

Rocky Mountain News

To print this page, select **File** then **Print** from your browser

URL: http://www.rockymountainnews.com/drmn/business/article/0,1299,DRMN_4_4138902,00.html

Landmark commission halts LoDo tower

Panel won't remove historic status for site in justice center swap

By Alan Gathright, Rocky Mountain News

October 7, 2005

It's a classic historic district border beef.

The developer says allow his glass-sheathed tower on the edge of historic LoDo and it will blend brilliantly with modern architectural neighbors such as the Colorado Convention Center and the Denver Center for the Performing Arts.

"It would be absolutely smashing," said developer Richard "Buzz" Geller.

But opponents say redrawing the edge of the Lower Downtown Historic District's boundary - and 55-foot height restriction - to allow the 375-foot condominium tower would open the door to development incursions into Denver's wildly popular and prosperous historic enclaves.

Caught in the middle is Mayor John Hickenlooper, who brokered the deal to sell Geller two LoDo parking lots for the tower site in exchange for two other parking lots the city needs for the new \$378 million justice center.

So, a historic hullabaloo erupted recently when the mayor-appointed Denver Landmark Preservation Commission rejected the Hickenlooper administration's full-court press to rework the LoDo boundary for Geller's \$75 million tower.

Faced with only the second landmark "de-designation" request in its 38 years, the nine-member panel invoked the historical and geographical significance of the LoDo lots wedged on both sides of Cherry Creek. The northern lot includes Bell Park, site of Denver's original city hall, built in 1883. Before then, Denver pioneers erected early cabins along the creek.

The decision left some City Council members frustrated and fuming.

"It would be different if there was a historical structure on that site, but it's been a parking lot for over 40 years," said Councilwoman Elbra Wedgeworth, whose district abuts the LoDo area.

Commission fears fallout

Fallout from the tower clash has some preservation advocates fearful city leaders could gut the panel's power to safeguard Denver's architectural gems and historic neighborhoods from the wrecking ball.

"Inside the commission everyone is just panicking over whether this is going to be the ruination of commission," said Commissioner Elizabeth Schlosser. "We're wondering what kind of pressure this is going to bring upon the commission."

City Councilwoman Judy Montero, whose district includes the LoDo project, is planning a task force of community members, developers and preservationists to examine what the commission "has done right and some things that could be done better."

"We need to balance the needs of neighborhoods, preservation and economic development," she said.

Wedgeworth said she thinks it's unfair the commission's rejection of the historic designation change cannot be appealed - except in court - and worries it could scare off job-and-revenue-generating development for the gritty parking lots dotting some historic districts.

The commission rules allow members to send the City Council a nonbinding recommendation - for or against a project - but Wedgeworth said the commission's decision to in effect kill the project without referring it to the council denies elected leaders the ultimate decision.

"I'm frustrated because I really believe in due process," she said. "Even if you don't agree with a project, I think everyone should get an equal opportunity for review."

But Schlosser says critics are forgetting that the commission's protection of historic districts is what has made places such as LoDo flourish, spurring commerce and development.

"The country's full of tall buildings that are peering into historic districts, and people don't like it," she said. "I just think it sets an awful precedent for opening up all the historic districts."

"Why would any private sector guy abide these height restrictions within the historic districts, if the city won't?"

Even developer Geller said: "The landmark commission is just doing their job. They're not being obstinate at all about that. You just can't make an arbitrary boundary adjustment just because someone wants you to."

But Geller still wants the commission - or City Council - to reconsider the project's merits. The slender, 31-story tower designed by David Tryba would not wall off city views - unlike squat, wider buildings allowed under LoDo's 55-foot ceiling maximum, he said.

And on the north side of the creek, Geller plans to create a natural gateway to Larimer Square by expanding Bell Park - removing the parking lot and retaining walls - so residents could stroll down to the creek for picnics.

Mayor says he's neutral

The mayor insists he's not taking sides.

"I'm personally ambivalent about the height of the tower," Hickenlooper said. "But my planning director, who I trust, thinks it's a great way of defining the edge of the historic neighborhood and yet giving it a face - not just a parking lot."

He may appoint the commission members, but the mayor said it's not his rubber stamp.

"I think the landmark preservation commissioners play an important role and their independence has value," he said.

Still, some commissioners felt squeezed as city planners sought to fast-track removal of the LoDo lots' historic designation, essentially redrawing the preservation district boundaries to exclude the tower site. The motivation was partly fiscal.

In the land swap deal signed by the mayor in April, Hickenlooper agreed to back the developer in obtaining the residential rezoning for the tower from the City Council and also "sign rezoning applications (and) inform city departments that the mayor's office fully supports the rezoning requests."

If the land sale isn't completed by Nov. 1, Geller and partner David Paderski can back out of the LoDo deal and require the city to pay an additional \$450,000 on top of the original \$2.7 million price tag for the justice

center lots.

The developers will pay \$3.6 million for the LoDo property.

"We're being pressured because of the new jail," Commissioner James Bershof complained during a July hearing on the LoDo lots' landmark status, according to a meeting transcript. "This will set a precedent. I'm nervous."

The pressure's not off yet.

Boundary on creek eyed

In a new bid, Geller said he'll ask the commission to consider redrawing the historic district boundary down the middle of Cherry Creek. That way he can build the tower on the south side and kick in a revamped Bell Park that will remain inside the LoDo district.

The city's planning board recently recommended approval of rezoning for the tower, but also allowed Geller the option of building wider, 55-foot tall buildings that meet historic district rules. This awaits a final OK from the City Council.

Ultimately, the Landmark Preservation Commission could agree to remove the tower site from the preservation zone, reject it again or pass a nonbinding recommendation on for the City Council to decide.

Land swap flop?

It seemed so simple. Mayor John Hickenlooper's office wanted to swap developer Richard "Buzz" Geller two city-owned parking lots on the edge of the LoDo historic district for two other parking lots the city needed for the planned justice center. But the deal hit a snag when the mayor-appointed Landmark Preservation Commission killed the city's request to remove the LoDo property from the historic district so the developer could build a 375-foot residential tower - far above LoDo's 55-foot height restriction.

gathrighta@RockyMountainNews.com or 303-892-5486

Copyright 2005, Rocky Mountain News. All Rights Reserved.