender receipt to confirm that the official Hearing notice was sent via certified mail. There is no such receipt in the file as confirmed by your CORA production. Because our client never received any actual or notice of certified correspondence from the City, we have no choice but to believe that you are unable to produce such routine documentation because notice was never sent via certified mail as required. It may have been the intention of the City to send the letter you produced, but that does not satisfy your legal requirement to do so in accordance with the law.

As if this defect is not bad enough, the file is completely void of any proof that the property was timely posted for the Hearing. There is no date-stamped photo of the posting sign in the file, as is the normal procedure of the City. There is no Posting Instructions and Verification of Posting form for the Hearing. There is no signed verification of posting by an inspector. It is notable that these forms, though unsigned, do exist in the file for both the Certificate of Non-Historic Status posting on August 16, and the posting for the Landmark Designation Application dated September 28, 2016. There is a copy of Hearing sign artwork in the file, but noticeably absent is any documentation that

the Hearing notice was ever posted. Again, we do not doubt that contrary to your assertion on September 22, the City may well have intended to post the sign for a hearing on October 18. However, there is absolutely no proof that the sign was timely posted because it was not.

The City has denied our client procedural due process, which is a very serious matter. She was not mailed notice of the Hearing as required by law, nor was her property timely posted. The City has provided no documentation to the contrary. Should you proceed with the Hearing on October 18, you are hereby notified that you do so under a fundamental procedural defect. I further ask that this email be made part of the official record.

Sincerely,

Jessica Alizadeh
Attorney
Fairfield and Woods, P.C.
1801 California Street, Suite 2600
Denver, Colorado 80202-2645
Main: (303) 830-2400
Direct Dial: (303) 894-4456
Assistant Krista Wroblewski: (303) 894-4445
E-Mail: jalizadeh@fwlaw.com



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From: Hernandez, Adam C. - Department of Law [mailto:Adam.Hernandez2@denvergov.org]
Sent: Thursday, October 13, 2016 5:28 PM
To: Matthew S. Rork
Cc: Jessica Alizadeh; Lucero, Nathan J - City Attorney Office
Subject: RE: Landmark Designation of 2849 W. 23rd Avenue -- Judith Battista/CORA Invoked Exceptions

Mr. Rork,

The City has attempted to respond to the issues raised below. My colleague, Nate Lucero, called Ms. Alizadeh and left a message with her at least once earlier in the week, but has not heard back from her concerning your issues.

Attached are two documents that were included in your CORA request: one is an email to your client concerning the date of the LPC public hearing, and the other is a letter that was sent to your client concerning the public hearing. The letter was sent by certified mail, but the City has not received a receipt from the USPS as of yet. At this time, the City plans on proceeding with the LPC public hearing scheduled for Oct. 18, and your client will be given 10 minutes to present her case on the proposed historic designation.

Additionally, Community Planning and Development included the attached certification outlining what documents were withheld from your CORA request. The records withheld from your CORA request were withheld pursuant to C.R.S. Section 24-72-204(3)(a)(XIII).

Thank you,



Adam C. Hernandez | Assistant City Attorney
City Attorney's Office | City and County of Denver
720.913.8758 Phone
adam.hernandez2@denvergov.org

This e-mail, and any attachments, are intended only for use by the named addressee(s), and may contain confidential information, attorney-client privileged communications or attorney work product. If you have received this e-mail in error, please do not read it, but instead delete it and immediately notify me at 720-913-8758. Thank you.

From: Matthew S. Rork [<mailto:mrork@fwlaw.com>]

Sent: Thursday, October 13, 2016 3:23 PM

To: 'nate.lucero@denvergov.org' <nate.lucero@denvergov.org>; Hernandez, Adam C. - Department of Law <Adam.Hernandez2@denvergov.org>

Cc: Jessica Alizadeh <jalizadeh@fwlaw.com>

Subject: Landmark Designation of 2849 W. 23rd Avenue -- Judith Battista/CORA Invoked Exceptions

I am following up on Ms. Alizadeh's prior emails concerning the property identified above as it relates to the City's failure to provide evidence of adequate notice to our client of the LPC hearing currently scheduled for October 18th despite a lawfully issued CORA request and the improper withholding of documentation from the CORA request under some sort of "work product" exemption.

