



CB15-0768

# 2329 ELLIOT STREET

---

*A Hostile* Application for Landmark Designation



## City Council should reject the application for Landmark status for 2329 Eliot St.

1. Extremely questionable and inadequate arguments were used in attempt to meet the Landmark Ordinance requirements
2. Designation on questionable merits creates bad policy
3. No valid land use alternative for the homeowner exists

# Weak Claims Were Used to Satisfy Ordinance Requirements for Architecture

- **Landmark Designation Ordinance requirements:**
  - (2) Architecture. To have architectural significance, the structure or district shall have design quality and integrity, and shall:
    - a. Embody distinguishing characteristics of an architectural style or type;
- **Landmark Commission concluded:**
  - 2329 Eliot is a “Denver *Vernacular* Variation of a Queen Anne”

-Abigail Christman, LPC Member

## **Definition of Vernacular:**

It is a category of architecture based on local needs, construction materials and reflecting local traditions. It is architecture that is concerned with domestic and function rather than monumental buildings.

Shouldn't the bar be higher for Hostile Historic Designation?



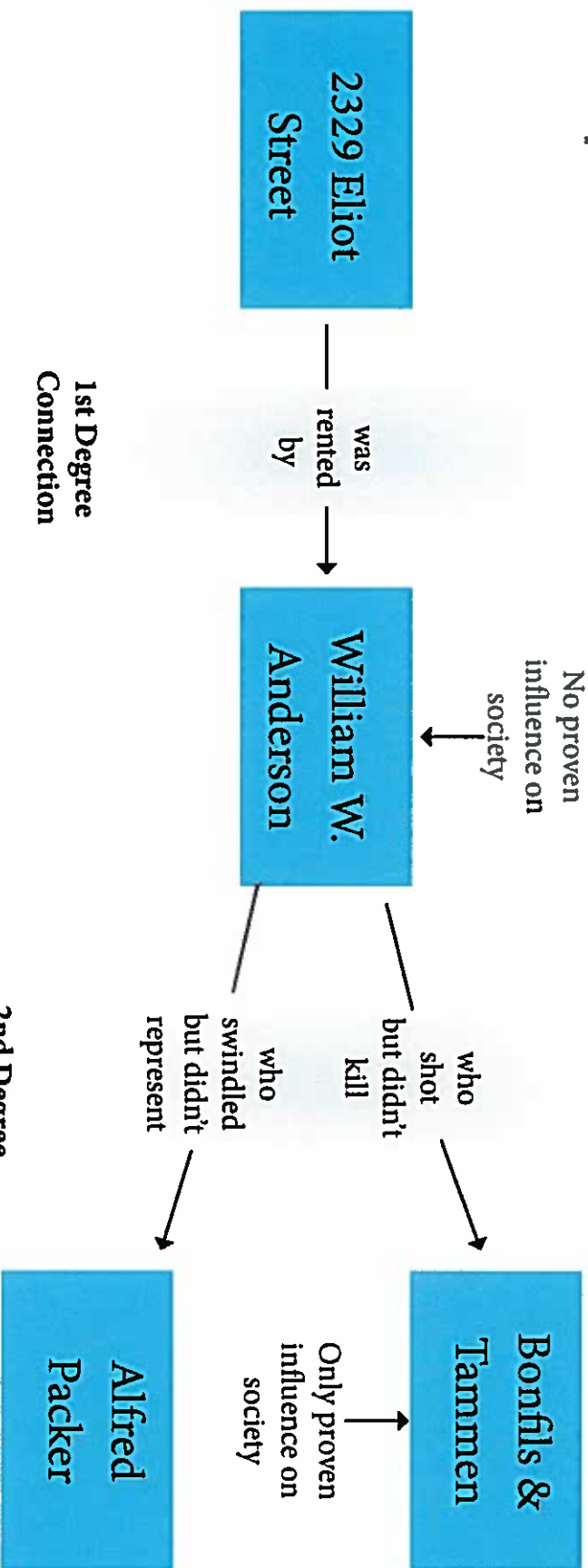
Historical connections were exaggerated  
and 2<sup>nd</sup> degree connections were used to  
justify History requirements

- **Landmark Designation Ordinance requirements:**
  - (1) History. To have historical significance, the structure or district shall be thirty (30) or more years old or have extraordinary importance to the historical development of Denver,

**AND**

Shall c. Have **direct and substantial** association with a person or group of persons who **had influence on society.**

# As illustrated below, the historical requirements have not been met:



"It clearly has direct and substantial association with somebody that influenced somebody that influenced society. I feel like it's stretching. I'm just being honest."

