



**DENVER**  
THE MILE HIGH CITY

**To:** Denver City Council, Chris Herndon President  
**From:** Barbara Stocklin-Steely, Principal City Planner, Community Planning & Development (CPD)  
**Date:** November 12, 2015  
**RE:** Landmark Designation for William W. Anderson House, 2329 Eliot St, #488-15

**Staff Recommendation:**

Based on the findings of the Landmark Preservation Commission that the property meets the criteria for designation of a structure set out in Section 30-3 of the Denver Revised Municipal Code, and staff's determination that the revised 4,480 square foot designation boundary is sufficient for the house to portray its historic significance, Landmark Preservation staff in Community Planning and Development Department recommends approval of this application.

**Landmark Preservation Commission (LPC) Recommendation:**

The LPC recommended landmark designation of a structure for application #488-15, the William W. Anderson House, 2329 Eliot Street, to City Council based on the following designation criteria set out in Section 30-3 of the Denver Revised Municipal Code (DRMC): History criterion (1)c. and Architecture criterion (2)a.. The Commission further recommended that the application be modified to incorporate supplemental information in the June 25, 2015, designation application addendum and to omit references to History Criterion (1)a., citing as finding of fact for this recommendation, the application form, as amended, public testimony and the October 6<sup>th</sup>, 2015 staff report. Vote 6-1 (Jordy recused).

**Request for Landmark Designation:**

<b>Address:</b>	2329 Eliot Street (a.k.a. 2323 W. 23 <sup>rd</sup> Avenue)
<b>Legal Description – per designation application and as recommended by LPC:</b>	C.H. Walker's Subdivision of Block 34, Town of Highlands, Lots 24-25 and the Southerly 10' of Lot 26 (8,400 square feet)
<b>Legal Description – as published at first reading of City Council:</b>	C.H. Walker's Subdivision of Block 34, Town of Highlands, the easterly 80 feet of Lots 24-25 and the Easterly 80' of the Southerly 10' of Lot 26 (4,480 square feet)
<b>Zoning:</b>	G-MU-3, UO-3
<b>Blueprint Denver:</b>	Single-Family Residential
<b>Applicants:</b>	Jerome M. Olson, Joan Bancroft, Robert D. Caskey, and Rafael Espinoza
<b>Owner:</b>	James Sonnleitner
<b>Owner's Agent:</b>	Adams Development



### **Case Summary:**

An application for a Certificate of Non-Historic Status was submitted to Community Planning and Development (CPD) on April 16, 2015 for 2329 Eliot Street. Landmark preservation staff in CPD found the property to have potential for landmark designation. This property represents 1 of 34 properties that CPD staff has identified thus far in 2015 as having potential for landmark designation, triggering posting of signage and notifications per Chapter 30 of the DRMC. As of Oct. 20, 2015, CPD has reviewed 592 demolition and Certificate of Non-Historic Status (certificate) applications for landmark designation potential, posting 34 properties are 6% of all applications received. Three designation applications have been received as a result of these postings, representing less than 1% of all CPD reviews of demolition and certificate submittals.

The primary building on the property is a ca. 1888-1890 Queen Anne style house, 2243 square feet in size per Denver Assessor Records. Assessor records evidence that James Sonnleitner has owned the property since 1989. The property is located in Jefferson Park. Photographs of the house and property, and its immediate setting, are included in this staff report.