First, with respect to the statutory notification procedures that must be complied with by the City in order for the LPC to consider a historic designation of the property, no response from the City has

been received to Ms. Alizadeh's email on the morning of the 11th requesting proof of proper notification – no signed letter notifying Ms. Battista of the hearing, no proof of mailing, and no time or date stamped notice evidencing when the notice was purportedly posted. Notably, this information has not been provided despite the fact that the LPC states in its staff recommendation report that it has complied with all statutory notice provisions. To the extent it exists, this information should have been produced in response to the CORA request. The fact that it has not raises a significant concern as to whether or not proper notice was given. To be clear, absent proof of proper notice, it is our client's position that any action taken by the LPC on the 18th to recommend a hostile historic designation of the property would be unlawful.

Second, the lack of proper notice has had an obvious and prejudicial impact on our client's ability to prepare for the LPC hearing. In this regard, there are a multitude of inaccuracies contained within Councilman Espinoza's hostile historic designation application and the staff recommendation report itself that need to be addressed at the hearing. Ms. Battista should be afforded every opportunity to present her case at the hearing and present whatever evidence she deems necessary and appropriate regardless of any LPC regulations concerning the submission of materials one week in advance – which was a physical impossibility given the lack of notice. To provide otherwise, would be severely prejudicial to Ms. Battista and will only serve to further underscore the clear lack of due process that is being afforded to property owners in the City facing the hostile historic designation of their properties.

Third, no response has been received concerning the City's withholding of documents from the CORA request under a "work product" privilege. The LPC's withholding of documents that are related to the attempted hostile historic designation of the property by Councilman Espinoza in advance of the LPC hearing is disconcerting to say the least. Absent a legitimate explanation as to what has been withheld and why, we must assume that the privileges being asserted are without merit and that the documents that are being withheld would shed light on the merits of Councilman Espinoza's application and his involvement with the LPC staff in this process.

The City should immediately respond to the issues outlined above.

Finally, we are requesting that this correspondence, and the objections included herein, be made part of the official record with the LPC.

Thank you.

Matthew S. Rork
Director
Fairfield and Woods, P.C.
1801 California Street, Suite 2600
Denver, Colorado 80202-2645

Telephone: (303) 830-2400
Direct Dial: (303) 894-4433
Web: <http://www.fwlaw.com>



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From: Jessica Alizadeh
Sent: Wednesday, October 12, 2016 10:17 AM
To: 'nate.lucero@denvergov.org'
Cc: Hernandez, Adam C. - Department of Law; Matthew S. Rork
Subject: CORA Invoked Exceptions

Hello Nate,

The CORA materials provided Monday relating to the pending hostile designation of my client's property included several emails that are logged and withheld citing work product exemption. They do not qualify under this exception for a number of reasons as you will clearly see if you take a look at the certification. I would be happy to discuss this matter with you or Chuck if you would prefer.

Please forward the withheld emails at your very earliest convenience or contact me regarding this issue.

Warm regards,

Jessica Alizadeh
Attorney
Fairfield and Woods, P.C.
1801 California Street, Suite 2600
Denver, Colorado 80202-2645
Main: (303) 830-2400
Direct Dial: (303) 894-4456
Assistant Krista Wroblewski: (303) 894-4445
E-Mail: jalizadeh@fwlaw.com



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18 October 2016

Landmark Preservation Commission
201 West Colfax Avenue, Dept. 205
Denver, Colorado 80202

Re: Hoyt Residence, 2849 West 29th Avenue

Dear Commissioners,

I am writing in support of the application to designate the Hoyt Residence as a Denver Landmark. As a professional architectural historian with more than 30 years of experience working in Denver and throughout Colorado and as a longtime resident of North Denver, I believe the Hoyt Residence is a highly significant historic property that more than meets the requirements of the Denver significance criteria and retains the historic physical integrity necessary for landmark designation.

