



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Minutes HISTORIC PRESERVATION COMMISSION

ALLYSON NEMEC, CHAIR

Matt Jarosz, Vice-Chair

Patricia Balon, Randy Bryant, Ald. Robert Bauman, Ann

Pieper Eisenbrown and Blair Williams

Staff Assistant, Chris Lee, 286-2232, Fax: 286-3456,

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Paul Jakubovich, 286-5712, pjakub@milwaukee.gov

Thursday, June 7, 2012

9:00 AM

Room 301-B, City Hall

Special

Meeting convened at 9:12 a.m.

1. Roll Call.

Present: 5 - Nemec, Balon, Jarosz, Bauman, Williams

Excused: 2 - Pieper Eisenbrown, Bryant

Individuals also present:

Carlen Hatala, Historic Preservation Commission Planner

2. [120221](#) Substitute resolution granting the interim historic designation of the Sydney Hih buildings located at 300-318 W. Juneau Ave., in the 6th Aldermanic District.

Sponsors: THE CHAIR

Ms. Hatala gave a summary on the background of the nomination for interim historic designation of the Sydney Hih building complex. There were two commission processes in the past for the interim historic designation of the Nicholas Senn building, which also is known as the Sydney Hih building. A 2008 nomination petition was withdrawn and a second nomination was adopted by the commission on January 20, 2009. The commission recommended permanent historic designation of the Nicholas Senn building on September 21, 2009. The file was referred to the Zoning, Neighborhoods and Development Committee (ZND) where it was held two times with the second time occurring on April 27, 2010.

Ms. Hatala said that the ordinance, as interpreted by the City Attorney's office, specifies that if no final action is taken by the Common Council on a nomination after two years from the date of the commission's nomination, the nomination is terminated. Therefore, the commission's nomination of the Nicholas Senn building terminated on September 21, 2011. According to the assessment of ordinance by the City Attorney's

office, a new nomination cannot be submitted for the same building until two years after the date of expiration. Therefore, nomination of the Nicholas Senn building cannot occur until September 21, 2013. The City Attorney's office also advises that the current demolition permit for the complex is on hold due to the interim historic designation nomination proceedings.

Ms. Hatala said that SH Acquisition LLC, tied to the Milwaukee Economic Development Corporation (MEDC), is the owner of all of the buildings and that it plans to raze all of the buildings. She added that she is unaware of anyone wanting to rehab the buildings.

Ald. Bauman said that contrary to the City Attorney's office opinion of exclusion of the Nicholas Senn building from nomination, the commission makes its own decisions. He added that the Nicholas Senn building can be nominated again, as an exception to the code, if any new evidence is presented. The code does not describe what the evidence must be. The change of ownership of the buildings to the City of Milwaukee is a new fact.

Ald. Bauman asked the applicant to clarify if the desire was to amend the petition to include nomination of the Nicholas Senn building?

Individuals appearing on behalf of the petition application:
Noah Skowronski, citizen
Erin Dorbin, applicant
Erik Ljung, citizen

Mr. Skowronski said that he disagrees with the opinion from the City Attorney's office, received misleading information, and was told that the application could not be submitted due to a raze order. He added that the desire was to nominate the whole complex.

Ms. Dorbin said that the application specified consideration of all four structures.

Ald. Bauman moved to amend the petition application to include all four buildings and to adjourn the meeting due to lack of proper notice.

Jim Owczarski, City Clerk, appeared at the table and said that the application is for the entire area. There is no need to amend and no defect in notice. The City Attorney's office was given the facts and then responded. The commission is to decide on whether or not it wanted to follow the advice of the City Attorney's office. Absent an appeal the interim designation will be reviewed as a permanent designation by the commission followed by the ZND committee and Common Council. If there is an appeal, it will be reviewed by the ZND committee and Common Council.

Mr. Skowronski added additional comments. The public should know about the recent developments. The previous owner of the buildings for the past nomination was inconsistent with his stance, which resulted in the ZND Committee decision to hold it. A demolition permit has been applied for but not issued yet.

