

**Elmer, Linda**

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**From:** dawnhmcc@aol.com  
**Sent:** Sunday, February 17, 2008 10:04 AM  
**To:** Elmer, Linda  
**Subject:** Objection letter to Atty Hagopian 070963

Please include the attached document with file #070963.  
Thank you,  
Dawn McCarthy

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February 11, 2008

**VIA MESSENGER AND EMAIL**

Attorney Greg Hagopian  
City Attorneys Office  
200 East Wells Street  
Milwaukee, WI 53202

**Re: Downer Avenue Development Project - GPD No. 060705; DPD  
No. 070963 Hotel, Surgery Center, Other**

Dear Attorney Hagopian:

Regarding the above-referenced file number, my clients have asked that I submit the following for the record on this file. They may also submit oral or written information as to other aspects of the resolution and DPD within it.

My understanding is that the notice for this DPD was not published in accordance with the City's typical practice. In particular, my understanding is that Daily Reporter publication occurred on February 1, 2008 and February 4, 2008 and that this is being proposed as compliance with statutory class 2 notice requirements. However, if this was the sequence and timing of the notice, that would appear to be a violation of the spirit if not letter of the applicable law.

In addition, it appears that the subject matter including the actual design for the DPD, was not available until February 8, 2008 on the City's website or otherwise. This appears to be a dramatic difference in the typical method of providing citizens notice of the subject matter of various common council files. Can you explain why the design plans for this file were not posted until three days ago, in light of the fact that the City Plan Commission is apparently taking the review of the plans up at its meeting of later today? Please accept this as an objection to the above file based on lack of required notice. This file is not directly a part of the ongoing litigation involving my clients, and thus I reserve, on their behalf, any and all claims and rights to object to the subject matter of this file and/or the procedures used in reviewing it previously or in the future.

Also, a review of the agenda for the Historic Preservation Commission appears to contain review of the demolition of the Chancery restaurant, and this appears connected to the DPD referenced herein. This issue appears to be on the agenda for the Historic Preservation Commission later today.

Please be advised that it is our position that the HPC and its subcommittee acted contrary to its full power and authority in its review of the parking ramp project COA, finally approved on January 28, 2008. Specifically, it had full power to reject the overall design of the parking ramp according to the applicable ordinances and the specific terms and condition of the City historic district wherein it lies, including recommending a smaller or lower design. That same power applies to the HPC's review of the COA for demolition of the Chancery, in our view. In other words, the HPC can reject the proposal to demolish the Chancery. This power appears to be separate and unaffected by whether the CPC or the ZND approve some other permit or resolution that would allow for a building that contemplated the demolition within the Historic District. In addition, it also appears that the projects contemplated in the design plans for DPD No.070963 would require a COA in their own right.

I would appreciate any clarification or other response to the issues raised.

Very truly yours,

Joseph R. Cincotta

Cc: Attorney Alan Marcovitz (via email)  
Attorney Tom Burke (via email)  
Attorney Jeffrey Aiken (via email)