Why Preserve Carmen Court? What Makes it Significant Historically?

Carmen Court is both charming and unique to Denver in its architectural style, massing and materials. It was designed in 1925 by architect Bert L. Rhoads. Mr. Rhoads was a prominent Denver architect, well-versed in Pueblo and Spanish style architecture.

Carmen Court, which resembles pueblo structures throughout southwestern U.S., exemplifies this style of architecture through its massing of multi-level forms. (1925 photo at left). The terracotta tile accents also show a Spanish influence, prevalent during this time period throughout the U.S. This blending of styles is a distinguishing feature of Denver’s architectural tradition.

Rhoads (above right) worked as Chief Engineer of Gates Rubber Co. before going into private practice as an architect. His brother, Harry Rhoads, was a very well-known photographer in Denver who photographed events, people, and buildings for seven decades. The Rhoads brothers came from an old Denver family and had a close relationship with the prominent
Gates family. Several historic photographs in the Harry M Rhoads collection at the Denver Public Library, show both families posing together and even sledding with their respective families on a Denver Street.

Mr. Rhoads also designed a very large southwestern style home on 500 South Ogden, (below), that was his residence while he was a Gates executive. It demonstrates the distinctive Spanish style with stucco walls, deep terracotta tile eaves and a high retaining wall with an iron gate. It is said to be as large as Carmen Court. It’s barely visible from the street now because of vegetation on top of the retaining wall but this historic photograph shows his unique talents.

Carmen Court was designed to be in a picturesque location while maintaining a high degree of visibility on a hill next to a park. Its relationship to our City Beautiful movement is shown by the way the building was built far back from the street, in a parklike setting next to Hungarian Freedom Park, historic Speer Boulevard Parkway and Alamo Placita Park. The open space in front of Carmen Court is just as much historic as the building itself.

These former apartments included many innovations that make the property unique. Every unit had a front walk, individual stoops and a front door — unusual at a time when apartment buildings were usually accessed through a common front door. In addition, the property was built using a new type of insulation, Balsam-Wool, a fiber-based insulation that was just coming into use across the country. There was even a large sign out front advertising this unusual feature.

One expert historic researcher (Front Range Research Associates) observed that: Carmen Court is associated with the historical development of the city in the early twentieth century as part of a trend to provide more and different multi-family housing options in Denver. Carmen Court has housed generations of Denver residents since 1925, while staying true to its original architectural intent and form.

Fortunately, the condos have retained their financial as well as aesthetic value over the years, honoring the insight and talent of its architect and builder.
Interior of one of the condos from a Zillow ad in 2018. Ad states: Stunning Santa Fe townhome in Denver’s most loved Carmen Court--available fully furnished through 4/30/19! Feels like a European mini castle. There is simply no other like it in town!

How Did Carmen Court Come to be Threatened with Demolition?
Hines, an international developer from Texas, recently put in a contract to purchase Carmen Court. Hines is planning the development of a boutique, luxury senior living community, with a focus on assisted living and memory care residents. It has already received permission to demolish the three houses to the south to clear the way. If Carmen Court is demolished as well, Hines will have put together a large multi-lot assemblage, allowing for a fairly large project. Presumably Hines has asked the current owners of Carmen Court to obtain demolition permits as part of the contract.

Our Approach
Our first goal is to work with the developer to ask it to withdraw the demolition applications for Carmen Court. This would give us time to work together on a solution that would involve preserving this historic property. Because this process is happening during the coronavirus pandemic, we are hampered in both our historic research and face-to-face communications with our neighbors and the developer. A number of groups have asked the City to suspend the legally mandated deadlines for our efforts until it is safe to meet. This emergency is no one’s fault, but it is making the neighborhood response extremely difficult. However, the City decided it would be too difficult to change the schedule and that a virtual (Zoom) meeting is our only option. We strongly disagree that Zoom is adequate in this type of possible controversy, but our hands are tied. In light of this, neighbors are already at work to submit a historic designation nomination and will do its best to communicate with neighbors under these trying circumstances. We can’t do proper research at the library even with a link to librarians, and we can’t contact affected neighbors due to “shelter in place” rules, but we’ll have to make do.

We object to the demolition plans because we believe Carmen Court is historically significant both locally and possibly nationally. We do not oppose a new development project or adapting Carmen Court for some other use, as long as this historic property is preserved. We believe Hines can do something truly great that will add to the community if it is willing to work with us. Fortunately, the following options will help make a preservation project more viable:

1. **Option: Historic Overlay Zone**
Carmen Court is in a broad “Historic Overlay Zone”, intended “to encourage preservation, protection, adaptive use and enhancement of Historic Structures...” Properties in this Overlay have allowable uses beyond residential if historically designated. With restrictions, uses such as certain types of offices, art studios, and B&B lodging are allowed.

2. **Options: Financial Incentives for Local, State, and National Landmark Designation**
Hines can take advantage of numerous incentives and programs meant to help them care for this historic property if designated locally and/or nationally. The financial incentives can go a long way to help pay for the cost of rehabilitation. Historic Denver, Inc., and the City have more in-depth information on these incentives but (very) generally they include:

- **Tax Credits** to significantly reduce the cost of restoration and rehabilitation. These state tax credits can amount to up to 30% of the cost of rehabilitation to include maintenance and the like. If the property is nationally designated and is income producing (commercial), the owners could also reap another 20% federal tax credit.

