



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin
53202

Meeting Agenda HISTORIC PRESERVATION COMMISSION

ALLYSON NEMEC, CHAIR

Matt Jarosz, Vice-Chair

**Patricia Balon, Randy Bryant, Ald. Robert Bauman, Ann Pieper
Eisenbrown and Blair Williams**

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Thursday, June 7, 2012

9:00 AM

Room 301-B, City Hall

Special

1. Roll Call.

- 2. [120221](#)** Resolution relating to the interim designation for the Sydney HHH Building at 300-318 W. Juneau Avenue.

Sponsors: THE CHAIR

This meeting will be webcast live at www.milwaukee.gov/channel25.

Members of the Common Council and its standing committees who are not members of this committee may attend this meeting to participate or to gather information. Notice is given that this meeting may constitute a meeting of the Common Council or any of its standing committees, although they will not take any formal action at this meeting.

Upon reasonable notice, efforts will be made to accommodate the needs of persons with disabilities through sign language interpreters or auxiliary aids. For additional information or to request this service, contact the Council Services Division ADA Coordinator at 286-2998, (FAX)286-3456, (TDD)286-2025 or by writing to the Coordinator at Room 205, City Hall, 200 E. Wells Street, Milwaukee, WI 53202.

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Persons engaged in lobbying as defined in s. 305-43-4 of the Milwaukee Code of Ordinances are required to register with the City Clerk's Office License Division. Registered lobbyists appearing before a Common Council committee are required to identify themselves as such. More information is available at www.milwaukee.gov/lobby.



Legislation Details (With Text)

File #: 120221 **Version:** 0

Type: Resolution **Status:** In Committee

File created: 5/22/2012 **In control:** HISTORIC PRESERVATION COMMISSION

On agenda: **Final action:**

Effective date:

Title: Resolution relating to the interim designation for the Sydney HIH Building at 300-318 W. Juneau Avenue.

Sponsors: THE CHAIR

Indexes:

Attachments: Application, City Attorney Follow Up Letter, City Attorney Opinion, Notice to Petitioner, Notice to Property Owner, Rebuttal to City Attorney

Date	Ver.	Action By	Action	Result	Tally
5/22/2012	0	COMMON COUNCIL	ASSIGNED TO		
6/5/2012	0	HISTORIC PRESERVATION COMMISSION	HEARING NOTICES SENT		

Number

120221

Version

Original

Reference

Sponsor

The Chair

Title

Resolution relating to the interim designation for the Sydney HIH Building at 300-318 W. Juneau Avenue.

Drafter

Cc

Dkf

5/31/12



SYDNEY HIH
300-318 W. JUNEAU AVENUE
INTERIM DESIGNATION STUDY REPORT
JUNE 2012

INTERIM HISTORIC DESIGNATION STUDY REPORT

I. NAME

Historic:

Common Name: Sydney Hih

II. LOCATION

300-318 W. Juneau Avenue

Legal Description - Tax Key No.: 361-040-9100

Original Plat of the Town of Milwaukee, west of the river in SECS (20 & 29)-7-22

Block 39 Lot 16 & Part Lot 13 Com SW Cor Lot 13-th N 10'-th-E 60.2'-th S 7.2'-th E15.43'-th S 1.74—th W 74.96' to Beg

Subj to X-WayEasm't

Bids #15, #21, TID #48

NOTE: THIS NOMINATION INCLUDES ONLY THE BUILDINGS FORMERLY ADDRESSED AS 306-308 W. JUNEAU AVENUE, 310 W. JUNEAU AVENUE AND 312-318 W. JUNEAU AVENUE. THE NICHOLAS SENN BUILDING, FORMERLY ADDRESSED AS 302-304 W. JUNEAU AVENUE CANNOT BE CONSIDERED AS PART OF THIS NOMINATION. THE CITY ATTORNEY HAS DETERMINED THAT THE SENN BUILDING WILL NOT BE ELIGIBLE FOR RECONSIDERATION UNTIL SEPTEMBER 21, 2013, A DATE WHICH IS TWO YEARS FOLLOWING THE TERMINATION OF THE PREVIOUS ATTEMPT TO NOMINATE THE SENN BUILDING. (320-21-9 h-1, 2)

III. CLASSIFICATION

Site

IV. OWNERS

SH Acquisition LLC
809 N. Broadway
Milwaukee, WI 53202

Lawrence J. Glusman
Registered Agent
330 E. Kilbourn Avenue, Suite 1250
Milwaukee, WI 53202

ALDERMAN

Ald. Milele Coggs, 6th Aldermanic District

NOMINATOR

Erin Dorbin

V. YEAR BUILT

306-308 W. Juneau
310 W. Juneau (1880) (Milwaukee Sentinel 1880 March 4)
312-318 W. Juneau

ARCHITECT:

Unknown

NOTE PORTIONS OF THIS REPORT HAVE BEEN TAKEN FROM THE DETERMINATION OF ELIGIBILITY FORM PREPARED IN 2000 AS PART OF THE UNDERTAKING THAT RESULTED IN THE REMOVAL OF THE PARK EAST FREEWAY. THE REPORT WAS PREPARED BY TRACI SCHNELL OF HERITAGE RESEARCH LTD. AS A SUBCONTRACTOR TO HNTB CORP. INFORMATION ABOUT THE MUSIC AND ARTS HISTORY OF SYDNEY HIH WAS TAKEN FROM THE PETITION FOR INTERIM DESIGNATION PREPARED BY ERIN DORBIN WITH NOAH SKOWRONSKY AND ERIC LJUNG