The application submitted for the property clearly documents its close association with celebrated architects Merrill H. and Burnham F. Hoyt, whose work had a major impact on Denver. Indeed, architect Edward D. White, Jr., states in Noel and Norgren's *Denver: the City Beautiful*: "Burnham F. Hoyt stands out from his peers as Colorado's foremost mid-20th century architect." The house is a classic representative of Queen Anne style, which may have shaped the architects' aesthetic sensibilities and is a direct link to their early lives. The house has been a longtime visual landmark within the neighborhood, occupying its prominent location for more than a century.

I strongly recommend approval of the application for the Hoyt Residence.

Sincerely,

R. Laurie Simmons
3635 W. 46th Avenue
Denver, Colorado 80211

From: [Nancy skokan](#)
To: [Hahn, Kara L. - CPD Planning Services](#)
Subject: 2849 23rd Ave
Date: Saturday, November 05, 2016 10:12:23 PM

Kara,

Can you please tell me why a city councilman placed the application in this property for it to be historic? The guidelines on your website clearly state an owner, neighborhood group or such can file such an application. It's been trough to my attention and I personally think he has overstepped his authority and his boundaries as a servant of Denver.

I'd like to know why you accepted his application? What are you doing to have his application revoked if in fact he did this with only his signature as has been presented. Please let me know as this is something I feel strongly is both corrupt and illegal for him to have done.

I hope to hear from you soon.

Nancy Skokan

Sent from my iPhone



HISTORY *Colorado*

November 16, 2016

Denver City Council
City and County building
1437 Bannock St., Rm 451
Denver, CO 80202
dencc@denvergov.org

Re: Denver Landmark Designation for Hoyt Residence, 2849 W. 23rd Avenue, Denver

Dear City Council Members:

It has come to our attention that an application for local landmark designation has been requested for the above named property. Based on a review by History Colorado's Office of Archaeology and Historic Preservation, we have determined that the property appears to also meet the criteria for nomination to the State Register of Historic Properties.

We believe the property is eligible under State Register Criterion B for its association with brothers Merrill and Burnham Hoyt, renowned architects who had an important impact on Denver's architectural heritage and development. Both brothers resided there while at the very beginning of their architectural careers as they gained professional experience under the tutelage of mentor architects. Later, Burnham's residence in the house from 1919-1926 were the years he was in partnership with Merrill, during which the brothers designed many notable buildings in the city. This period clearly had an impact on Burnham's later solo practice in New York and Denver, in which he worked on numerous commissions that would gain their own recognition, such as St. Bartholomew's Church in New York City and Denver's Red Rocks Amphitheatre, both recently designated as National Historic Landmarks. The house's direct association with the formative periods of Merrill's and Burnham's careers makes it an important representative of the Hoyts' prominence in shaping the built environment of Denver and beyond.

In addition, we find the Hoyt residence significant under State Register Criterion C as an excellent example of Late Victorian architecture. Notable features include its decorative bargeboards, asymmetrical façade, arched windows, and stone and brick detailing.

In order to evaluate the historic integrity of a property, seven different aspects of integrity are examined; these include location, setting, design, materials, workmanship, feeling and association. With the small exception of the replacement of the windows in their original openings and the enclosure of the rear porch, we find the house maintains an overall excellent degree of historic integrity that effectively conveys its historic importance. These factors of significance and integrity make it clear that the house is eligible for the State Register.

Should you have any questions regarding our finding of eligibility, please feel free to call me at (303) 866-4683 or e-mail me at erika.warzel@state.co.us. Thank you for your consideration.

