

Memorandum

TO: City and County of Denver Landmark
Preservation Commission

FROM: Brian J. Connolly

RE: Landmark Case No. 83-14—3241 Lowell Boulevard

DATE: April 1, 2014

This Memorandum is being submitted to the Landmark Preservation Commission (the “Commission”) on behalf of Highland Square, LLC (“Landowner”) in opposition to the application for landmark designation filed by Historic Denver, Inc. and others (collectively, “Applicant”) with respect to Landowner’s property located at 3241 Lowell Boulevard (the “Application”). The property located at 3241 Lowell Boulevard (the “Property”) contains a vacant structure formerly associated with a church (the “Church Building”).

Recent History of the Property

Landowner purchased the Property in 2007 from Church of the Redeemer (“Redeemer”) upon Redeemer’s decision to relocate to another property. Contemporaneously with Landowner’s purchase of the Property, entities affiliated with Landowner acquired properties located on Meade Street and on Moncrieff Place, in the vicinity of the Property (the “Additional Parcels”). Landowner purchased the Property intending to redevelop the Property into a mixed-use development with first-floor retail stores and upper-floor residential units.

When Landowner purchased the Property, improvements thereon included the Church Building, constructed in 1930-31, and auxiliary church buildings which were constructed between 1939 and 1951. In 2008, Landowner successfully sought a Certificate of Non-Historic Status to demolish the auxiliary buildings (which were located on the southern portion of the Property). At that time, Landowner did not seek a Certificate of Non-Historic Status for the Church Building because Landowner believed that the Church Building had potential for reuse. At all times, it was Landowner’s intention either to retain or demolish the Church Building based upon the circumstances at the time of redevelopment, including the needs and plans of whichever developer would eventually redevelop the Property.

In 2010, the City and County of Denver (the “City”) rezoned the Property to a new zoning code designation of U-MS-5, permitting five-story buildings and a mix of uses on the Property and adjacent parcels. Following this rezoning, neighbors in the West Highlands neighborhood (the “Neighbors”) commenced litigation against the City, Landowner and its affiliates, claiming that the City’s rezoning of the Property constituted illegal spot zoning.

Following a bench trial in August 2013 in which the Denver District Court ruled in favor of the City and Landowner, Landowner entered into a settlement agreement with the Neighbors (the "Settlement Agreement"). The City is a party to the Settlement Agreement. As the Neighbors' primary concern in the litigation related to density of development on the Property, Landowner and the Neighbors agreed in the Settlement Agreement that Landowner would limit building heights on the Additional Parcels to four stories, contingent upon Landowner's successful receipt of a Certificate of Non-Historic Status for the Church Building. Permissible building height on the Property would remain five stories, as permitted by the U-MS-5 zoning designation. In the event that Landowner did not succeed in receiving a Certificate of Non-Historic Status, no height restrictions would be imposed on the Additional Parcels. The Settlement Agreement provided that Landowner would apply for, and the Neighbors would support, a Certificate of Non-Historic Status for the Church Building. The Certificate of Non-Historic Status was sought to ensure that Landowner, while reducing building heights on the Additional Properties, would provide a future developer of the site with flexibility regarding reuse of the Church Building. It was Landowner's understanding that the Neighbors believed that demolition of the Church Building and reduction of building heights for future development was the best outcome for the neighborhood.

Under the terms of the Settlement Agreement, Landowner is obligated to pursue a Certificate of Non-Historic Status for the Church Building.

Discussion Points for the Commission's Consideration

Due in part to the recent history of the Property as well as Landowner's interest in retaining flexibility in the redevelopment of the Property, Landowner opposes the Application. In particular, Landowner requests that Landmark Preservation staff ("Staff") and the Commission address the following discussion points in considering the Application.

Direct Association With Historical Development of Denver. Applicant's and Staff's conclusions on this criterion are based primarily on generic conclusions about the period of time in which the structure was constructed, the fact that it housed a local church congregation, and the neighborhood's rapid growth at the time of construction in 1931. Under this rationale, any church building in the City—and really any building in the City—would appear to qualify as having a "direct association with the historical development" of the City. Landowner requests that Staff and the Commission more clearly articulate how the Church Building, which was converted to a gymnasium and ceased use for church services just 20 years after it was built, is distinguishable from other buildings in the City and the neighborhood as having a "direct association" with the City's development.