VI. PHYSICAL DESCRIPTION

The intersection of Juneau Avenue (formerly Chestnut Street) and Third Street was once the heart of the Kilbourntown commercial area. It was situated on high land and businesses were locating there as early as the 1840s. Terminating the vista westward was the large Pabst Brewery Complex, at 10th Street, located on a prominent hill. Historic photos and fire insurance atlases indicate that businesses included everything from boot and shoe sales to pharmacies, clothing shops, dry goods stores, leather findings, hardware wholesaling and taverns. Some of the city's biggest names in Milwaukee retail history had their start along Juneau Avenue including Levy & Kahn and Goll & Frank. As W. Wisconsin Avenue (previously known as Spring Street and Grand Avenue) gained prominence, large scale retailers like Boston Store and Gimbels located there, and a hotel and entertainment district sprung up in the vicinity of the Milwaukee Road Depot near Fourth Street. As Wisconsin Avenue became the city's "main street", new buildings were continually being added to keep up with commercial demand and the scale of construction literally dwarfed the types of buildings once seen along Juneau Avenue. Over time the smaller scale buildings along Juneau Avenue housed fewer and fewer retail functions and became the center for warehousing and wholesaling along with various restaurants and diners that catered to the nearby workers. The greatest blow to Juneau Avenue came with the development of the freeway system. The Park East Freeway, originally intended to link I-43 to the lakefront was constructed parallel to Juneau Avenue. Hundreds of buildings were razed including virtually all buildings along Juneau Avenue. Only a few remnants of Kilbourntown's early commercial history survived because they did not impact freeway construction or had historic associations that officials found important. The freeway isolated this portion of the city from adjacent commercial areas to the south (Old World Third Street) and the warehouse/industrial/brewery district to the north.

The buildings under consideration for this nomination have been collectively known as Sydney Hih since 1971-1972. Each of the buildings was constructed separately by different owners at different dates. They were brought under one ownership by Sydney Eisenberg through his business Knapp Street Realty and are now under one tax key. The buildings are interconnected, with openings cut in to facilitate access between the different businesses occupying the structures.

In recent years there has been some new construction near Sydney Hih. At the northeast corner is the Aloft Hotel; at the southeast corner the Moderne apartment/condominium building is under construction. A surface parking lot occupies the southeast corner. Behind Sydney Hih

is vacant land in what had been the corridor of the old freeway, which was demolished beginning in 2002. With the removal of the Park East Freeway, there are approximately sixteen acres of open land awaiting development.

Description of the Nicholas Senn Building 300-302 W. Juneau Avenue
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The City Attorney's office has determined that this building cannot be included for consideration under the petition received May 23, 2012. The previous attempt at historic designation expired on September 21, 2011. Per MCO 320-221-9-h-1, the building cannot be renominated until September 21, 2013. The remainder of the buildings can be considered for designation at this time. Details about the Senn Building can be found in the study report on the Historic Preservation Commission website or with Common Council File No. 091436.

Description of the Herman & Mariner Building 306-308 W. Juneau Avenue

Historic information seems to indicate that this is only the second building on its site. In 1870 the Milwaukee Board of Fire Underwriters indicated that a brick building was on the site and was occupied by William Frankfurth for retail hardware. This building is visible in the 1877 Milwaukee Illustrated engraving that shows a streetscape of the corner. It was simple in design with rectangular windows headed by ornamental cornices. There was a substantial parapet and the storefront was tall and divided by piers. The current building, or perhaps just its façade, dates to 1895 per permit records identifying the construction of a brick and stone building costing \$4,000.

Today's Mariner-Herman Building is a three story solid masonry building with flat roof. The front façade consists of three bays, each with two one-over-one sash. There is one four over one sash at the east end of the façade. The center bays projects slightly forward and its windows feature stone trim. Sills appear to be stone as well. A simple brick parapet crowns the building. A corrugated metal catwalk is located on the rooftop and connects the buildings on either side.

There are no east or west facades since the building shares party walls with the adjacent structures. The rear or north elevation is utilitarian in character and would not have been visible for most of its history due to the development on the remainder of the block. The rear façade features a solid masonry wall with two large arches that have been filled in at the first story. The second story has two windows and the third has four windows as well as another blocked up opening. All are set in slight segmental arches. A large sheet metal ventilator shows that the building has been used for restaurant purposes at one time.

Historic photos show that the façade has been altered. There were projecting two story oriels that flanked the center bay, apparently made of sheet metal. Above them was a prominent ornamental cornice, also likely to have been constructed of sheet metal or copper. The first story storefront was tall, reaching to the bottom of the oriels and a bulkhead with windows is visible. Today, the storefront had been reduced in size. Two sheets of plate glass are separated by a center pier. The entrance to the interior is at the far left. A 1955 photo shows that the West Side Bank, occupying the Senn Building next door to the east, had altered the storefront to tie it in with the banks' façade. By the next photo, dated 1958, the oriels had been removed from the façade and the building took on its current plain Jane appearance.

Description of the Frankfurth Hardware Building 310 W. Juneau Avenue
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The Frankfurth Hardware Building is a thin sliver of a building, constructed of solid masonry and built in 1877 with alterations in 1880. A frame building had previously been located at this site

occupied by F. Kasdorff's then later Charles Wendlandt's saloon and dwelling. (Milwaukee Board of Fire Underwriters 1870 p. 128 and 1873 p. 169)

There are discrepancies in reports on this building. An 1877 engraving of the Sydney Hih corner shows a four-story brick Italianate style building, with round arched windows, probably representing the building described in the press (Milwaukee Sentinel) on January 1, 1878. This is different from the building that appears today.