Sincerely,

Erika Warzel
National and State Register Historian

WWW.HISTORYCOLORADO.ORG

HISTORY COLORADO CENTER 1200 BROADWAY DENVER CO 80203

From: [Joan Bolduc](#)
To: [dence - City Council](#)
Cc: [Hahn, Kara L. - CPD Planning Services](#)
Subject: Please vote yes on ordinance #16-1021 Landmark protection for the historic Hoyt Residence located at 2849 West 23rd Avenue
Date: Wednesday, November 16, 2016 7:03:29 PM

Denver City Council Members
Denver City Council
437 Bannock St #451,
Denver, CO 80202

Via electronic mail to: dence@denvergov.org

November 16, 2016

Dear Denver City Council Member,

I am writing in support of bill #16-1021, an ordinance designating 2849 West 23rd Avenue as a structure for preservation. I am a citizen of District One and I support Councilman Espinoza's effort to protect this part of Denver's built heritage. The 1889 house is a fine example of Denver's version of the Queen Anne Style once dominant in the Jefferson Park neighborhood. It was the family home and residence of Denver architects, Merrill H. and Burnham F. Hoyt. It is the oldest Queen Anne home left facing Jefferson Park.

If you do not vote for protection, a Certificate of Non-historic Status will be issued and the city will permit the structure to be demolished. Please do not let this happen.

The house has a direct association with Denver homegrown architects Merrill and Burnham Hoyt. It is where they grew up and lived while apprenticing with local architectural firms and it was Burnham's residence from 1919 to 1926 when he and Merrill designed the Park Hill Branch Library, Denver Press Club, Lake Junior High School, Fourth Church of Christ Science Building, Cherokee Castle and the Merryweather, Crammer, and Davis houses.

Merrill H Hoyt is recognized as an important local Denver architect who was an active and respected member of Denver design, business and cultural community. As part of the Allied Architects Association, he participated in the design of Denver's City & County Building where your city council offices and chamber resides. A number of the buildings he designed are on the National and State's Register as well as locally landmarked.

Burnham F. Hoyt is recognized as one Colorado's greatest and most well-known architects. A number of his buildings are on the National and State Registers as well as locally landmarked. Red Rocks Amphitheater which Burnham Hoyt designed in 1941 is designated a National Historic Landmark. It would be hard to find anyone in Denver that has not benefited from his designs.

The City of Denver's own experts, the Landmark Preservation Commission unanimously recommended the structure for landmark status. The house meets all three designation criteria; Historical significance(1.c), Architectural significance (2.a), and Geography (3.a).

We need to protect Denver's built heritage. These men not only influenced Denver in their lifetime but through their work influence the look and feel of Denver today. They were instrumental in making Denver "The City Beautiful" and the home they grew up in and later Burnham returned to was a part of how that all happened.

Please vote to protect this tangible connection to Denver's past and vote yes on bill #16021 on Monday, November 21st.

Sincerely,

Joan M. Bolduc
District One Citizen
3033 Yates Street
Denver, CO 80212

From: [Matthew S. Rork](#)
To: [Lucero, Nathan J - City Attorney Office](#)
Cc: [Hahn, Kara L. - CPD Planning Services](#); [Broadwell, David W. - Department of Law](#); [Hernandez, Adam C. - Department of Law](#); [Jessica Alizadeh](#)
Subject: RE: Historic Designation Application for 2849 West 23rd Avenue; Demand for Recusal
Date: Tuesday, November 15, 2016 1:27:43 PM
Attachments: [image001.png](#)
[image002.png](#)

As a follow up to my correspondence below from last Friday, it is my understanding that Councilman Espinoza voted in favor of his own application at last night's City Council meeting in order to bring the matter to a final vote next week. For the record, we continue to object to Councilman Espinoza's participation in this proceeding in voting to forward his own application – an action which has now irreparably harmed my client's rights to due process in this matter. We also wish to point out that the discussion that was had on the record clearly indicated that the City Council is operating in a quasi-judicial fashion in reviewing, considering, and voting on the hostile historic designation application including references to the "foundation" of the Landmark Ordinance being that you get your day in court in front of the full City Council and that the City Council would review this matter in its "quasi-judicial role".

