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March 23, 2020

City and County of Denver
Department of Community Planning and Development
Landmark Preservation
200 West Colfax Avenue, Dept. 205
Denver, Colorado 80202
Attn: Kara Hahn

Re: 123 Speer Boulevard

To Whom It May Concern:

As Vice President and General Manager of Denver7 KMGH-TV (“**Denver7**”), I write on behalf of almost 200 employees of our station in opposition to the recent application (the “**Application**”) filed by Bradley Cameron, David Lynn Wise, and Michael Henry (collectively, the “**Applicants**”) seeking historic landmark designation of Denver7’s studio and offices located at 123 East Speer Boulevard (the “**Denver7 Building**”). For the reasons discussed below, the Denver7 Building lacks historic merit. If approved, it would unduly harm Denver7’s growth and journalistic service to the community, impair positive growth and redevelopment at a key gateway to Downtown Denver, and impose challenging restrictions and costs on the building’s reuse. Applied here, landmark designation is simply the wrong tool.

Background

About Denver7 and the Denver7 Building. Denver7 has long contributed local news reporting to the Denver region. Although we began broadcasting in 1952, due to growth in Denver and our station, we relocated to the Denver7 Building—which was purpose-designed and built to house our studios and office—in 1969. Since 2011, we have been owned by the E.W. Scripps Company (“**Scripps**”).

A combination of technological changes, societal shifts, and other developments have posed well-publicized challenges for local news organizations like ours. Many local newspapers, radio and television stations have been forced to cut staff or have ceased to exist altogether. Despite these challenges, I am proud to report that Denver7 has actually grown—even through the COVID-19 pandemic—and currently employs nearly 200 diverse Denver-area residents, in positions that, on average, pay more than the median household income for our city.

Although Denver7 employees do not have to grapple with layoffs or consolidation, we do face the challenge of working in an antiquated building with high operating costs that we have outgrown. The Denver7 Building was purpose-built to serve the needs of a 1970s television studio, before the advent of the technology, connectedness, and collaboration that define the industry today. Media in 2021 is barely recognizable from that of the 1970s, and it is continuing to evolve. In turn, the buildings that house television stations have changed. Instead of operating in towers with small floorplates and isolated departments, most modern television stations operate one or two-story buildings that foster teamwork and allow complex, multi-faceted operations to function seamlessly. This format not only offers a more collaborative process, but also preserves the opportunity for evolution and expansion. These modern facilities also operate at a much lower cost. In contrast, the current Denver7 Building has the highest operating costs of any studio in the entire Scripps news organization. Although it is already challenging for us to perform our work in this outdated building, designating this purpose-built TV studio as a historic landmark would pose a much greater challenge, as it would place significant restrictions and procedural

requirements on our—or any future owner’s—ability to make needed modifications to the structure to accommodate our business or that of another user.

In light of these challenges, Denver7 decided to explore relocating to more modern studios and offices that would allow us to grow, keep up with technological change, and continue to provide high-quality journalism to the community well into the future. Denver7 believes in the importance of being centrally-located in the community it serves, even despite the high cost of real estate in Denver. The proceeds of our sale of the Denver7 Building and the surrounding property (the “Property”) will support our ability to obtain other centrally-located property for our new home.

Our Proposed Sale of the Denver7 Building and Prospective Redevelopment. We have not gone about the sale of the Denver7 Building and our Property lightly. Beginning in 2019 we began consulting with prospective purchasers of our Property. As a member of the Denver community, we wanted to ensure that the buyer of our Property would put it to use in a way that benefits the community. In our consultations with prospective buyers, we found that every potential buyer intended to demolish the Denver7 Building and build anew. As the current structure was purpose-built for a television studio in 1969—with few windows, opaque walls, an insular and non-collaborative layout, and costly and inefficient building systems—this finding is unsurprising. What’s more, given the demand for residential dwelling units in Denver and a soft market for office and retail, prospective buyers were all interested in our Property for primarily residential uses.

Eventually, Denver7 agreed to sell to Property Markets Group (“PMG”), a highly respected developer of mixed-use projects in urban neighborhoods through the United States—including projects that have involved repurposing existing structures. In our view, PMG brings the vision, sensitivity to design, and community orientation that a property such as ours deserves. Moreover, PMG will allow us to lease back the Denver7 Building to continue to operate our station while we search for and relocate to new studios.

With PMG, we consulted the Denver architecture firm of Shears Adkins Rockmore Architects (“SAR”)—another firm with significant preservation and adaptive reuse experience—on redevelopment opportunities on our Property, including the possibility of repurposing the Denver7 Building or incorporating it into a new structure. Even with their collective, extensive experience in adaptive reuse, PMG and SAR have concluded that such repurposing or incorporation is not feasible, for a variety of reasons. From a physical standpoint, the existing stairways, elevator shafts, exterior skin, slab cores, and mechanical, electrical, and low voltage systems would need to be reconfigured or replaced, and a sprinkler system would need to be added, in order to bring the Denver7 Building up to current building codes. These requirements add significant cost to any reuse of the building, such that our Property would be greatly reduced in value.