The current façade is four full stories with a short attic story. The windows are rectangular in shape and feature ornamental stone hoods. Those of the fourth story are pointed in shape with sawtooth brick in the tympanum and are characteristic of the Gothic Revival/Victorian Gothic style. The top cornice is an elaborate construction of bold corbels between which are sunburst-like designs in masonry. Prominent string courses divide the third from the fourth story and the fourth story from the attic. The capitols on the pilasters that flank the storefront area feature vegetative forms with spiky veins. These are all characteristic of the Gothic/Victorian Gothic Revival. A metal fire escape is located from the rooftop to the floor of the second story. Portions of the fire escape show up in historic photos. The building's current façade most likely dates to 1880 when the Sentinel reported that Frankfurth was constructing a new building on Juneau Avenue.

The rear elevation of the building is utilitarian in character and divided into three bays. The westernmost bay is the tallest, and is windowless. The center had single window openings on the third, fourth and attic level. The easternmost bay had a bricked up arched opening and the remains of a wall still attached on the east side. Fire insurance maps show that this building connected to the rear of the other Frankfurth Building that was adjacent to the north wall of the Senn Building, facing Third Street.

The east and west walls are shared with the adjacent buildings.

Changes to the building have been rather minimal in the long history of the building. Only the storefront has been altered. Historic photos show that it had a large transom and one large plate glass window below which was a paneled bulkhead. The entry door was on the west side of the storefront. The large panes of glass were removed and the storefront altered in 1972. (Permit records March 23, 1972) Today these storefronts have been further blocked down with wood and even the small windows have been covered over.

Description of the Kalckhoff & Ross Building at 312-314-316-318 W Juneau Avenue

There have been improvements on this parcel that appear to pre-date 1854. Assessments jump in 1860 and again in 1868. The following year the property is broken down into two parcels for assessment purposes with owners being listed as P/F. Kalckhoff (No. 312), and W, Ross and Martin Krueger as owners of the remainder of the building (Nos. 314-316). It was common for multiple owners to collaborate and built multi-bay commercial/retail structures that appear as one large building. Kalckhoff and Ross actually occupied the premises but Krueger did not. He may have been an investor in the property.

The current building is a three story brick veneered structure with flat roof and this is consistent with what appears back in the earliest fire insurance map from 1876. The front façade is divided into three bays by slender pilasters. Each bay contains two windows on each story. Only two of the windows retain their glazing at the present time. The rest have been broken out or removed. The rectangular window openings are surmounted by segmental arched lintels. The design of the lintels is slightly different in the center bay. It is evident that they have undergone alteration. An historic photo shows the hoods with a definite projection so there may have been iron caps above the windows originally. Sills appear to be replacements and are of wood with a number now missing. The façade ends abruptly above the third story windows.

Historic photos show that a corbeled cornice once topped the façade. No detailed photo or image exists of the original storefronts. At the present time windows are boarded up.

A fire escape runs from the roof to base of the second story at the front of the building.

The east wall of the building abuts 310 W. Juneau Avenue.

The west elevation, once brick veneered, is currently sheathed with a stucco/plaster veneer applied over some form of wire mesh. Portions of it have fallen away or are have been removed, showing interior studs and metal lath. It is not known what caused the deterioration of the west façade but the damage almost looks intentional and not accidental. This damage was not evident in 2008. This west wall has six openings, most of which have been blocked up. A larger opening was perhaps a fire door at the north end of this façade. This elevation always fronted the alley which bisected the block.

The rear or north elevation is utilitarian in character. There is a commercial style ventilator on the first story (No. 312) with closed up openings where similar vents might have been located at No. 314 and No. 316. There is one closed up entry. The upper floors have two openings per each bay, one of which at the center was enlarged into a doorway.

It appears that there have been more alterations to this building than the others on the block. A major change took place in 1948 when a new I-beam was installed over the storefronts, new footings were constructed for the columns and new floors were installed in the stores. (Permit dated March 5, 1948)

VII. SIGNIFICANCE

Sydney Hih is significant for its architecture, history and association with Milwaukee's development. It is also a visual landmark, a feature pointed out by Sydney Eisenberg when promoting his new creation in the 1970s.

Unlike many designations, Sydney Hih has two eras of significance; one falling in the 19th century and one falling in the twentieth century.

19th Century Importance

The grouping of buildings known as Sydney Hih represents several periods in architectural history and is an example of the progression of architectural style between the 1860s and the 1880s. The Italianate is represented by the Senn Building (1876), technically not part of this nomination but an anchor for the other buildings and connected internally to the other buildings. It was built at the height of the popularity of the Italianate style. The Senn Building retains its prominent round arched windows and alterations to the building are reversible. The Herman & Mariner Building had more Queen Anne detail, expressed primarily in the oriels. They have now been removed. The Frankfurth Hardware Building is a good example of Victorian Gothic style, with its bold corbels at the cornice, spiky sunburst designs and spiky vegetative capitals, and stringcourses that lend distinctive shadow lines across the façade. Victorian Gothic commercial buildings were not common in the city and there are few extant examples remaining. The Kalckhoff and Ross Building is the oldest in the group, dating to 1860/1868, and represents the simple transition in styles between the rectangular windows and flat façade of the Federal period and the projecting hoods of the Italianate. Our pool of Civil War era commercial buildings has been dramatically reduced since World War II.