The City Attorney should reconsider its ill-founded position on the purported legislative nature of this process and advise Councilman Espinoza that he should immediately recuse himself from any further participation in these proceedings in accordance with the Colorado law previously cited.

Please include this correspondence as part of the official record. Thank you for your time and consideration in this matter.

Matthew S. Rork
Director
Fairfield and Woods, P.C.
1801 California Street, Suite 2600
Denver, Colorado 80202-2645

Telephone: (303) 830-2400
Direct Dial: (303) 894-4433
Web: <http://www.fwlaw.com>



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From: Matthew S. Rork
Sent: Friday, November 11, 2016 4:41 PM
To: 'Lucero, Nathan J - City Attorney Office'
Cc: Hahn, Kara L. - CPD Planning Services; Broadwell, David W. - Department of Law; Hernandez, Adam C. - Department of Law; Jessica Alizadeh
Subject: RE: Historic Designation Application for 2849 West 23rd Avenue; Demand for Recusal

Mr. Lucero –

This email will serve as a response to both your email below and Mr. Broadwell's November 4, 2016 letter.

The City appears to be taking the position that the actions of the City Council in applying the Landmark Preservation ordinance, and voting on whether to strip my client of her property rights, is somehow legislative as opposed to quasi judicial in nature. Presumably, the City is taking this position at the request of Councilman Rafael Espinoza so that he may now vote in favor of his own hostile designation application. This position is highly questionable given prior recusals and the language of the ordinance itself.

Based on a reading of the ordinance, it is clear that the City Council is operating in a quasi-judicial capacity when it reviews a hostile designation application, seeks to apply the stated criteria, and then votes on whether to designate a property as historic against a property owner's wishes. Indeed, the ordinance itself expressly incorporates the concept of due process when it refers to my client's purported rights to a "[r]easonable opportunity" to be heard, which we dispute has ever been given, and further states that "[d]ue consideration shall be given" to the views of the affected property owner. To be clear, this is not legislative action akin to a simple zoning ordinance change. To the contrary, we are dealing with a hostile historic designation effort brought by a single member of the City Council which, if approved, will have the legal effect of severely limiting any rights my client previously had to develop the property. The fact that the City is going to such lengths to support Councilman Espinoza in his efforts further underscores the quasi-judicial nature of this process and the fundamental need to protect my client's rights at the November 21st City Council hearing.

For the record, my client restates her objections as set forth in my October 26, 2016 letter and demands that Councilman Espinoza properly recuse himself from voting on the matter. We also request that my prior correspondence, as well as this email, be included as part of the official record in advance of the upcoming City Council meeting and that a copy of this email be provided to the City Council accordingly.

Thank you for your time and consideration in this matter.

Matthew S. Rork
Director
Fairfield and Woods, P.C.
1801 California Street, Suite 2600
Denver, Colorado 80202-2645

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From: Lucero, Nathan J - City Attorney Office [<mailto:Nathan.Lucero@denvergov.org>]
Sent: Tuesday, November 08, 2016 5:21 PM
To: Matthew S. Rork
Cc: Hahn, Kara L. - CPD Planning Services; Broadwell, David W. - Department of Law; Hernandez, Adam C. - Department of Law
Subject: Historic Designation Application for 2849 West 23rd Avenue; Demand for Recusal

Mr. Rork,

I understand that you have requested that you be provided with any documentation evidencing (1) that the property has been posted for the November 21st council hearing; and (2) a copy of the notice and proof of mailing to your client of the same.

The landmark ordinance does not require posting the property prior to the Council hearing, nor does the ordinance specify the type of notice required prior to the Council hearing.

On October 21, the City sent your client a letter notifying her of: the Landmark Preservation Commission's recommendation concerning landmark designation of your client's property; when and where the Land Use Transportation and Infrastructure (LUTI) committee meeting was to be held; and informing your client of first reading and public hearing dates, times and locations before

the full City Council, concerning this matter. This letter was sent to your client via email and certified U.S. mail. I am attaching a copy of the October 21st email and a copy of the certification receipt.