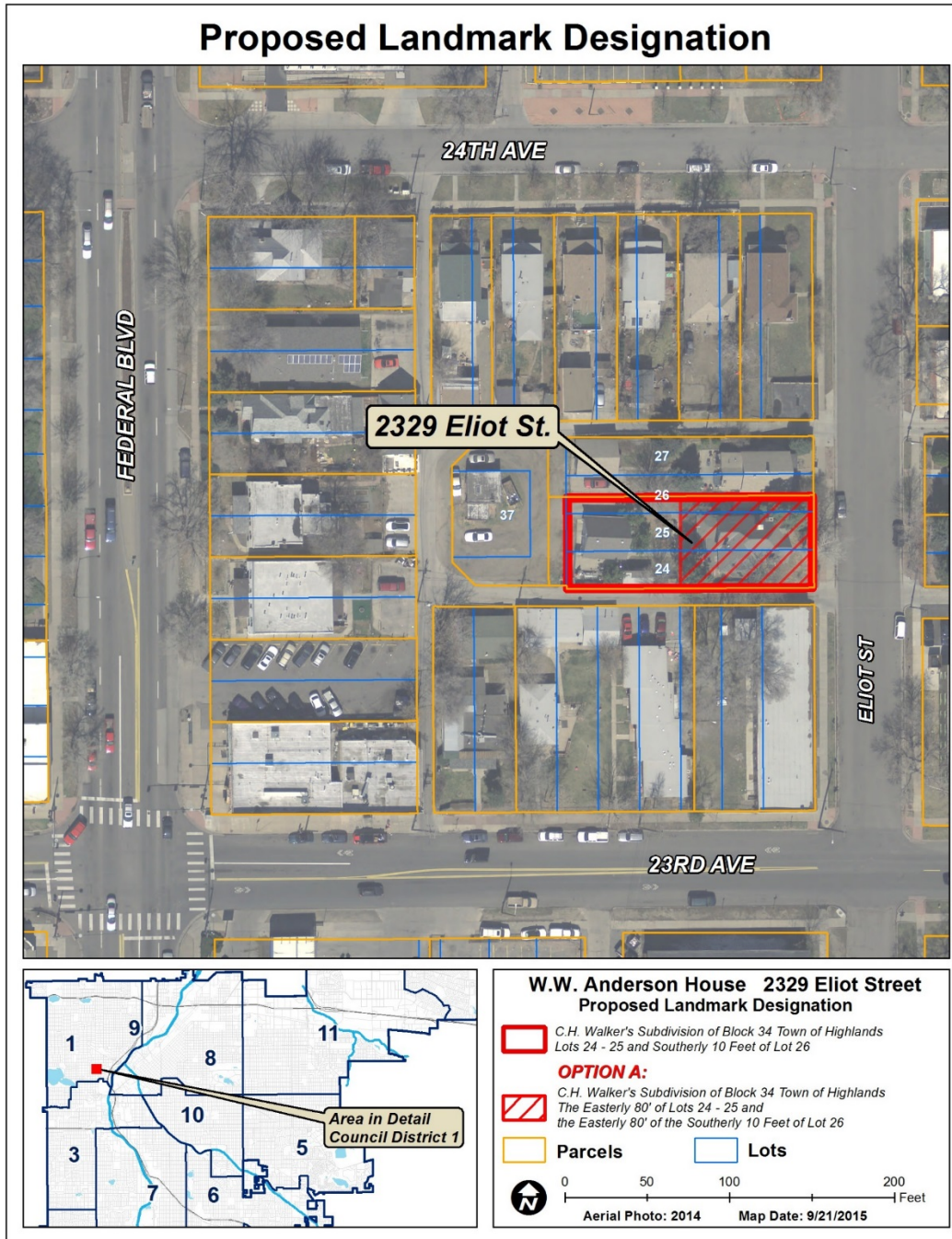
A landmark designation application submitted by four other Denver property owners was received on May 28, 2015, within the required time period with the requisite fee. The application map reflecting the boundaries of the original designation application is shown on the following page. CPD staff performed a preliminary investigation and found the application to be complete and to meet landmark designation criteria. However, as part of its preliminary evaluation, landmark preservation staff performed additional research and fact-checking, identified areas to improve the application and pointed out minor inaccuracies in the application. As a result of these findings, an addendum to the application was received on June 25, 2015. The application and addendum are attached separately.

Staff set the public hearing at the Landmark Preservation Commission (LPC) for July 7, 2015. Due to legal action, the public hearing was rescheduled for Oct. 6, 2015. The LPC recommended landmark designation of the Anderson House to City Council based on the following designation criteria set out in Section 30-3 of the DRMC: History criterion (1)c. and Architecture criterion (2)a.. The LPC further recommended that the application be modified to incorporate supplemental information in the June 25, 2015, designation application addendum and to omit references to History Criterion (1)a., citing as finding of fact for this recommendation, the application form, as amended, public testimony and the October 6<sup>th</sup>, 2015 staff report. Additional information on the LPC hearing is included below.