The cluster of buildings known as Sydney Hih serve as a reminder of Kilbourntown's early history where boot and shoe stores and men's wear shops stood shoulder to shoulder with hardware stores and pharmacies. The Frankfurth Hardware Building is the sole surviving building associated

with the city's longest lived wholesale hardware business. Without these buildings, there is no physical evidence remaining of the importance of Juneau Avenue as a commercial hub in Kilbourntown. Few such intact clusters remain in the city. They can be found in the East Side Commercial Historic District (locally designated 11-17-1987 and National Register listed 09-23-1986), the Old World Third Street Historic District (locally designated 08-2-1991 and National Register listed 03-19-1987) and the South First and Second Streets Historic District (National Register listed 11-30-1987). Interestingly, all other such groupings have received some form of historic designation. Although Sydney Hih is small, it still tells many stories of the past achievements of Nicholas Senn and some of the pioneer businessmen and professionals who laid the foundation of Milwaukee's growth and prominence.

20th Century Importance

Sydney Hih is Milwaukee's sole reminder of the importance of the counter culture movement that was sweeping the country in the 1960s and 1970s. Bucking the trend of long strip malls built in the suburban countryside, Sydney Hih was conceived as a vertical city to be inhabited by artists, musicians craftspeople and entrepreneurs. Its new use for old buildings was a very early attempt at adaptive reuse here in the city and an attempt to create a global marketplace with foods and goods from around the world. Sydney Hih was years ahead of the trend to concentrate the creative class in live-work buildings. Real estate developer George Bokl would later embark on a slightly similar venture, the Chalet at the River, in 1979.

Promotional materials for the Sydney Hih complex emphasized that this was the "World's First Downtown Audio Visual Shopping Center." Closed circuit televisions were to record artists and craftspeople at work then replay the videos to instruct visitors/shoppers/tourists. The videos would serve as stand ins for the artists when they were away from their studios. It was a new way to market art. Entertainment was part of the development as well with a basement nightclub and upper floors for musicians to use for rehearsal space. Musicians in fact continued to use the building long after most of the artists left and helped to create the vibrant music scene in the city.

It was a new concept in gathering talented creative types under one roof and marketing their art to consumers and using technology to aid in the process. Sydney Eisenberg emphasized the buildings' distinctiveness and played up the fact that it could be seen from virtually all of the important structures west of the River. Brady Street, once the other center for artists and craftspeople, was different from Sydney Hih and served as a more traditional commercial district with a variety of shops appealing to the younger population. It has now evolved into a trendy commercial district that mixes unique stores and a variety of dining establishments and food emporiums.

In February 2000, when the building was vacant and for sale, the Sydney Hih complex was named among the "10 Most Endangered Buildings 2000" by the Historic Preservation Institute at the University of Wisconsin-Milwaukee's School of Architecture and Urban Planning.

VIII. HISTORY

The history of the buildings that comprise Sydney Hih are long and varied and tell the story of a flourishing commercial area that slumped in the 20th century, due to disinvestment and the construction of the Park East Freeway. The buildings experienced rebirth as new owner Sydney Eisenberg realized his vision for an arts and culture center dominated by what would be later called the creative class. It provided the incubator for new restaurants and import shops and provided studio space not easily found elsewhere. A new generation of Milwaukeeans has come to look at Sydney Hih as the birthplace of many contemporary musicians

HISTORY OF HERMAN & MARINER BUILDING 306-308 W. JUNEAU AVENUE
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This site has had a long occupancy dating back to the early decades of Milwaukee's history. There were improvements on the site as early as 1856. Deeds show that rights were given to build into the brick west wall of the building next door (Senn Building) on June 1855 and April 1864 (records and Research deeds 48/110 and 83/251) The Milwaukee Board of Fire Underwriters identified a brick building here in 1870, occupied by the Frankfurth Hardware Company as a retail outlet. Frankfurth had moved to this location between 1864 and 1865 (deeds show a lease from Enno Dorestan to Frankfurth in 1866) (Deeds 953/373) and sold hardware, cutlery, stoves and wire screens. In 1872 they expanded by building a larger structure on Third Street, around the corner and adjacent to the Senn Building. In a further expansion, they built a new structure next door in 1877 on what had been the site of a frame saloon. After vacating their old premises, Louis Lotz operated a drug store at Nos. 306-308.

This building at Nos. 306-308 was entirely rebuilt or substantially remodeled in 1895 for investors Herman and Mariner. Deeds show Mariner selling to Henry Herman on January 12, 1897. (Deeds 383/76) Permit records list both men as owners and show the 31 foot wide, three story structure cost \$4,000 and was designed by the important architectural firm of Crane & Barkhausen. It originally had two prominent oriels and an ornamental cornice. These features were removed between 1955 and 1958 after the West Side Bank acquired the property and expanded its first floor banking area into the former storefront area. (Permit records February 26, 1895; historic photos Milwaukee County Historical Society)

After the West Side Bank relocated to W. Wisconsin Avenue with the coming of the Park East Freeway right behind the building, the premises were vacant but soon housed the Laniel Management Company, Realtors in 1972.

HISTORY OF WILLIAM FRANKFURTH BUILDING 310 W. JUNEAU AVENUE
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The site was originally described as a 20 foot parcel in the city tax rolls. A spike in assessments in 1861 probably dates the frame building that was erected on the site. In 1868 Phillip Wolf operated a saloon there. The 1870 report of the Milwaukee Board of Fire Underwriters indicates that there was a frame saloon and dwelling was operated by Frederick Kasdorff. By 1873, Charles Wendlandt was leasing the premises.