Thank you for your attention to this matter.



Nathan J. Lucero | Assistant City Attorney

Municipal Operations Section/City Attorney's Office

City and County of Denver

720.913.3279 Phone | 720.913.3180 Fax

nathan.lucero@denvergov.org

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Petitioning [Denver City Council Denver City Council Members](#) and [1 other](#)

Landmark Designation for Denver's Hoyt House



Landmark Status for Denver's Hoyt Residence



With the rapid pace of growth in Denver, we are in danger of losing the historic buildings that connect us to our past. The 1889 Hoyt House overlooking Jefferson Park is one of those buildings. It was the home of renown architects [Merrill](#) and [Burnham Hoyt](#). The Hoyt's designed some of Denver's most architecturally significant buildings, including the Denver Central Library, Lake Junior High School, the 4th Church of Christ, and Red Rocks Amphitheater.

Denver has a [Landmark Preservation ordinance](#) to protect historic buildings from destruction. We urge Denver City Council to accept their own [Landmark Commission's recommendation](#) to grant landmark status to the Hoyt Residence. Once a building is demolished, it is gone forever.

This petition will be delivered to:

- **Denver City Council**
Denver City Council Members
- **Landmark Preservation Staff**
kara Hahn, Senior Planner

Read the letter

Letter to

Denver City Council Denver City Council Members

Landmark Preservation Staff kara Hahn, Senior Planner

With the rapid pace of growth in Denver, we are in danger of losing the historic buildings that connect us to our past. The 1889 Hoyt House overlooking Jefferson Park is one of those buildings. It was the home of renown architects Merrill and Burnham Hoyt. The Hoyt's designed some of Denver's most architecturally significant buildings, including the Denver Central Library, Lake Junior High School, the 4th Church of Christ, and Red Rocks Amphitheater.

Denver has a Landmark Preservation ordinance to protect historic buildings from destruction. We urge Denver City Council to accept their own Landmark Commission's recommendation to grant landmark status to the Hoyt Residence. Once a building is demolished, it is gone forever. Please vote to grant landmark status to the Hoyt Residence on November 21st.

-
- Denver

- [Landmark designation](#)

- [Hoyt Residence](#)

- [Merrill Hoyt](#)

- [Burnham Hoyt](#)

Landmark Status for Denver's Hoyt Residence started this petition with a single signature, and now has 53 supporters. Start a petition today to change something you care about.

[Start a petition](#)

Updates

1. 3 hours ago

Petition update

Letters of Support needed



NOV 17, 2016 — There is still time to email a letter of support for landmark protection for the Hoyt Residence. Email Denver City Council Members at

dencc@denvergov.org

Please copy

kara.hahn@denvergov.org

Ms. Hahn is the Landmark staff member assigned to this effort.

Thanks!

2. 20 hours ago

50 supporters

3. 2 days ago

Petition update

November 21st City Council Meeting



NOV 15, 2016 — If you would like to speak in support of preservation for the Hoyt Residence at the November 21st Denver City Council Meeting (File #16-1021), please be at City Council Chambers at 5pm to sign up as a speaker. You will have up to 3 minutes to address City Council. We will probably need a few people to give their 3 minutes to some of our speakers who would like 6 minutes to make our case.

The address is:

Denver City Council
437 Bannock St #451,
Denver, CO 80202

Time: November 21, 2016 5pm

Thanks for all your help.

[City and County of Denver - File #:16-1021](#)

denver.legistar.com

4. 3 days ago

Petition update

Talking Points: Landmark Status for the Hoyt Residence



NOV 14, 2016 — If you would like to email a letter of support to your Council member, here are some points that might help you compose your letter.