On Oct. 28, 2015, the Neighborhood and Planning Committee voted to forward the case to the full City Council. At first reading, the Denver City Council ordered the bill published with a reduced legal description/boundary. See information below. The public hearing is set for November 16, 2015. Because the designation application resulted from a Certificate of Non-Historic Status application (which would allow demolition for a period of 5 years), Chapter 30 of the DRMC, combined with judicial action on this case, requires that the application for designation be approved by no later than November 26, 2015, or the Certificate of Non-Historic Status will be issued.

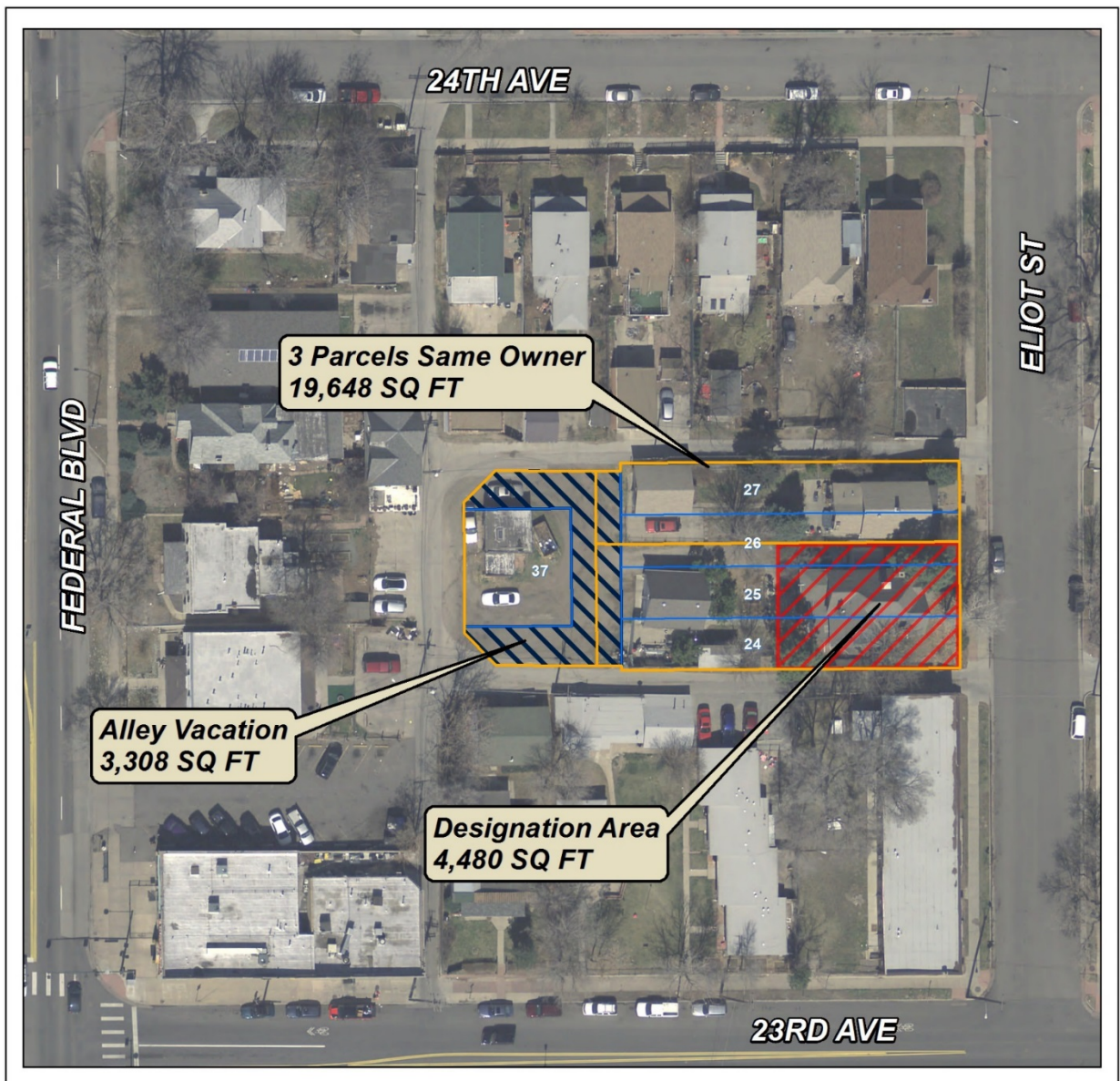
### Designation Boundary:

The “original” landmark designation boundary, as submitted in the designation application, reflects the known historic property boundary for the W.W. Anderson House, as legally described on the below map. The “original” landmark designation boundary consisted of 8,400 square feet. On November 9, 2015, the Denver City Council ordered the bill for designation to be published based on a modified boundary of 4,480 square feet, or 53% of the original proposed designation boundary. The reduced boundary is shown on the map below by red hash marks, delineated as Option A. The reduced boundary excludes a non-historic garage, and preserves the historical and architectural significance of this property.



The reduced designation boundary would also support redevelopment of the rear 70' of lots 24, 25 and 25, as part of a land assemblage including adjacent parcels in the same ownership. This assemblage consists of 19,648 feet (shown in orange). The proposed designation area of 4,480 square feet consists of 23% of the land in this assemblage. Proposed approved by the Denver City Council as part of an alley vacation is included in this assemblage as shown on the map below. CPD currently has received a development application to redevelop the 19,648 square foot assemblage with 18 townhouses. A reconfiguration of this development would be needed if the Anderson house area was designated as a landmark structure. The house could theoretically be integrated into the redevelopment accommodating one or more housing units into the 2,243 square foot structure (perhaps using attic and basement similar to structures in Capitol Hill).

### Proposed Designation Area Shown as Portion of Larger Land Assemblage



**Photographs of 2329 Eliot Street:**

**View of house looking north on Eliot St.**



**Partial view of south (side) and west (rear) elevations of house from side alley**



**View of non-historic garage and rear of house from historic carriage lot alley**

**Rear non-historic garage  
(located outside of proposed  
designation boundary)**



#488-15  
2329 Eliot Street



**View of front elevation of house from Eliot St.**

**Close up view of front (east) elevation of house**



**Close up view of front porch**



**Partial view of front (east) and south (side) elevations**

### **Designation Criteria and Evaluation, Chapter 30, DRMC:**

To meet landmark designation criteria, in accordance with Chapter 30, Denver Revised Municipal Code (DRMC), a property must be more than 30 years old...and meet the following criteria:

1. Maintain its physical and historical integrity.
2. Relate to a historic context or theme
3. Meet one designation criteria in two or more of the following categories: history, architecture and geography

### **Integrity:**

Chapter 30, DRMC requires that a landmark designated property maintain its historic and physical integrity, defined as “the ability of a structure...to convey its historic and architectural significance...recognized as belonging to its particular time and place in Denver’s history.” The seven qualities that define integrity in Chapter 30 are location, setting, design, materials, workmanship, feeling and association.

The period of historic significance for the house is ca. 1888-1890 (date of construction) up through 1930 (Anderson death). As noted in the application, the house has had few exterior alterations, and it clearly conveys its historic ca. 1890 Queen Anne appearance. A later rear addition and outbuildings are present on the site. As such, the property retains its physical and historical integrity consistent with the definition in Chapter 30, DRMC.

### **Related to a Historic Context/Theme:**

The property relates to the historic contexts of: Late 19<sup>th</sup> century Victorian architecture in Northwest Denver and Jefferson Park; William W. Anderson and his notoriety relating the Denver Post shootings/Alferd Packer Case.

### **Criteria Evaluation:**

The Landmark Preservation Commission found that the property met one criteria in two categories: History Criterion 1c and Architecture Criterion 1a. The applicants had proposed that the property also met History Criterion 1a, but the Commission found that there was not sufficient evidence in the application to support History 1a.