William Frankfurth Hardware, located next door to the east and around the corner on Third Street, decided to expand onto No. 310. Charles Wendlandt sold No. 310 to Frankfurth on April 21, 1876. (Deeds 151/336) The business built a new structure there in 1877 and it is shown in an engraving of the corner in Milwaukee Illustrated. The Italianate style building was four stories tall with round arched windows, and prominent hoods over the windows. It very much mimicked Frankfurth's other building, built slightly earlier, located around the corner to the north of the Senn Block. There is a Milwaukee Sentinel article from March 4, 1880 indicating that Frankfurth was going to build along Chestnut (now Juneau Avenue). This reference is curious, given that a building had already been erected. However, it is possible that the fast growing company wanted to add space to the existing building and a new façade was constructed. What is there today does not match the 1877 illustration but is consistent with the Victorian Gothic design of the 1880s. An attic story had been added. The cornice has the bold corbels and spiky ornament popular in the Victorian Gothic. Likewise the windows are no longer round headed but rectangular in shape with some chamfering of the openings. There is also foliated designs in the Gothic style at the capitals of the pilasters flanking the building. Other Gothic/Victorian Gothic details include the prominent beltcourses across the façade, the pointed lintels above the fourth story windows and the angled brick in the tympani. Further research will have to be done to determine the architect who designed the building.

Wholesale hardware firms were once numerous in Milwaukee's Central Business district. Right after the Civil War there were some twelve businesses listed in the directories, mostly clustered near Water Street, today's Plankinton Avenue and Third Street. Goods handled included not only hardware and metals but sporting goods, tinnerns' supplies and ammunition. By the turn of the twentieth century the number of wholesale firms had declined to six and they could be found generally south of Wisconsin Avenue and east of Third Street. By 1912 only two wholesale firms dominated the business in Milwaukee, the William Frankfurth Hardware Company and the John Pritzlaff Hardware Company. Both remained in business for over a century, Pritzlaff for 108 years and Frankfurth for a remarkable 117 years. Neither exist today and the Central Business District no longer has wholesale hardware merchants.

German immigrant William Frankfurth settled in Milwaukee in 1850 and established a retail hardware and tin business with his brother-in-law Lawrence Maschauer in 1862. City directories show that Frankfurth had located to 306-308 Chestnut Street (today's 306-308 W. Juneau Avenue) by 1865. On July 23, 1870 the Milwaukee Sentinel reported that Frankfurth erected a store block on W. Water Street (today's Plankinton Avenue). When the rapidly expanding company became a wholesale enterprise, it built a four story brick block on N. Third Street in 1875, immediately north adjacent to the Senn Building. (Milwaukee Sentinel January 1, 1876) It then built the structure on Juneau Avenue referenced above. It connected to the earlier Third Street building at the rear and formed a L-plan structure with two significant facades. By 1881 the firm employed 55 men and had an annual business of \$350,000. (Flower, 1881) Further expansion occurred in 1885 with the construction of a four story building at 158 W. Clybourn Street, just two blocks from the immense Pritzlaff Hardware Company. The Clybourn Street building was later enlarged in 1902 with the construction of a six-story addition and had frontage on Plankinton Avenue. After Frankfurth's death in 1891, family members continued to run the firm. Business extended as far west as South Dakota and stock included shelf-hardware, cutlery, fishing tackle, and tinnerns' stock. The business closed in 1979. The building at Clybourn and Plankinton was subsequently razed.

Frankfurth Hardware remained at No. 310 through at least 1885 when they built the four story structure at 158 W. Clybourn Avenue. Later occupants have yet to be researched. Fire Insurance maps show simply "s" for store at No. 310. The building sat vacant for a number of years in the 1960s.

While not quite the giant that Pritzlaff Hardware was, Frankfurth Hardware is significant as the oldest wholesale hardware business in the city. All other vestiges of the company have been razed. This Juneau Avenue Building is the sole link to what was once a major business in the city.

HISTORY OF KALCKHOFF AND ROSS BUILDING 312, 314, 316, 318 W. JUNEAU AVENUE

The building formerly addressed as 312, 314, 316, 318 W. Juneau Avenue appears to date to the 1860s. There is a spike in the value of improvements in 1860, despite the overall re-assessment of the area, and there is a second larger spike in 1868 when additional feet were added from the adjacent Lot 13 to the north, signifying either new construction or an extension of an earlier building. The premises fronting Juneau Avenue would have been only 50 feet deep. We know from the tax rolls that different portions of this three bay building were separately owned, something common in its time. Changes over time have included alterations to the lintels above the windows which may have had projecting hoods, reducing the size of the front parapet and replacing the brick veneer of the west wall with a lath and plaster/stucco sheathing. The storefronts were altered in 1948 when new I-beams were inserted over them and new footings were installed for the supporting columns.

312 W. Juneau Avenue

The first known owner occupant of the east 18 feet of the building, 312 W. Juneau Avenue, was Ferdinand Kalckhoff (sometimes Kalkhoff). Kalckhoff was a physician who was born in Dulsdorf [sic?], Germany on April 18, 1805. He immigrated to the United States in 1839 and arrived in Milwaukee in 1843. Kalckhoff is first shown at No. 312 W. Juneau Avenue in the 1865 directory and is listed as a druggist/apothecary. He has been earlier listed as a physician at two other addresses along Juneau Avenue going back to 1858. These might have been earlier addresses for this particular building; we do know that the numbering system changed somewhat over the decades. Kalckhoff and his family lived above the store. His family included Ferdinand Jr., Louis, and Robert C. Kalckhoff died in 1872. (Links to the Past Physicians and Doctors. Milwaukee County Online Genealogy and Family History Library, www.linkstothepast.com/milwaukee/mkephysicians.php www.linkstothepast.com/milwaukee/mkemark.php; Milwaukee City Directories; Milwaukee Tax Rolls 1867-1873 Second Ward, Block 39 Lot 16)

It appears that the Kalckhoff family retained ownership after the senior Ferdinand died and additional research will be required to determine when they sold the property. Another physician, Dr. Frank H. Ehlman had his offices here in 1900.