In many ways, it is the Denver7 Building’s very design characteristics that make it a challenging prospect for reuse. The building’s lack of large windows makes it unsuitable for residential or other uses. Moreover, the building is set back from the street by a concrete plaza, such that it occupies a significant portion of the Property. Many aspects of the Denver7 Building do not conform to the current Denver Zoning Code, which requires pedestrian-oriented design, with buildings located adjacent to the street and design elements intended to enhance the public realm. Our Property’s location at the high-traffic intersection of Speer Boulevard and Lincoln Street, and its location proximate to the Cherry Creek path, demands the type of development that will activate the street, better achieve the City’s non-vehicular mobility goals, meet the significant need for housing in Denver, and feature innovative, appealing design. The existing structure is unfortunately lacking in all of these qualities, and its preservation would raise the cost of putting the Property to more productive use.

Our Application for a Certificate of Demolition Eligibility. With PMG on board, Denver7 moved toward closing on the Property and finding its next home. Understanding that our legacy lies in our archives and the news stories on which we have reported—and not in the Denver7 Building—we filed for a Certificate of Demolition Eligibility to support PMG in an efficient sale. Shortly thereafter, we learned that the Applicants intended to file an Application to designate the Denver7 Building as a landmark. We participated in the mediation process required pursuant to Chapter 30 of the Denver Revised Municipal Code (the “**Landmark Ordinance**”) and conveyed our story to the Applicants. Beyond the required mediation, and under no obligation to do so, we drafted a good neighbor agreement term sheet that, if agreed to, would have created a process for community voice and engagement throughout the redevelopment process. We also held a design charrette with the Applicants and other representatives where we discussed the challenges with the existing building and other, larger challenges designation would impose on the Property. Despite our efforts to find compromise, to our great disappointment, the Applicants did not respond to our offer of the good neighbor agreement and instead chose to file the present Application.

Denver 7’s Position on the Application

Denver7 opposes the Application. First, the Application fails to establish that the Denver7 Building meets the designation criteria set forth in the Landmark Ordinance. Further, the Application's approval would undermine our employees' ability to continue our work in Denver. Finally, we believe that designation of this building is the wrong tool to achieve the City's goals, and approval of the Application would undermine the credibility and laudable goals of landmark preservation in Denver.

The Merits of the Application. Upon learning of the Applicants' intent to file the Application, Denver7 went about further researching the history of the Denver7 Building, to more fully understand its historical merit. We engaged a nationally-respected historic preservation consultant, Heritage Consulting Group ("**Heritage**") of Philadelphia, to evaluate this history. Heritage's report is attached to this letter as **Exhibit A**.

As the Heritage report details, the Denver7 Building lacks sufficient historical or architectural merit to warrant designation. As noted above and in the report, it was purpose-built at low cost to house a 1970s television station. It is not a good example of Brutalist architecture, despite containing some elements of the style. There are much finer examples of the Brutalist style in and around Denver (see **Exhibit B** for a list of other Brutalist structures in Denver). In many cases, these examples of the style are not owned and operated by private businesses, and remain publicly-accessible for the public's use and enjoyment. The building has not won any architectural awards or been widely celebrated for its design. As the Heritage report notes, William A. Wolfe, a partner at the firm responsible for its design, has stated: "*we don't give a hoot about the consistency of our style. What we do care about is the appropriateness of each building's character to its user and site.*" Our building is no longer appropriate for us, its users, or its site. What's more, consistent with our ethic that good journalism is not about the journalist him- or herself but is instead about the stories that we cover, history has not been made in the Denver7 Building. Denver7's contributions to history are in our archives, where the stories of people and events in Denver are saved for posterity.

The Denver7 Building's historical merit and eligibility for designation is underscored by the publicly-announced intentions of the Applicants. Applicant Michael Henry recently told *BusinessDen* that "Our main goal is not necessarily to landmark the building, because that does bring a lot of conditions, but rather to find an adaptive reuse for the tower." See Thomas Gounley, *Station GM Speaks Out as Landmark Application Filed for Denver7 Building*, *BusinessDen* (Feb. 23, 2021). This statement simply underscores the fact that landmark designation is the wrong tool in this circumstance.

Impact of Designation on Denver 7. As the Applicants acknowledge, landmark designation places many conditions on any redevelopment of a building. When these conditions are placed on a truly historic property, they may increase its value. However, when placed on a building that is not historic or otherwise significant, they serve merely to restrict redevelopment and can dramatically reduce the property's value. If the Denver7 Building is designated, it will undermine the value of the Property and the viability of our growth plans while making continued operation or reuse of the Denver7 Building more difficult. Anticipated impacts of designation of the Denver7 Building on our operations include:

- Potential operational impacts at critical junctures. The maintenance and service approval requirements resulting from designation may be appropriate for some businesses. In contrast, Denver7 is a 24-hour business operation, which necessitates housing critical infrastructure in the Denver7 Building. The time associated with City landmark staff reviews of critical mechanical or electrical repairs—even under the timelines for "quick" or other administrative reviews—could result in a loss of signal to our viewers and have a dramatic impact to our business and to viewers' ability to receive local news. Furthermore, we must have the ability to make immediate modifications to our Property in order to respond to the security needs of our employees; as has been highlighted in recent news stories, journalists find themselves under increasing security threats. These challenges are detailed in the letter, from our lead risk management officer, attached here as **Exhibit C**.
- Reduced value of the Property, limiting Denver7's options for relocation to another central location in Denver. The Denver7 Building's location on the Property makes development of other portions of the Property challenging, and the restrictions placed on the Denver7 Building due to landmark status will make reuse exceptionally costly.
- A longer lead time—or even worse, inability—to sell the Denver7 Building, delaying our station's ability to relocate to a new space. Denver7 has an immediate need for updated, larger studios and offices, and the delay associated with any designation would be highly detrimental.
- Inability to grow our operations. Denver7 has been growing and intends to continue growing, hiring employees, and advancing our technology, all in service of providing local news coverage to the Denver community. Whether

we are forced to remain in our current building due to an inability to sell, or if we cannot achieve the full value of our Property, our ability to continue our work will be harmed.

We cannot over-emphasize the negative impact that designation will have on us as a news organization.

Impact of Designation on Denver. Not only would designation of the Denver7 Building present challenges for Denver7, we believe that it would undermine the landmark process and several important City goals.

Through its Comprehensive Plan and Blueprint Denver, the City envisions the Property as a lively, pedestrian-oriented area with mixed-use development. Specifically, Blueprint Denver designates the Property within a “community center” future place and an “urban center” neighborhood context. Under these designations, the area should include a mix of uses, with multi-unit residential development in mixed use buildings, open spaces that promote interaction, and pedestrian enhancements. In furtherance of the recommendations of Blueprint Denver, the Urban Center Mixed Use Twelve zone district (the “**C-MX-12 District**”) in which the Property is located requires buildings to be built to within ten feet of the street right-of-way, prohibits surface parking between the building and the street, and requires transparency and street level activation.

Contrary to the recommendations of Blueprint Denver and the requirements of new buildings in the C-MX-12 District, in its current state, the Denver7 Building does not provide a mix of uses, provides no street activation, is not inviting, and takes no advantage of its location proximate to the Cherry Creek path. The fortress-like appearance and inaccessibility of the Denver7 Building are, in fact, contrary to the principles set forth in Blueprint. Adaptive reuse of the building would not change these attributes. As already discussed, it is nearly impossible to repurpose the existing Denver7 Building, making the only sensible occupant a 1970s-era television studio. Even if the interior could be repurposed, designation would impose conditions limiting any exterior alterations. As nearby properties are redeveloped with active, pedestrian-oriented, mixed-use buildings, a landmarked Denver7 Building would remain in a prime location as an uninviting, dark, non-functional, and historically and culturally insignificant tower.

In addition, designation of the Denver7 Building would demonstrate a significant derogation of Denver7’s private property rights while undermining the credibility of the City’s landmark preservation process. Since its establishment, the landmark designation process has preserved a number of worthy buildings that have had critical roles in Denver’s physical and cultural landscape, such as the Molly Brown House, Union Station, and the Brown Palace Hotel. We at Denver7 believe that preservation of buildings with architectural, historical, geographic or cultural significance is crucially important, especially in a rapidly growing city. However, as further articulated in the Heritage report, the Denver7 Building is not one of these buildings. Suggesting that this building belongs in the same category as true Denver icons dilutes the legitimacy and importance of landmark preservation. Although the Denver7 Building has some Brutalist elements, it is not anywhere close to being one of the best examples of Brutalism in our community—and many of those examples are already in public hands and accessible to the public. Further, agreeing with the proposition that this building is prominent due to its location sets an unintended precedent for the designation of any building simply because it is on Speer Boulevard or in an area “surprisingly open and free of other buildings.” These are not the messages that a city should be sending to its business community, its media organizations, or its citizens.

Only in the rarest of circumstances has the City approved landmark designations of properties over the objections of their owners. Taking into account its questionable quality as a Brutalist structure, its purpose-built design and logistical challenges, and the devastating impact on our operations from designation, it is clear to us that landmark designation is not the appropriate tool to respond to community interest in the prospective redevelopment of our Property.

Conclusion

In this case, the Applicants themselves admit to using the process “not necessarily to landmark the building . . . but rather to find an adaptive reuse for the tower,” describing it as “essentially Denverites deciding how their city should look.” These statements reflect both a recognition that the building lacks true merit as a landmark and an intent to use the designation process as a tactic to influence redevelopment. Yet there are many other means for citizens to influence development, such as through exercising their First Amendment rights—rights that we at Denver7 hold dearly—by communicating with their elected representatives to seek thoughtful changes to zoning or other laws. The landmark designation process is time- and resource-intensive and, when employed properly, important and honorable. However, designation of the Denver7 Building, against our will, would undermine the City’s charge to preserve true local landmarks, and put us at Denver7 in a very difficult position.

We respectfully request that the Landmark Preservation Commission—or as necessary, the City Council—deny the Application.

Kind regards,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Dean Littleton
Vice President and General Manager
Denver7