### **History 1c:**

#### ***c) Have direct and substantial association with a person or group of persons who has influence on society;***

The property is directly related to William W. Anderson, a local attorney, who achieved notoriety in Denver and Colorado, and nationally to a lesser extent, based on his short “representation” of Alferd Packer, the infamous convicted man-eater who was convicted of cannibalism related to a journey of five prospectors into the Colorado mountains in search of gold in 1873. His notoriety increased when he had an well publicized altercation with Bonfils and Tammen, the two editors of the Denver Post on Jan. 12, 1900, allegedly shooting them. Anderson’s altercation with the Denver Post editors was covered in the New York Times and the Chicago Tribune. His subsequent three trials, eventual acquittal and the subsequent jury tampering charges of Bonfils and Tammen

were a major event featured repeatedly in local newspapers. Anderson's significance to history is also evidenced by the inclusion of his story in several local and national books on Northwest Denver, early justice in Colorado, cannibalism, and the western frontier. Anderson is first documented to have lived in the house in 1897, and per the newspaper accounts of the day, was clearly living at 2329 Eliot when the Denver editor shootings occurred on Jan. 13, 1900, through at least 1902. While he lived elsewhere in subsequent years, he purchased the house in 1915 as his residence, and lived there until his death in 1930. The application strongly supports this criterion.

### **Architectural Significance**

***To have architectural importance, the structure or district shall have design quality and integrity, and shall:***

***a) Embody distinguishing characteristics of an architectural style or type;***

The ca. 1888-1890 substantial 2,243 square foot two story Queen Anne style house, with its prominent hilltop location, is an excellent example of this style evidenced by its brick, stone and wooden materials, massed irregular plan, complex steeply pitched gabled and hipped roof, front arched window, and decorative wall surfaces, including decorative brick coursing, wooden bargeboard, bracket and window framing details, and elaborate half-timbered porch ornamentation. It is a prominent early Queen Anne brick house and is a rare surviving example of a substantial Queen Anne house in the Jefferson Park neighborhood. The house has had few exterior alterations, as noted in the application, and retains its design quality and integrity. The application strongly supports this criterion.

### **Landmark Preservation Commission (LPC) Public Hearing Summary:**

The Landmark Preservation Commission held a public hearing on Oct. 6, 2015. The Commission found that the application met the criteria for landmark designation, and has forwarded a recommendation for landmark designation to the City Council. A copy of the LPC meeting record for the hearing is attached. The public hearing and deliberations lasted over 3 hours.

Key points in the LPC deliberations were:

- Story of Anderson is repeated in various Denver and Colorado histories, and is part of the history and mythology of the West;
- Nation was captivated by the Anderson shooting, the events were included in newspapers of the day; garnering attention of the day is significant;
- This building has the strongest association with Anderson of any structure associated with William Anderson;
- Anderson's association with Bonfil and Tammens, editors of the Denver Post, and events relating to the shooting and trials is important;
- Anderson's association with Alfred Packer is interesting, and significant historically;
- LPC respects the landmark preservation staff, and the fact that staff reviews many properties annually, and very few of these are identified as significant;
- Some discussion that the property may also meet one of the geography criteria for landmark designation;



- Important to preserve middle-class houses that are good examples of Queen Anne architecture;
- Few examples of historic Queen Anne homes surviving in Jefferson Park, and this example is intact, has a high degree of integrity, is substantial and prominent, with a spectacular setting;
- Not as ornate as high style Queen Anne homes in Denver and U.S. featured in coffee table books, but this is a very representative and prominent example of a middle-class home from the late 19<sup>th</sup> century;
- House has a high degree of Queen Anne detailing, particularly for a brick late 19<sup>th</sup> century middle-class home in Denver;
- Distinctive example of a Queen Anne brick home that is becoming increasingly rare in northwest Denver;
- One of the best, if not the best, Queen Anne style structure in the Jefferson Park neighborhood;
- Information on Queen Anne structures provided by owner's agent had inaccuracies;
- One commissioner who voted nay had concerns about history criterion being met.