By the Great Depression, this portion of the building had undergone quite a turnover in tenants. Occupants at No. 312 included over time a lunch room, a used fixtures store and then a wire and sheet metal shop. By 1955 a cigarette and cigar store was on the premises. The 1960 directory shows that Aaron Pekarsky occupied the cigar shop. Aaron and Sylvia Peckarsky acquired the property in 1956. Peckarsky died July 23, 1966.
(Records and Research file City of Milwaukee)

314-316-318 W. Juneau Avenue

William Ross is the first known owner-occupant of the west 32 feet of the building, historically addressed as No. 314 and 316 W. Juneau Avenue. [NOTE: Originally, No. 318 was the address of a building across the alley to the west but sometime in the twentieth century it was attached to the building under consideration for interim designation] Ross is on the premises as early as 1865 (at No. 316) and is listed in the directories as a merchant tailor and clothier. His last listing is in the 1870-1871 directory. Thereafter, Allen W. Ross is shown living on the premises at No. 314 with the occupation of clerk. The Board of Milwaukee Fire Underwriters reports that a Mr. Kastner was operating a retail boot and shoe store at No. 314 in 1870. The 1873 they show the premises occupied by a merchant tailor and gentleman's furnishings. In 1878 William F. Schoof had his lawyer's offices upstairs at No. 314 as did Mrs. Margaretha Zahl, a milliner. Schoof later added a partner and became Thompson & Schoof by 1885. By 1960 Aaron Pekarsky was shown as renting furnished rooms at this location and a Mrs. Evelyn C. Murray was living there for a number of years.

No. 316 originally housed William Ross's retail clothing store that apparently ceased operations after 1870. In 1873 Kaufmann Brothers ran a retail dry goods establishment there. By 1877 B. Loewenbach & Son was at the site, running a book and job printing operation as well as selling stationery. Members of the Loewenbach family that were involved included Bernhard, Edmund, Hugo and Albert. The family did not live on the premises.

Shapiro Restaurant Supply was there in the late 1940s followed by Automatic Heat Company which ran a salesroom for stokers and oil burners. Still later was Hack Appliance Company which used the building for storage of home appliance. In 1960 the West Side Café was located here. In 1972 the premises were vacant.

SYDNEY HIH ERA AND REBIRTH

The West Side Bank that occupied the corner Senn Building began to acquire property to the west during the 20th century. Its immediate neighbor to the west, once addressed as 306-308 W. Juneau Avenue, underwent remodeling by the bank between 1956 and 1958 that removed its attractive two-story sheet metal bays and reduced the façade to the bland appearance it has today. City directories began to list number 308 as the rear entrance to the bank around 1955. (Milwaukee Central Library photo collection Juneau Avenue; permit records January 4, 1956)

The former Senn Building/West Side Bank long served as an anchor to the block, and it became the focal point in the startling new development that would transform this cluster of four buildings into something that Milwaukee had never seen before.

Catalyst was the construction of the Park East Freeway and the demolition of most of the buildings along Juneau from the Milwaukee River to 6th Street.

West Side Bank changed its name to Continental Bank & Trust on September 7, 1967 and relocated to a new twelve-story structure at 735 W. Wisconsin Avenue in 1968. It is now known as Wells Fargo Bank. This relocation was occurring at the time that most of Juneau Avenue was cleared for the construction of the Park East Freeway.

Permit records show that an application to install a "For Sale" sign on the building was taken out on February 9, 1970. The former Senn Block sat vacant for awhile before being sold to the Knapp Street Realty Corp., Sydney Eisenberg, president, on land contract on June 15, 1971 and then through warranty deed July 23, 1971. The property conveyed the Senn Building as well as the adjacent property once addressed at 306-308 W. Juneau Avenue. (Deeds R592: 235, R600: 1451, and R600: 1453) The old Frankfurth Hardware Building, once addressed at 310 W. Juneau Avenue was conveyed by Continental Bank & Trust to Knapp Street Realty Corp. at the same time. (Deeds R592: 235, R600: 1451 and R600: 1453). Knapp Street Realty Corp. also purchased the building once addressed at 312-316/318 W. Juneau Avenue from the Peckarsky family in 1971. Eisenberg renamed the complex Sydney Hih (Hih is Yiddish for "In Honor Of").

A document was donated to the city's Historic Preservation section from Jerry Johnson which appears to be a prospectus for the new concept that Eisenberg had for the collection of the four buildings that remained at Third and Juneau. It was billed as "World's First Downtown Audio Visual Shopping Center" and that interviews were now being conducted for tenants in "Arts, Crafts, Jewelry, Clothing, Boutiques and Specialty Shops, Etc. They will be presented audio-visually in an educational-sales dimension to the many thousands of tourists and visitors who will visit SYDNEY HIH to learn and Buy! To visit SYDNEY HIH will be an educational first for young and old alike. Continually changing studio programs for the building tours will bring the same visitors back repeatedly to shop and learn at the same time. SYDNEY HIH is designed for specialty shops and studios of talented people needing public exposure and sale. SYDNEY HIH intends to create similar centers in selected cities, both domestically and abroad."

Eisenberg envisioned a building complex like no other in the city. It was to showcase the understanding and technique of Arts and Crafts, and have exhibits and demonstrations. A unique closed circuit television system, equipped with video taping technology would help shoppers and promote exposure for the tenants. It was to be offered on an individual basis for each tenant. "Sydney Hih will be on its way to becoming internationally famous as the first "Educational Commercial Museum" in the world."

The individual buildings would be joined together by cutting passages between the structures. There would be "a maze of hallways, doorways, and stairs, creating the effect of one massive structure of studio after another. The estimated capacity and goal is to create approximately 60 to 70 shops or studios."

