

Shane Fry

By e-mail to sfry@brownhousedesigns.com

Mr. Fry

Thank you for your material relating to the Steve Brown Apartments (SBA) proposed development in the 100 block of West Gilman Street. I am hopeful that, working together, the Landmarks Commission can approve a project that will respect the Mansion Hill Historic District (MHHD) and improve the housing stock in that neighborhood.

You will recall that the Commission has already approved Certificates of Appropriateness for two elements of your project, namely the demolition of the Highlander building at 121 W. Gilman and the proposed new development at 113 W. Gorham St. The Commission has also made a favorable recommendation to the Plan Commission for the new development adjacent to 120 W. Gorham St.

In this letter, I seek clarification on two other elements of the project, the proposed demolition of the structure at 127 W. Gilman and the proposed new construction.

Demolition of 127 W. Gilman

First, there is some disagreement in the record as to the final date of occupancy. Can you state conclusively that the building was vacated in 2002?

You state on page 2 that "in the course of SBA's nineteen years of ownership, the only notations and/or citations SBA received on 127 W. Gilman related to painting the exterior of the building." Do you stand by that statement?

As you know, Sec. 33.19(5)(c)3.f, MGO requires the Commission to consider:

f. Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship or difficulty claimed by the owner which is self-created or which is the result of any failure to maintain the property in good repair cannot qualify as a basis for the issuance of a Certificate of Appropriateness;

You assert that it is not economically feasible to preserve or restore the structure. You have stated that a 2000 estimate projected it would cost between \$276,5000 and \$358,150 (adjusted for inflation, between \$364,000 and \$471,000) to restore the building. To analyze your assertion as to economic unfeasibility, the Commission will need to understand the fuller economics of the structure, including:

- Purchase price;
- Total rent received during period of occupancy;
- Total expenditures on repairs, maintenance, and PITI, both during and after period of occupancy;
- Projected total annual rent of restored structure.

I understand your argument that the property was not in "good repair" when SBA purchased it, and so SBA cannot be held to maintaining a condition that has not existed during SBA's ownership. On Monday, I hope you will explain how a property can be occupied for eight years, and then become uninhabitable, without the property owner bearing some responsibility.

Moreover, as you know, city building inspectors issued two notices on May 26, 2011, requiring SBA to:

- Replace all deteriorated wood in the soffit/fascia, repairing all holes; secure any loose wood, and provide a weather-tight and animal-proof surface;
- Scrape and repaint the exterior surfaces;
- Repair the foundation under the rear one story area;
- Repair the first floor front porch upper beam, replacing the rotten and deteriorating wood and ensuring the beam would properly support the loads imposed.

It is my understanding that city staff met with SBA managers met on October 12, 2011. According to the Code Enforcement worksheet notes:

Nothing done. Working with neighborhood on redevelopment plan. Soon they will approach the alderperson regarding their plans and proceed from there. They have received bids for the work and will complete if redevelopment plan falls through.

Notwithstanding this representation, to date SBA has failed to comply with the May, 2011 notices, and the matter has been referred to the city attorney for prosecution.

Your submission makes no reference to any redevelopment plan in 2011, nor to any meeting that year with Ald. Maniaci, nor to any bids you received for the mandated work. Please be prepared Monday to describe those plans and the nature of SBA's meetings with the neighborhood and alderperson, to provide evidence of the bids received, and to explain why SBA refused to comply with the two notices for more than two years.

I anticipate that commissioners will have further questions about whether demolition of 127 W. Gilman is consistent with sec. 33.19(5)(c)3. I thought it best to provide advance notice of my questions, so that you can prepare your response and are not taken by surprise on Monday.

New Construction

In your letter of December 23, 2013, you offer an analysis of why you believe the development satisfies the ordinance establishing the Guideline Criteria for New Development in the Mansion Hill Historic District. [NB - the correct citation is sec. 33.19(10)(e), not 33.01(10)(e)]

Sec. 33.19(10)(e)1., provides:

The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related (visually related area).

You have provided an analysis of why you believe your proposed development meets this standard. I am afraid I do not follow your analysis.

First, it appears you are unable to even declare what the volume of the three buildings would be, stating only that the "gross volume of each (of) our proposed buildings is approximately xxx,xxx square feet." Frankly, I am surprised that at this point in the development process you cannot state the volume of the buildings you have designed. I am also mystified how, not knowing the volume of your buildings, and not knowing the volume of the next largest building in the VRA, you can nevertheless conclude that the proposed construction would indeed have a gross volume visually compatible with the buildings in the VRA.

You will recall that architect John Martens has calculated that the volume of each proposed building ranges from 238,865 to

275,093 cubic feet, and that the buildings within the VRA have an average above-grade volume of 50,241 cubic feet. In the absence of any evidence to the contrary, the Commission is likely to accept those figures as accurate. That being the case, please be prepared to explain to the Commission on Monday how three buildings averaging about 250,000 cubic feet are visually compatible with buildings about one-fifth that volume.

Further, I have studied your analysis at length, and I am yet to understand your point. I agree that it would be "out of character with the neighborhood if every building in the VRA were homogenous in gross volume." Of course, that is decidedly *not* what the ordinance requires. Sec. 33.19(10)(e)1 merely requires that new construction have a volume that is "visually compatible" with the buildings within 200 feet. Despite your conclusory statement that you "do not feel that the gross volume of the proposed buildings is out of character" with the VRA or MHHD, you have provided no evidence or analysis to support that conclusion. Please be prepared Monday to do so.

I am sure other commissioners will have additional questions about this aspect, and other elements of your proposal. Again, I wanted to provide these questions in advance, so that you are not taken by surprise on Monday.

I appreciate the initiative SBA is taking to improve the housing stock in the Gilman Street neighborhood. I look forward to the Landmarks Commission being able to approve a project which does so while respecting the Mansion Hill Historic District and complying with the mandates of Sec. 33.19, MGO.

Please feel free to contact me at the email or number below if you have any comments or questions.

Very truly yours,

Stu Levitan
Chair, Landmarks Commission

Cc: Atty. William F. White
Amy Scanlon & Landmarks Commissioners
Ald. Ledell Zellers