



Department of City Development


Redevelopment Authority
City Plan Commission
Historic Preservation Commission
NIDC

Rocky Marcoux
Commissioner

Martha L. Brown
Deputy Commissioner

MEMORANDUM

TO: Historic Preservation Commission

FROM: Martha L. Brown 
Deputy Commissioner

DATE: January 23, 2008

SUBJECT: Special HPC meeting January 28, 2008

Thank you for making yourself available for a special meeting of the Historic Preservation Commission at 3 pm Monday, January 28, 2008. This memo shares some background about the meeting.

On May 14, 2007, the Historic Preservation Commission considered an application for a Certificate of Appropriateness for the construction of a building at 2574-90 N. Downer Avenue, in the Downer Avenue local historic district. The HPC voted to approve a COA for the project, but empowered a three-member sub-committee to work with the developer regarding several specific design details. These concerns were the following:

- 1) Rooftop and internal lighting
- 2) East elevation design
- 3) North elevation design

Three HPC members volunteered to be part of this subcommittee: Matt Jarosz, Pat Balon, and Sandra McSweeney.

The subcommittee met on four occasions: May 17, 2007, June 14, 2007, June 18, 2007, and June 27, 2007. A COA was issued for the project June 29, 2007. The COA listed a number of conditions based on the decisions of the subcommittee, and also listed several details that were to be reviewed by staff and the subcommittee following submittal of final construction drawings. The subcommittee members reviewed the drawings and these details individually with Paul Jakubovich of HPC staff in late August.

On October 31, 2007, a lawsuit was filed in Milwaukee County Circuit Court, and a motion for temporary injunction was filed seeking to halt construction of the building. (*McCarthy, Kovac and Neal vs. City of Milwaukee and DAPL, LLC*, Milwaukee County Circuit Court Case No. 2007-CV-014155) This legal action came before Judge Else Lamelas in January 2008. Judge Lamelas did not halt construction of the building.

However, she expressed concern that the subcommittee meetings held in May and June were not publicly noticed and not open to the public.

This special HPC meeting has been scheduled on the advice of the City Attorney, to give the full Commission and the public an opportunity to hear about the subcommittee's meetings, deliberations and decisions, to provide a forum for public comment, and to give the full Commission an opportunity to formally accept the subcommittee's findings. Assistant City Attorney Gregg Hagopian will be present at the meeting to more fully brief the Commission on the status of the legal case.

I urge you to review the enclosed materials prior to the meeting on Monday:

- 1) Copies of the minutes of the subcommittee meetings;
- 2) A staff-prepared update regarding the minutes for the subcommittee meeting June 14, 2007;
- 3) An email from Commissioner McSweeney adding her comments regarding minutes for several of the meetings;
- 4) An email from Paul Jakobovich describing his meetings with subcommittee members to review the final construction drawings;
- 5) A copy of the transcript of Judge Lamelas' remarks from January 16, 2008;
- 6) A copy of the Certificate of Appropriateness issued for the project, and annotated copies of the final construction drawings illustrating the manner in which the subcommittee's recommendations were implemented by the developer;
- 7) A letter to the Historic Preservation Commission from Assistant City Attorney Gregg Hagopian. You will see that this letter encourages the submission of written materials to HPC. I will provide to you copies of submissions that are received, and I urge you to carefully review the same.

Should you have any further questions about this matter before we meet, please contact me at 286-5810.

Thank you.