Ald. Bauman withdrew his motions to amend the application and adjourn the meeting. There were no objections.

Ms. Hatala proceeded to give an overview on all four buildings based on the staff Study

Report, which is now to include nomination of the Nicholas Senn building.

Ms. Hatala, on behalf of staff, recommended granting interim historic designation of the Sydney Hih complex based on meeting criteria e-1, e-3, e-5, and e-9 of the Historic Preservation ordinance, section 320-21(3) of the Milwaukee Code of Ordinances.

Details of Ms. Hatala's overview and staff recommendation can be found in the Study Report attached to the file.

Mr. Ljung said that the complex serves as an icon of the creative class of Milwaukee. Bands from these buildings have won awards and small businesses, such as record shops, have been successful. He added that the influence of the building and its history is still alive.

The committee was shown a promotional video, provided by Mr. Skowronski.

Mr. Skowronski said that the video, available online, serves to promote movement on history and the legal framework of the nomination. He added that the video should be a supplement to the application.

Ms. Dorbin said that many bands played at the Unicorn facility within the complex and some were able to become famous, such as Nirvana.

*Representing as counsel to the property owner:
Atty. Brian Randall, Frieber, Finerty & St. John, S.C.*

Atty. Randall gave information on the acquisition of the Sydney Hih complex by MEDC. Through its entity SH Acquisition LLC, MEDC purchased the complex on November 30, 2011 for urban renewal and blight elimination in conjunction with the Redevelopment Authority of the City of Milwaukee (RACM) and at the request of the Commissioner of the Department of City Development (DCD). The intent of the purchase was to demolish the deteriorated structures and promote economic development. Deterioration of the buildings was not under the watch of MEDC, and there has been no activity at the site. No buyers have stepped up to purchase the buildings despite being on the market for sale. Prior developments proposed for the site have fallen through. Since its acquisition for about six months, MEDC has done abatement of a number of environmental conditions. Examples include removal of paint, asbestos, old utilities, and billboards. The buildings were secured from entry for public safety. \$400,000 was spent for these tasks. The Department of Neighborhood Services (DNS) issued a raze order on April 19, 2012 on all buildings. All buildings are beyond repair, and the recent change of ownership should not be considered relevant and as new evidence for the commission to consider.

Ald. Bauman asked if the new owner knew that an appeal could be made to the Standards and Appeals Commission to enter into a restoration agreement to proceed with work to achieve building code compliance.

Atty. Randall responded that the owner is aware but chose to not exercise that right. Atty. Randall added that the commission does not have jurisdiction to consider the main Senn building for nomination.

Ms. Nemecek said that the Senn building can be considered due to new information that has been presented, such as the change in ownership.

Atty. Randall said that the interior and exterior of the buildings have deteriorated and been damaged in many ways. The disrepair includes bricks falling out, bulging of the facades, water damage on the facades, holes on the façade of the west building, missing bricks at the former billboard location, fissure on the exterior, unstable floors, charred walls inside, and fire damage from 1976 and other subsequent fires. Atty. Randall added that this disrepair information is relevant to address Mr. Skowronski's video claiming that the DNS raze order was fabricated.

Mr. Williams said that the disrepair information provided by Atty. Randall has no bearing on the nomination as it is not historic information. The information would be appropriate for the demolition process.

Atty. Randall said that the commission has jurisdiction to consider nomination of only the three western buildings and not the Nicholas Senn building based on the City Attorney's opinion dated May 30, 2012. One exception is when two years have passed from the date of termination of the prior nomination. In this case, the commission's last nomination was terminated on September 21, 2011. Nomination of the Senn building has not been satisfied and cannot reoccur until September 21, 2013. Another exception is when new substantial evidence, that could not have been reasonably presented previously, is presented. All new information about the 20th Century significance of the counter culture and creativity movement in the 1960s through the 1980s could have reasonably been presented before. Mr. Skowronski's video is not substantial or relevant evidence. The commission can consider the other three buildings; however, there has been no showing of historical, architectural, and cultural significance of those three buildings.