At the LPC public hearing of October 6, 2015, the LPC chair allocated the speaking time as follows:

1. 10 minutes to the applicants;
2. 10 minute to the owner;
3. 3 minutes to all other interested parties

The applicants' 10 minute presentation was made by Jerry Olson and Robert Caskey, two of the applicants for designation. The owner delegated his 10 minute presentation to Nathan Adams. There were 35 speakers at the public hearing. Of these speakers 21 opposed the designation; 10 of these identified themselves as employees/representative of Adams Development (owner's agent). 14 speakers supported the designation. Additional information received from the applicants and the property owner's agent prior to the LPC hearing is attached separately.

The LPC meeting record is attached separately. Letters received in Community Planning and Development up until 5:00 p.m. the day prior to the Oct. 6, 2015, hearing are also attached separately. Additional letters are included in supplemental information provided by the applicants and owner's agent, including supplemental information from the owner's agent received on November 11, 2015.

**Notifications:**

Community Planning & Development has met or exceeded all posting and notification requirements delineated in Chapter 12 (Article III, Section 12-96) and Chapter 30 of the DRMC. Landmark preservation staff also met with the owner's representative and the designation applicants, and has kept the owner, owner's representative and designation applicants informed of key hearings/meetings and dates related to this case.

The required notifications include:

1. **Posting Signage for Landmark Preservation Commission Hearing**
2. **Owner Notifications and Letters**
3. **City Council Notifications**
4. **Registered Neighborhood Organization Notifications**
  - *Denver Neighborhood Association, Inc.*
  - *Denver Urban Resident Association*
  - *Federal Boulevard Corridor Improvement Partnership*
  - *Inter-Neighborhood Cooperation (INC)*
  - *Jefferson Park United Neighbors*

### **Letters and Petitions:**

As of November 12, 2015, CPD has received the following letters in support and in opposition of the designation:

- 12 letters of support
- 91 letters of opposition

CPD has also received copies of petitions both in favor and in opposition of the designation. There are currently no policies or legal requirements relating to petitions for or against landmark designations. As such, there are no petition requirements as to format, number of times persons can sign a petition, age, residency, disclosure of address, etc.

Given the lack of consistency and potential staff concerns regarding these petitions, staff has compiled some data on the provided petitions:

#### **Summary of Petition in Opposition (provided by owner's agent):**

- Petition updated as of November 11, 2015
- 521 total signatures on petition
- 277 respondents indicate Denver addresses (53%)

#### **Summary of Petition in Support (provided by applicants):**

- A door to door petition and an online petition were provided
- Petitions updated as of October 6, 2015 (or thereabouts) – *CPD staff has not been provided with updated petitions since Oct. 6, 2015*
- 309 total signatures on petitions
- 274 respondents provide Denver addresses (89%)
- 108 respondents indicate they reside within 1 mile of the property in question (35%)

### **Additional Information Requested by City Council:**

At first reading of City Council on November 9, 2015, additional information was requested on landmark designations with boundaries that are truncated or reduced from their full historical boundary, to include a portion of a lot or parcel. While reduced property designations are not the norm, there are a number of cases where this has occurred including (not an exhaustive list):

- Beth Eden Church, 3241 Lowell Boulevard (footprint of building and front setback only)
- Dr. Margaret Long House, 2070 Colorado Boulevard (building and half of property included in historical boundaries)
- Bonfils Memorial/Lowenstein Theater, 2550 E. Colfax (building footprint only).
- Numerous designations of buildings/structures in city parks and on public property are limited to building/structure footprints (Graham/Bible House in City Park, Cheesman Park Memorial, Washington Park Bath House, Boettcher Memorial Center in Denver Botanic Gardens, etc.) many with a small buffer area.

### **Attachments Provided by CPD:**

- Designation Application, including Supplemental Information from Applicant
- LPC Meeting Record of Oct. 6, 2015
- Supplemental Information from Owner and Applicant for LPC Public Hearing of Oct. 6, 2015
- City Council Neighborhood and Planning Committee Staff Report and Powerpoint
- Written Views provided by Owner on Nov. 12, 2015
- City Council powerpoint for Nov. 16, 2015 public hearing

**End**