Direct and Substantial Association With A Person or Group. Applicant's and Staff's findings are based mainly on Beth Eden's association with Rev. Charles Walker and based on the fact that the church congregation partook in routine religious activities such as missionary outreach and charitable works during a period of religious fervor. Rev. Walker was the founding pastor of Beth Eden in 1893; Applicant and Staff failed to note that Rev. Walker was never pastor of the church during or after construction of the Church Building. Rev. Walker contributed to fundraising efforts for the Church Building prior to its 1931 construction. Landowner requests that Staff and the Commission clarify whether a locally-famous pastor's or other community leader's contribution to the fundraising or financing of a building's construction is sufficient to conclude that such individual had a *direct and substantial* affiliation with the structure.

Applicant further refers to the "missionary zeal" of the Beth Eden congregation, as well as to the congregation's charitable works. Missionary activities and charity were and continue to be important aspects of the Baptist and other Christian faiths. Landowner requests that Staff and the Commission clarify whether the fact that the Beth Eden congregation—like so many other religious congregations both then and now—engaged in missionary outreach and works of charity means that the congregation had *influence on society* within the meaning of the

Landmark Preservation code. If the Beth Eden congregation's activities are similar to the many other religious congregations with similar values, Staff and the Commission should clarify how Beth Eden is distinguishable from other congregations in the City.

Embodiment of Distinguishing Characteristics of the Tudor Revival Style. Applicant and Staff found that the vacant Church Building embodies distinguishing characteristics of the Tudor Revival architectural style, and that Tudor Revival ecclesiastical architecture is rare in Denver. Numerous examples of Tudor Revival architecture exist throughout Denver, albeit in residential or other non-ecclesiastical settings. Given the state of disrepair of the Church Building—and the many documented building modifications made subsequent to the Church Building's original construction—compared with other examples of original Tudor Revival architecture, Landowner requests that Staff and the Commission clarify whether a building that is in generally poor repair and which is of an architectural style that is otherwise represented throughout the City embodies distinguishing characteristics of the Tudor Revival style.

Significant Example of Work of a Recognized Architect. Applicant asserted, and Staff apparently found, that the Church Building was designed by William N. Bowman, a prominent Denver architect of the early 20th century. This finding was based on a single newspaper article from the Denver Post which shows a rendering of a church adjacent to an article about the 1930 groundbreaking for the current church building; a caption associated with the rendering indicates that "William Bowman designed the pictured church." The Church Building upon completion did not reflect the same design as the church building appearing in the rendering. Furthermore, neither building permit records, Beth Eden's self-authored church history, articles and histories of the works of Bowman, nor any other source besides the 1930 Denver Post caption indicate that Bowman designed the Church Building. Thus, while Bowman may be credited with designing a building on the Property, Applicant's submittal proves only that the building built is not the one that Bowman designed. Landowner requests that Staff and the Commission confirm whether this sole source of information—in light of the fact that so many other historical sources fail to draw the connection between Bowman and the Church Building—is sufficient to conclude that this is a *significant example* of Bowman's work, or is even Bowman's work at all.

Prominent Location and Established, Familiar, and Orienting Visual Feature. Applicant asserted, and Staff found, that the Church Building holds a prominent position in the West Highlands neighborhood and is "recognized" by commuters and visitors. While the Church Building is one of the tallest structures in the West Highlands area, it is not located along the West 32nd Avenue corridor, which is the primary location of restaurants and commercial establishments in the West Highlands. Many other buildings along arterial and collector streets in Denver are recognizable by the people who drive past them every day. The Church Building has stood darkened and vacant for a number of years now, and was underutilized for many years prior, which may in fact be why it is so prominent in a neighborhood that is otherwise lively and occupied. Landowner thus asks Staff and the Commission to clarify whether the Church Building is an orienting visual feature solely because it is tall—and whether other tall buildings in the City, by virtue of their height, are orienting features. Landowner further asks Staff and the Commission whether the Church Building remains prominent and orienting in light of the fact that the West 32nd Avenue corridor is the primary destination and area of activity in the West Highlands.

Modification from Original Design. Building permits submitted with Landowner's application for Certificate of Non-Historic Status demonstrate that the Church Building has been modified many times since its original construction. Furthermore, the remainder of the church complex was issued a Certificate of Non-Historic Status in 2008 and was subsequently demolished. Portions of the Church Building, including the vestibule on the south wall of the Church Building, have been removed. The interior of the Church Building ceased use as a church sanctuary in approximately 1950, and was used as a gymnasium and classrooms. Landowner asks Staff and the Commission to determine whether numerous subsequent modifications to the Church Building warrant additional consideration as to whether this structure is appropriate for designation.

Conclusion

Landowner respectfully requests that the Commission deny the Application, or in the alternative, that the Commission provide clarifications regarding the foregoing discussion points.