Atty. Randall, based on his own interpretation, said that new evidence is restricted to the standards of the ordinance related to e 1 through e 9 that the commission considers for nomination. There is no new substantial evidence, and the recent change of ownership is irrelevant.

Mary Schanning, Assistant City Attorney, appeared at the table and commented on the matter. The demolition permit is on hold until the nomination or appeal process goes through the Common Council process. The raze order is intact regardless. Nothing in the ordinance prohibits demolition of the building under the raze order, even if the commission and Common Council designates the structures historic. The commission has the jurisdiction to determine new evidence at its discretion.

Ms. Nemec said that public testimony be limited to new evidence that could not have been reasonably known as well evidence related to the criteria of significance of the buildings.

Mr. Williams, seconded by Ms. Balon, moved to open for a public hearing. There were no objections.

Individuals appearing in support:

Gail Fitch, citizen

Jessica St. John, citizen

Doug Quigley, citizen

Alan Eisenberg, previous property owner and son of Sydney Hih

Dawn McCarthy, Milwaukee Preservation Alliance

Ms. Fitch testified that there was a specialty shop that sold goldfish at the site decades ago attracting tourists.

Ms. St. John testified that the Unicorn previously at Sydney Hih is culturally significant. She added that some bands and musicians who started out at Sydney Hih have become successful and popular, such as the Lord of the Lord of the Water Buffalo and an original bass player for the Black Eyed Peas music artist group.

Mr. Quigley testified that the Sydney Hih complex is the only remaining connection to what Juneau Avenue looked like originally.

Mr. Eisenberg testified that the buildings reflect his father's vision to bring to the city a piece of San Francisco and Fisherman's Wharf. Since his father's passing, the buildings were owned by his mother, himself, an outside investor, the investor's partner, and MEDC. He added that a \$180 million redevelopment plan fell through for the investor owner, which ultimately led to MEDC acquiring the buildings.

Ms. McCarthy testified that the historic buildings should not be torn down to be a vacant lot.

Ms. Dorbin provided additional comments. She moved to Milwaukee to be a historian, visual artist, and documentary photographer. The legacy of Sydney Hih is important to her. Sydney Hih is an environment for artists, musicians, actors, medical and scientific innovators, and others unique to Milwaukee to improve their craft. The buildings can be a visual icon, attraction, and an adaptive reuse.

Mr. Ljung provided additional comments. Atty. Randall's disrepair information does not accurately specify the condition of the Senn building and fire damage of the buildings. The buildings can be an asset to a developer, but no redevelopment plan is in place.

Mr. Skowronski provided additional comments. MEDC and DCD are not interested in the buildings' history. Past nomination was held due to the inconsistent stance of the previous owner. There has been no attempt by the new owner to save the building.

Atty. Randall said that the testimony and evidence presented are either not substantial or could have been reasonably presented before.

Ald. Bauman, seconded by Ms. Balon, moved to close the public hearing. There were no objections.

Ald. Bauman moved approval for interim historic designation of the Sydney Hih complex located at 300 318 W. Juneau Ave. based on new substantial evidence of 20th Century historical significance from the staff report and public testimony, Mr. Eisenberg's personal testimony, and criterions e-1, e-3, e-5, and e-9 of the Historic Preservation ordinance, section 320-21(3) of the Milwaukee Code of Ordinances. Mr. Williams seconded. There were no objections.

A motion was made by ALD. BAUMAN, seconded by Blair Williams, that this Resolution be ADOPTED. This motion PREVAILED by the following vote:

Aye: 5 - Balon, Jarosz, Nemec, Bauman, and Williams

No: 0

Excused: 2 - Bryant, and Pieper Eisenbrown

Meeting adjourned at 11:56 a.m.

Chris Lee, Staff Assistant

This meeting can be viewed in its entirety through the City's Legislative Research Center at <http://milwaukee.legistar.com/calendar>.