- Voluntary preservation easements allowing owners of designated properties to obtain tax credits to approximate the value of what the owner is NOT building in exchange for a promise not to demolish the structure in perpetuity. This tool has been in place since 1970 and has led to many great outcomes.

- The **State Historical Fund (SHF)** is a program of the Colorado Historical Society that funds a wide range of preservation projects across the State of Colorado, including restoration efforts. Historic Denver has successfully applied for and managed dozens of SHF grants on behalf of private and non-profit owners.

3. **Option: Negotiation**

There are many great examples of negotiation leading to creative solutions to preserve historic properties while meeting the needs of property owners. The community is more than willing to work with the owners and developer to incorporate Carmen Court into a new project. Historic Denver has offered to be a resource and to offer their experience with the tools and processes that can help.

_The point of all of this is that there are numerous options available to the developer that don’t involve demolishing this historic property._

We have received an **outpouring of support** from the neighbors and others to preserve Carmen Court, (a Go Fund Me campaign raised $1000 in 24 hours, even in this difficult economic time). When we received notice of the owners’ intent to demolish Carmen Court, we had no idea how much people in the neighborhood and around the city cared about this treasured landmark. So, some of us were both surprised and delighted to hear from so many people. Neighbors in West Washington Park have been collecting an ever-growing list identifying people who are supportive.

Nonetheless, there have been a few issues raised that we’d like to address.

**Highest and Best Use**

There’s often a misunderstanding that property owners are “entitled” to the highest and best use of their property. We’ve heard from several people that it is illegal to keep owners from demolishing their property when that might get them more money. But it’s not true that owners are entitled to the highest and best use. This has been tested many times and the Supreme Court and lower courts have determined that owners are instead “entitled” to “reasonable” use of their property. In this case owners do and will have reasonable use of their property, as these homes have aesthetic and historic value, in addition to substantial monetary value, as-is.

The **Legality of Historic Preservation Regulations**

Some in the community have argued that it’s not legal to tell people what they can do with their property. Actually, zoning tells us all what we can do with our property, and historic preservation and demolition regulations are a part of zoning law. This position is fully supported by the courts as well. The Supreme Court established in 1954 that government action can be based on aesthetic considerations. The Supreme Court affirmed this principle again in 1978 supporting the preservation of Grand Central Terminal in New York City. The Court stated, “that states and cities may enact land use restrictions or controls to enhance
the quality of life by preserving the character and desirable aesthetic features of a city...”. In other words, historic preservation contributes to the public welfare of the community and is a legitimate purpose of zoning power.

Who Determines What Makes a Property Historic?
Historic designations follow the criteria, procedures and reviews first adopted by Denver City Council in 1967. These procedures and criteria keep historic designations from being applied to just any old building, as some are prone to think. National designations have a similar set of criteria and processes managed by the National Park Service.

How Does Carmen Court Adhere to Denver’s Criteria for Historic Designation?
Carmen Court meets the criteria because it has kept its physical integrity from when it was first built, and because of its age. In addition, properties need to meet 3 out of 10 stated criteria. In our opinion Carmen Court meet 6 of those criteria:

1. It is a distinct architectural style:
2. It is the work of a recognized architect or master builder
3. It represents innovative and technical achievement
4. It represents an established and familiar feature of the neighborhood due to its prominent location or physical characteristics
5. It promotes understanding and appreciation of the urban environment by means of distinctive physical characteristics or rarity
6. It is a physical attribute of a neighborhood that is a source of pride or cultural understanding

If a formal designation nomination is filed, this will be fleshed out more fully. In the meantime, the Denver Landmark city staff has prepared an excellent report that addresses its significance. City staffs’ opinion is that this property does qualify for landmark designation. In our opinion, and that of several experts in the field, Carmen Court is well qualified for consideration by the Denver Landmark Commission for historic designation as well. Link to the staff report: https://www.denvergov.org/content/dam/denvergov/Portals/646/documents/landmark/Posted_properties/900E1stAvenue_CDEStaffReport_ADA.pdf

The City’s website addresses the Sustainability of keeping historic structures: “Keeping historic structures and material in good repair conserves the energy that went into making them and reduces the amount of material that is sent to landfills. Historic preservation favors local jobs and workmanship while promoting heritage tourism.”

Fortunately, many owners of historic building are sensitive to the value their property has to contribute to the culture and character of their neighborhood and city. Sometimes the owners gain financially because of the many people who value and want to purchase these types of properties. And, as we have pointed out, owners have often taken advantage of various incentives in place for these situations. Historic properties contribute to the overall fabric of what makes our neighborhoods unique, special, and loved, so the intangible value is untold.

This is where the idea of civic life in our country was born. It works because when people care about our built environment and our cultural history, our city improves.
West Washington Park has been subject to numerous character-defining demolitions, and we are at the point of losing much of what makes this distinctive neighborhood so loved by its residents. Losing a treasured property such as Carmen Court could tip the balance of what makes this area special.

One of the three residences to the south that will be lost when this large property assemblage is completed by Hines. A great example of a tiny International style home.

Written by Friends of Carmen Court:  FriendsofCarmenCourt@gmail.com

News articles:
https://www.westword.com/arts/carmen-court-on-denvers-endangered-architecture-list-11687912


Brothers Harry and Bert Rhoads (1920-1940)

Bert Rhoads heading up a sled ride with the Gates family on the streets of Denver.

Harry M. Rhoads photographic collection, Denver Public Library

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