

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.

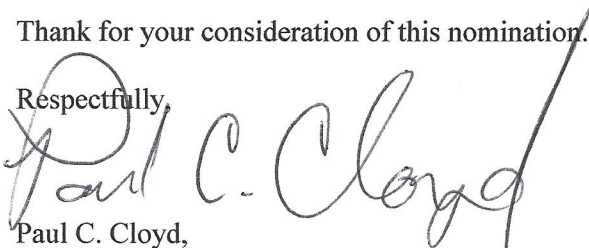
The steeply elevated location of the Hoyt Residence faces the thoroughfare of West 23rd Avenue overlooking Jefferson Park. For more than 125 years the Hoyt Residence has taken in the sweeping views of Jefferson Park.

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

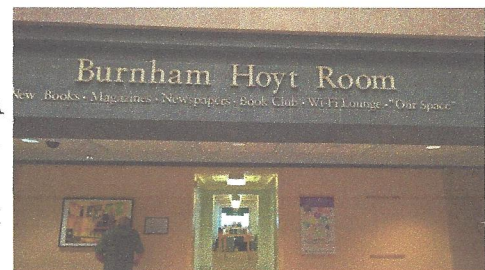
October 2, 2016

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 joined 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