Each floor of the complex would have its own character. The first floor was to be commercial to serve the necessities of the day-to-day shopper. The basement of the two east most building (Senn Building and No. 306-308) "will provide the first educational copper or lead mine, including a bar and restaurant, expressing the motif of a mine created by a number of caves-caverns-cribbings and mine shafts with closed circuit monitors providing educational features. Modern jazz bands and "Chicago" type entertainment will stimulate nighttime crowds."

The top two floors would be reserved for Arts and Crafts with gallery and performance space.

The second floor would house a variety of shops and boutiques commonly found in such notable places as Old Town in Chicago, Ghirardelli Square in San Francisco and Atlanta Underground in Atlanta, Georgia.

The rooftops of the second and fourth buildings were to have restaurant and bar facilities expressing the theme of the Gay 90s to play up Milwaukee's German heritage. The third and fourth floors in these buildings would offer studios for musicians, artists, sculptors and craftsmen with gallery and performance space.

The prospectus made much of the complex's visibility from virtually all the major buildings west of the river and indicated that "hundreds and hundreds of autos" could be parked under the freeway. It also made analogies to the Oasis operations at the Chicago freeways with its easy access.

"Hundreds of thousands of tourists visiting Milwaukee on a weekend, summer or winter, can turn off at the SYDNEY HIH downtown "Oasis" on the Expressway, and see real artistic talent and genius all within the maze of SYDNEY HIH. Quality tenants of SYDNEY HIH will educate tens of thousands of buyers at SYDNEY HIH each week. Studios and shops will be kept open weekends and evenings."

The technology of closed circuit television would substitute for absent artisans and programs would be changed regularly to keep visitors interested. There would be no official gallery openings or closings. Artists would open their studios when ready.

The Senn Building as well as the three other buildings on the block now entered into a period of rebirth. To play up the buildings' new function as a retail and arts center, the exterior was painted into a multi-colored checkerboard palette that made the building unforgettable in the context of Milwaukee's conservative downtown.

Many Baby Boomers have recollections of the place as it became the hub of counter-culture activity along with Brady Street. But unlike Brady Street tenants here were concentrated vertically on different floors rather than along a street. Going through the buildings with its maze (to use Eisenberg's words) of rooms and hallways played up the unique experience. This may have been the first time that an attempt was made to collect artists and creative types into one setting for commercial purposes. It was certainly the first time anything of this nature had been tried in Milwaukee.

A sampling of tenants shows the diverse nature of the occupants and the mix of arts and commerce Tenants in 1973 included:

Nos. 300-304-- In the Senn Building were the Delhi Emporium Gift Shop, Dreams and Dragons art gallery, Fermentation Plantation (home winemaking consultants), Main Stream Records, The Mouse Trap gift shop (body jewelry store run by Robert B. Zacker, art teacher at John Marshall H./S.), The Playhouse gifts, Puerto Rican Valley, and Western Tradition Leather (western-themed leather shop run by a 24-year old Iranian, Shahrokh Zonoozi). The Mine Shaft, a restaurant and bar, was located in the basement. Betty's Bead Bank was the longest tenant, occupying a first floor space from 1976 through 1999. Permit records reflect dozens of occupancy permits for the

building from 1971 through 2001 and included candle shops, jewelry stores, plant stores, and ice cream vendors, among others.

No. 310—Merkt's Cheese

No. 312-- The Industrial Arts Co., a group of commercial artists on the upper levels. The Shish Kabob Restaurant, an Iranian short order kitchen was on the ground floor.

No. 314—Upper floor rooming house.

No. 316--Fertile Dirt Cooperative Health Food restaurant, first organic food restaurant cooperative in Milwaukee

Other businesses over time included:

Fantasies in Glass—glass blowing studio

Underfoot—Iranian shoe and clothes boutique

Puerto Rican Valley—a Caribbean imports shop-Dreams and Dragons—glass store

British Record Shop—record store

Con Art Gallery—artwork produced by Wisconsin state prisoners

Gus' Mexican Cantina—Mexican Restaurant

The Unicorn—underground punk rock bar opened on 1980 by Gus Hosseini

The Milwaukee Eagle—popular gay bar

The live-work concept for the creative class pioneered in Milwaukee at Sydney Hih. Now accepted as a valid way to bring together artists and craftspeople It preceded recent attempts to create such housing on Mitchell (former Kunzelman Esser Building) and the Hide House in Bay View

By 1980 many of the trendy shops had disappeared (at least in city directory listings) and permit records refer to fire damage on the property. The tenants included a business that did typesetting and one that provided legal briefs. Many of the upper floors continued to function as art and music studios with band names like Johnny and the Lewers and the Water Buffaloes Band.

Some of the notable individuals and groups that found a home in Sydney Hih included:

Jim Mitchell—Well-known underground Milwaukee cartoonist best known for his Smile comic and contributions to the famous alternative Milwaukee newspaper, Bugle-American

Prophet Blackmon—Owned the Revival Center Shoe Repair and Shine Parlor. Was a veteran of WW II. His art is now included in the collections of the Smithsonian American Art Museum in Washington, D.C. the American Visionary Art Museum in Baltimore, Maryland, the American Folk Museum in New York and the Milwaukee Art Museum.

Peter Di'Antoni—Well-known local photographer who started his career at Sydney Hih. Editor of internationally distributed Cog Magazine dedicated to bike culture.

Jeff A. Krueger and Michael J. March of the Sydney Hih Forum Co-operative—created a multi-media art studio and drama hall in the building; the hall served as a space for musicians, artists and actors to practice, share their crafts and teach.