1. Denver's own appointed experts, the Landmark Preservation Commission unanimously recommend approval. The structure meets all three designation criteria Historical significance(1.c), Architectural significance (2.a), and Geography (3.a).
2. If landmark status is not granted, a Certificate of Non-historic Status will be issued and the city will permit the structure to be demolished.
3. The house has a direct association with Denver homegrown architects Merrill and Burnham Hoyt. It is where they grew up and lived while apprenticing with local architectural firms and it was Burnham's residence from 1919 to 1926 when he and Merrill designed the Park Hill Branch Library, Denver Press Club, Lake Junior High School, Fourth Church of Christ Science Building, Cherokee Castle

and the Merryweather, Crammer, and Davis houses.

4. Burnham F. Hoyt is recognized as one Colorado's greatest and most well-known architects. He is honored with a reading room named after him at the Denver Central Library.

5. Merrill H Hoyt is recognized as an important local Denver architect who was an active and respected member of Denver design, business and cultural community. As part of the Allied Architects Association, he participated in the design of Denver's City & County Building where our city council resides.

6. This historic building is an important landmark and represents our recognition of the contributions of two of Denver's renowned architects.

7. The 1889 Queen Ann located at 2849 West 23rd Avenue maintains its physical and historical integrity. It is an excellent example of the Denver version of the Queen Ann style popular in the late 1800's. It is the oldest Queen Ann home left facing Jefferson Park.

8. Preserving the house where Merrill and Burnham Hoyt lived and worked will inform our understanding of these two important and influential Denver architects.

9. In its setting overlooking Jefferson Park, it is a prominent landmark for the neighborhood.

10. In Denver's great future, we should not be scraping our tangible connections to our past..

5. 3 days ago

25 supporters

6. 4 days ago

Petition update

Support Landmark Status for Denver's Hoyt House



NOV 13, 2016 — Thank you for supporting the petition to urge City Council to grant landmark protection for the Hoyt Residence. We would appreciate if you would like and share our Facebook page: <https://www.facebook.com/SaveTheHoytResidence/?pnref=story>. so we can spread the word.

Final City Council vote on landmark status will be November 21st

historicdenver.org

7. 5 days ago

10 supporters

8. 6 days ago

Landmark Status for Denver's Hoyt Residence started this petition

Supporters

- **Top-rated**
- Most recent

Denver needs to be more proactive and cherish our historic buildings, not tear everything down for developers.

Craig Kentner, Denver, CO

3 days ago

1

Denver's historic neighborhoods is what makes our city attractive, livable and unique. London, Paris, Copenhagen are places people want to visit and live in and spend their money in because they've recognized the importance of preserving what makes them unique - not because they allowed short-sighted developers and politicians to raze it all and replace it with cheap, anonymous, character-less and disposable newbuilds. Thank you for considering standing up for what is right.

Marie Benedix, Denver, CO

4 days ago

1

North Denver has a strong architectural history. We must continue to preserve not only our beautiful early structures, but the history they hold.

Gail Marcus, Denver, CO

12 hours ago

0

I am an archivist/historian (volunteer) for the North Side High School Alumni Association (NSHSAA). The NSHSAA is tasked with preserving the history of North High School and North Denver. Merrill and Burnham Hoyt were both alumni of North High School and were two of Denver's most prominent historical figures. Burnham Hoyt is a towering figure in Denver history and his work is still present and visible in many important Denver structures, including Lake Junior High School, Denver Public Library, Park Hill Library and Red Rock Amphitheater. Contrary to Ms. Battista's contention, both Hoyt brothers spent their formative years living in the Hoyt Residence. Burnham, in fact, at different times, lived in the residence for approximately 40 years. Burnham Hoyt is a giant figure in Denver history and was recognized nationally and internationally for his architectural designs. The significance of Merrill and Burnham Hoyt is discussed at

length in DENVER, THE CITY BEAUTIFUL, by historian Thomas Noel. In addition to the architectural and geographical significance of the Hoyt Residence, it unquestionably has great historical significance. Denver has already allowed many historically significant buildings to be demolished and it would be an absolute tragedy if this residence were allowed to be demolished to make way for what will, without doubt, be another architecturally ugly apartment building, many of which replaced significant residences in North Denver. This unique and historically significant building must be preserved.