-Landmark Preservation Commission Chairperson

# Doubts from the Chairperson of the Landmark Preservation Commission:

- “If the shooting had happened in the house, I think that becomes a really different conversation, if being in the house had influenced the shooting, if it was over the house, I think that would be different. But the fact that you had an outside event that didn’t occur there, just because a person lived there, who didn’t have influence on society in a grand way, I’m having trouble with this one, I’m just being honest, I’m having a really hard time with this one.”
- “I have a hard time with the end of what we’re looking at—1C – Have a direct and substantial association with a person or group of persons who have influence on society, and maybe I’m harshing that, but it’s clear it was somebody that was notable, but I’m not clear that that person had influence on society necessarily in the way that, when we talk about Molly Brown, she didn’t just have the Titanic behind her, there’s a whole long lifelong history there that clearly influenced the town and I’m just curious about the history piece, because it seems that that word is in there on person and honestly that’s the part that’s giving me trouble.”
- “It doesn’t seem this property [2329 Eliot Street] had direct influence on somebody who had influence on society.”

# About Jim, the Homeowner



- 40 Year Jefferson Park Resident and Constituent
- 27 Years in his current house
- This sale represents Jim's retirement
- Has had this contract in place for 14+ months
- Does not want his property rights "taken" away

# Designation on questionable merits creates bad policy

- **Approving this designation sets a dangerous precedent**
  - Allowing circumstantial historic designation to be used as a weapon to fight development will result in these hearings becoming much more common.

Another Hostile historic designation is already in progress on the property located at 5115 W. 29<sup>th</sup> Ave and is scheduled to come before City Council on November 30<sup>th</sup>.

Trammel Crow was recently threatened with a hostile designation on their development at 38<sup>th</sup> & Lowell that delayed the project.

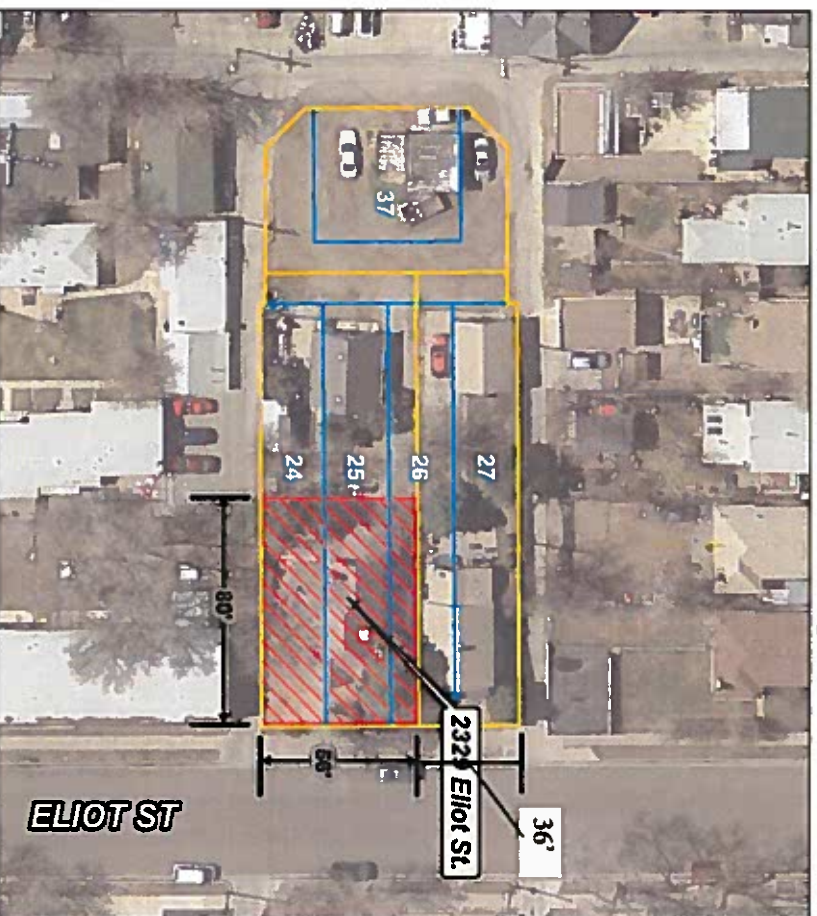
**“A hostile historic designation should be a last resort, beyond a last resort”**

