



Reinhart Boerner Van Deuren s.c.  
P.O. Box 2965  
Milwaukee, WI 53201-2965

1000 North Water Street  
Suite 1700  
Milwaukee, WI 53202

Telephone: 414-298-1000  
Facsimile: 414-298-8097  
Toll Free: 800-553-6215  
[reinhartlaw.com](http://reinhartlaw.com)

September 15, 2008

Deborah C. Tomczyk, Esq.  
Direct Dial: 414-298-8331  
[dtomczyk@reinhartlaw.com](mailto:dtomczyk@reinhartlaw.com)

SENT BY FACSIMILE

Mses. Martha Brown and  
Vanessa Koster  
Department of City Development  
809 North Broadway - Second Floor  
Milwaukee, WI 53202-3617

Dear Mses. Brown and Koster:                      Re: 1550 North Prospect Avenue

As you know, this firm represents New Land Enterprises LLP ("NLE") in connection with its renovation of the Goll House and development of a new 35 unit residential building at 1550 North Prospect Avenue (the "Site"). NLE has requested us to respond to some of the concerns raised in recent correspondence to you or members of City Plan Commission and/or Historic Preservation Commission.

1. As you know, NLE continues to value its relationship with the historic preservation community. So, in keeping with the spirit of cooperation that NLE started by soliciting input on its plans from various preservationists, we are inviting HPC to undertake a broader review of our plans than outlined in the September 9, 2008 City Attorney opinion. In this way, we hope to stay the issue of HPC's jurisdiction for the time being and return attention to the substance of NLE's plans.

2. Contrary to some opponent assertions, by no means does NLE fear that its plans fail to satisfy any historic preservation standards. Setting aside the issue about whether HPC has jurisdiction to apply any particular standard, Mr. Donner's August 29, 2008 letter addresses each and every standard articulated in the City's Historic Preservation Ordinance as well as each and every Preservation Guideline in the Historic Designation Study Report for the Goll House. Indeed, HPC has already granted certificates of appropriateness for the University Club Tower and a new St. Mary's Hospital wing under very similar factual circumstances.

Mses. Martha Brown  
and Vanessa Koster  
September 15, 2008  
Page 2

3. We are aware of various assertions questioning NLE's commitment to undertaking the Goll House restoration. Any attack on a developer's character is obviously inappropriate as land use matters deal with use not the user. However, in this case, such questions also demonstrate a fundamental misunderstanding of zoning law. Of course, zoning ordinances, including any new detailed planned development ordinance adopted for the Site, run with the land. Neither NLE, nor any subsequent owner of the Site, can change such ordinances without Common Council approval. Further, as the Goll House restoration will be an integral part of any DPD ordinance, NLE understands that occupancy permits for residential units will be withheld until the Goll House restoration is complete.

4. Also beyond the purview of any City body is speculation as to NLE's financial wherewithal. As you know, NLE is not requesting any City funding for its proposed project. Rather, NLE plans to invest approximately \$60 million in the project, over \$1 million of which will be used to restore the Goll House. Any suggestions that the City should require a market study, a letter of credit, a guarantee or even a developer's agreement under these circumstances would be unprecedented.

5. Letters from both Patrick Dunphy and John Fuchs argue that NLE should not be permitted to develop its new residential tower in an effort to preserve the view of the Goll House from the east. Messrs. Dunphy and Fuchs ignore the facts that, first, Lake Michigan lies to the east. And, second, the east side of the Site is covered in vegetation such that the Goll House is nearly invisible from the east.

6. Mr. Fuchs' letters of September 8 and 9 disclose the true rationale for Mr. Dunphy's opposition to NLE's project, possible interference with the view from Mr. Dunphy's penthouse unit in 1522 North Prospect. In his September 8 letter, Mr. Fuchs argues for "preservation of other views." He contends "better the Goll Mansion is simply taken down...[so the Site is]...properly redeveloped...[as]...a building in line with the other structures." NLE believes that preserving the Goll House better serves the public interest.

7. To varying degrees, both CPC and HPC, and certainly the Common Council, must factor the "greater good "of the entire City into their review processes.

Mses. Martha Brown  
and Vanessa Koster  
September 15, 2008  
Page 3

So, balanced against the views of residents of 1522 North Prospect are (a) the project as the means to preserve the Goll House, (b) \$60 million of new tax base, and (c) overall good urban planning. Articles from the Milwaukee Magazine and Urban Milwaukee, that support NLE's proposal when balancing these factors, are enclosed.

We look forward to responding to any other questions or inquiries at the joint hearing later today.

Yours very truly,



Deborah C. Tomczyk

REINHART\2467663DCT:CMW

Encs.

cc: Mr. Boris Gokhman (sent by email)  
Mr. Scott Kindness (sent by email)  
Mr. Richard Donner (sent by email)