Larry Tannenbaum, Denver, CO

13 hours ago

0

I'm signing because not only is it important to preserve the character of these neighborhoods, but the kind of beautiful craftsmanship that went into building homes like this will never be duplicated. I want future generations to see that there was a time when builders cared about quality and aesthetics as well as providing a roof over someone's head, as opposed to just cramming as many bodies as possible into a city lot.

Barbara Hersom, Littleton, CO

20 hours ago

0

We cant lose this piece of history!

Monica Brion, Denver, CO

20 hours ago

0

Neighborhoods and cities are more livable when they maintain their heritage.

Tommy Timm, Denver, CO

21 hours ago

0

I don't want another old and historic house with character lost to a developer's greed to build an ugly multi-unit which is destroying my neighborhood.

Sue Crase, Denver, CO

1 day ago

0

We have already lost too many historic homes in NW Denver neighborhoods.

Sheila Pelczarski, Denver, CO

2 days ago

0

History is forever -- unless it's not. Denver needs to preserve and protect its story while writing new ones.

Dan Findlay, Denver, CO

2 days ago

0

Preserving our built environment is generally in the top 5 of surveys about what is important to Denver residents. These architects were among the best in Denver and they grew up here. Respect our built environment. Be sustainable by preserving.

Sarah McCarthy, Denver, CO

3 days ago

0

This property clearly meets three of Denver's significance criteria for designation as a landmark as spelled out in its historic preservation ordinance. Without designation, the house will be torn down and another important piece of our history will be lost. Clearly, the house could be sold to someone who would love it and preserve it--the most sustainable option. The owner could still make a large profit while considering the value of our historic heritage.

Rachel Simmons, Denver, CO

3 days ago

0

I believe our city's history is important to save.

Pamela Parker, Denver, CO

3 days ago

0

Burnhsm Hoyt an important figure in Denver history! What would he think of all the fake lofts taking over our neighborhoods!?

Darrow Dutcher, Miami, FL

4 days ago

0

I am a native of north Denver and grew up at 23rd and Julian, which is only a few blocks from this house. I live at 38th and Lowell and believe we need to keep the quality and character of our neighborhood for our children.

John Haney, Denver, CO

4 days ago

0

Yes/

Marie Giedraitis-Edgar, Denver, CO

4 days ago

0

I'm for the preservation of the Hoyt House.

John Prout, Denver, CO

4 days ago

0

Report

I have seen way too many of Denver's finest residences disappear only to put up ugly condos or parking!!!

Karen Kaiser, Denver, CO

4 days ago

0

It's incredibly important to maintain Denver's architectural history. All you have to do is look at all the destroyed Denver architecture over the last 100+ years to see the impact when people put short term profits ahead of value on historical importance. We don't want Denver to become a sea of poorly constructed condos and apartments. Historic designation improves and helps sustain neighborhood property values. Look at Lincoln Park in Chicago and Washington DC. Historical preservation is better for cities long term health.

Wende Nossaman, Denver, CO

4 days ago

0

Our historic neighborhood is disappearing more each day. We must protect what brings folks here.

Alice Harris, Denver, CO

5 days ago

0

I think this historic building is an important landmark and represents our recognition of the contributions of two of Denver's renowned architects.

Marie Giedraitis-Edgar, Denver, CO

6 days ago

0

I love Denvers history and historic architecture! Let's preserve it and keep our city special!

Kye Sangha, Erie, CO

6 days ago

0

This house must be preserved as an important part of the story of Denver.

Paul Cloyd, Denver, CO

6 days ago

0

This residence merits preservation due to its significant association with Merrill and Burnham Hoyt. Preserving the house where they lived and worked will inform our understanding of these two important and influential Denver architects.

Tom Simmons, Denver, CO

6 days ago

0