*-Councilwoman Jeanne Faatz  
(during the designation of Beth Eden church)*



# No Valid Land Use Alternatives Exist for Jim

Proposed Landmark Designation



- If City Council Approves this designation, the property owner will be left with only 36 feet of street frontage, an important measure of zone lot width by which the Denver Zoning Code determines what type of development is allowed on a particular property.
- With only 36 feet of frontage, the only development potential remaining is a single Urban House or a single Duplex.
- Developments also require adequate street frontage for Denver Water taps, Wastewater taps, Stormwater taps, and Xcel Gas Taps that also limit density on lots with limited frontage.

# G-MU-3 Zoning Code Requirements

## Make Alternatives Unfeasible

G-MU-3 Reqs.	Urban House	Detached Acc. Dwelling Unit	Duplex	Garden Court	Row House	Apartment
Zone Lot Width (min)	25'	25'	25'	50'	50'	50'

With only 36 feet of remaining frontage, the Zone Lot Width requirements dictate that if 2329 Elliot St. is designated, Jim will be left with land that CANNOT be developed to its otherwise highest and best use, resulting in an instant decrease in value of Jim's property.

# Recent ROW (Alley) Vacation

## What did the City Vacate?

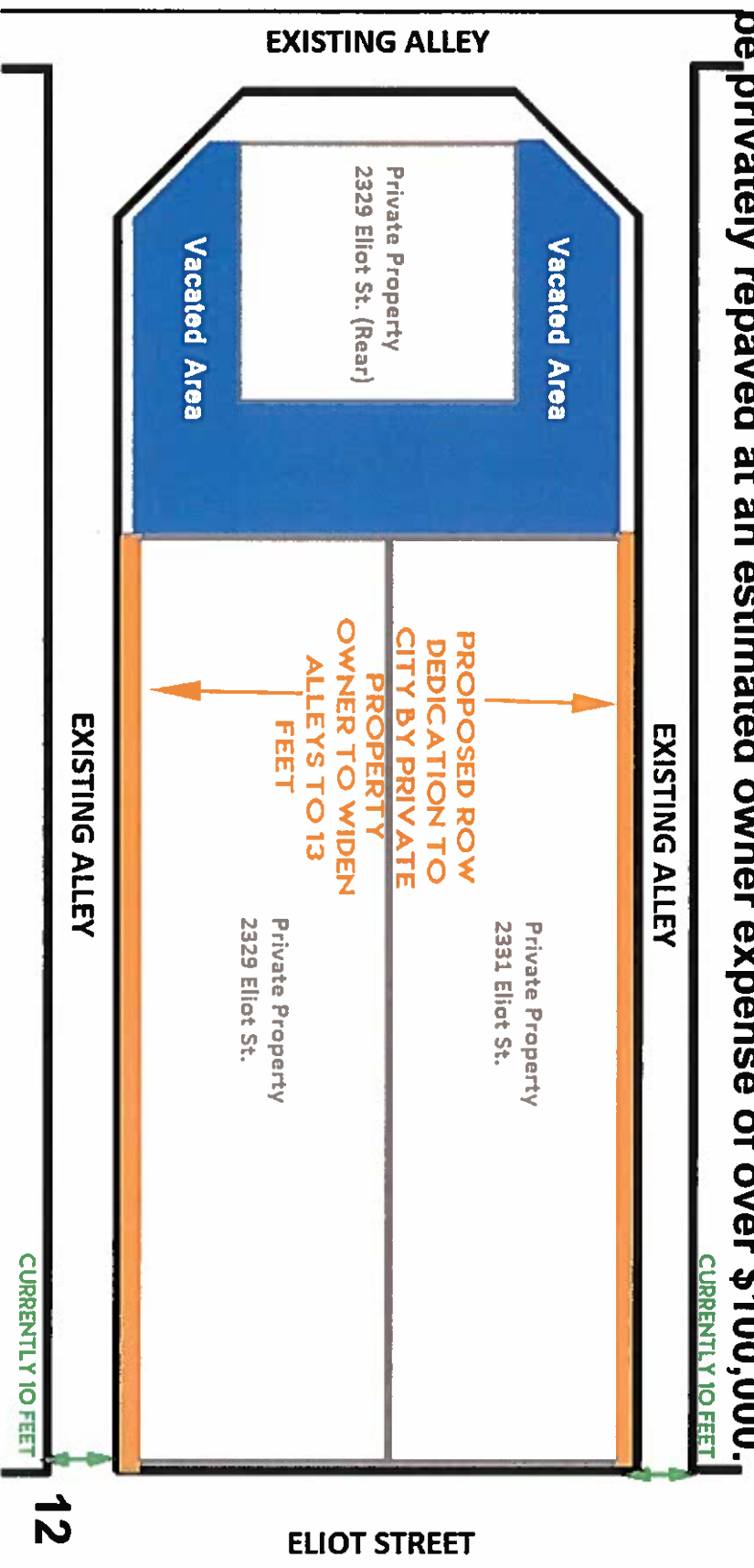
- A redundant, unpaved, and unmaintained portion of alley that divided Jim's principal property from the carriage lot he also owned.
- This is common practice, and per state statute, the city is unable to profit from the transfer of this land.
- A total of 3,308 sq. ft.

The photo below shows the unmaintained vacated area.



# Benefits of the Alley Vacation

- ANY development will require land be Dedicated back to the city in order to widen the narrow Public Alleys (at 10', currently too narrow for emergency vehicles) by 3 feet each for a total of 900 sq. ft. of land freely given back to the city.
- Development will also require that ALL alleys surrounding the development be privately repaved at an estimated owner expense of over \$100,000.



# What Happens to Jim?

## If Designation is Approved

- Jim's property value will instantly decrease as the value of his property is a result of the development potential of the land.
- Though there has been discussion around alternative offers and development, no sincere and bona fide offer has been discussed nor received.
- Jim has no path forward that doesn't greatly diminish the retirement he has worked so hard for.

## If Designation is Denied

- The value of Jim's property remains intact and Jim is able to complete his contract, sell his house, and retire like he intends.


*Applicants (who are not licensed real estate brokers or appraisers) have made statements that Jim is being taken advantage of, but Jim has had an independent, competent, and experienced broker guiding him through the entire process. His licensed broker independently believes that Jim's best option is for designation to be denied.*

# A Responsible Approach to Designation

- Jefferson Park has structures and districts that make a far greater contribution to the neighborhood's character.
- The community and City Council's resources would be much better spent targeting more worthy areas for **voluntary** designation.
- Councilman Espinoza has publically recognized River Dr. in Jefferson Park as a target area and has indicated he would be reaching out to these owners.

*Below, River Dr. a small street in Jefferson Park featuring consistent examples of Queen Anne architecture that make a stunning character contribution to the neighborhood.*





Please protect Jim's property rights and send a message that the ordinance for historic designation should not be used as a spot zoning tool, but as a means of preserving our city's magnificent and truly historic structures.

I feel like it's stretching. I'm just being honest..."

*-Landmark Commission  
Chairperson*