Theater X—Used Sydney Hih for their early rehearsals. The company would go on to become one of the oldest operating experimental theater ensembles in the United States. Wisconsin native and now world-famous stage and film actor Willem Dafoe was once a part of Theater X.

The Unicorn—Underground punk rock bar opened on 1980 by Gus Hosseini. It hosted such important musicians/musical groups as Nirvana, The Smashing Pumpkins, Green Day,

Soundgarden, Pearl Jam and Seven Mary Three, all in their formative years before they went on to win Grammys and achieve world-wide success.

Chris Rosenau—practice studio in Sydney Hih, performed in the groups Collection of Colonies of Bees and Volcano Choir

Andy Noble—Played at Sydney Hih and created the local band King's Go Forth that toured internationally. Owned Lotus Land Records in Riverwest and currently DJs the "Get Down" at Mad Planet in Riverwest

Dan Duchaine & Rushmore Records in Bay View—Owner of Milwaukee's longest-running record shop and performed music at Sydney Hih. Currently plays drums for local Milwaukee band Speed Freaks

Die Kreuzen—Practice space was in the Senn Building portion of Sydney Hih. The band is credited with bringing intelligence and lyrical diversity to the heavy metal genre. Inducted into the Wisconsin Area Music Industry (WAMI) Hall of Fame in 2011.

Rich Menning—frequent performer at Sydney Hih. Founded east side record shop Atomic Records that had national reputation

Damiean Strigens—Lived in Sydney Hih and had additional space for band practice. Was in bands The Lovelies, The Frogs and currently Testa Rosa. Art Director at Hanson Didge in Milwaukee.

Jeff Castelaz—Well-known participant in the Sydney Hih music scene. Founded Danger Bird Record Company that recorded many popular national bands. Founded the Pablove Foundation to fight childhood cancer. The foundation works closely with world famous bicyclist Lance Armstrong.

Paul Finger—Had studio space in the complex. Member of the popular Milwaukee band Wild Kingdom. Group later reformed and called Citizen King, of worldwide fame.

(Interim Designation Petition, prepared by Erin Dorbin, Noah Skowronski, and Eric Ljung)

All together, city building permit records list some 68 occupancy permits on file between 1971 and 2001. Not all occupancies may have been officially documented.

In the year 2000 the complex was put up for sale and the buildings painted uniform beige. The Park East Freeway was taken down, beginning in 2002, and the vacant land around Sydney Hih was made ready for redevelopment. Robert Ruvin, Sydney Hih Development LLC, purchased the complex on June 17, 2005. The developer's original proposal called for preserving the Senn Block and most of the rest of the complex, removing the building at No. 312-318 and sliding the Gipfel Brewery Building onto that slot. The Senn Building would have served as the entrance to a new office/ hotel/condo development designed by the team of Brian Johnsen and Sebastian Schmalung. In April 2008, a new development proposal was announced, with a new architectural team, HKS. This new proposal would have removed all remnants of Sydney Hih and utilize some salvaged bricks for a pathway. (Schumacher, "History Lost") This proposal likewise fell apart.

Development has not yet occurred on this portion of the former Park East Freeway. The city's Department of City Development was in secret negotiations to lure Kohl's headquarters from Menomonee Falls to downtown Milwaukee and utilize the Sydney Hih site as well as surrounding land. The plans fell through. The Department of City Development, through a corporation created named SH Acquisition LLC, purchased Sydney Hih from developer Robert Ruvin for over \$700,000 in November 2011. There is currently a raze order on the building, imposed by the Department of Neighborhood Services. Asbestos removal is underway. The actual demolition permit has not been issued and will not be issued until the Interim Designation of Sydney Hih is determined.

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IX. STAFF RECOMMENDATION

Staff has determined that the Sydney Hih complex appears to meet 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. Although it has been determined that the Nicholas Senn portion of Sydney Hih cannot be part of this nomination, it is a significant part of what is now read as a complex of buildings united internally and under one ownership. The Historic Preservation Commission had voted to give permanent historic designation to the Senn Building on September 21, 2009.

e-1 Its exemplification of the development of the cultural, economic, social, or historic heritage of the City of Milwaukee, State of Wisconsin, or of the United States.

RATIONALE: There are two periods of significance to Sydney Hih. In the 19th century the corner of Third Street and Juneau Avenue was at the heart of Kilbourntown's commercial activity. These buildings survive as a reminder of the time when commercial men's wear shops and physicians and pharmacists stood shoulder to shoulder with hardware companies and leather findings shops. Without these buildings there is no physical evidence remaining of the importance Juneau Avenue had as a commercial center. The other few surviving groupings of commercial buildings have received some form of historic designation.

Sydney Hih was at the epicenter of Milwaukee's counter culture movement during the 1970s. A unique collection of tenants that ranged from artists' studios to leather shops to vegetarian restaurants offered the hip and trendy a place to hang out and purchase unique goods. There was nothing like it in the city. The concept of having members of the creative class share premises all under one roof to foster creativity and help promote sales of their products had not been attempted before in Milwaukee. Occupants have gone on to prominence in the music, arts and publishing fields. There are currently no landmarks that commemorate Milwaukee's counter culture period.

e-3 Its identification with a person or persons who significantly contributed to the culture and development of the City of Milwaukee

RATIONALE: Without question, Dr. Nicholas Senn holds a prominent place in 19th century American medical history. He owned the building and used a portion of it for his office and his laboratory for a period of years before moving to Chicago. His work influenced generations of physicians in Milwaukee and his writings were known internationally

e-5 Its embodiment of distinguishing characteristics of an architectural type or specimen

RATIONALE: Sydney Hih is a classic example of the transition in architectural styles from the 1860s to the 1880s from the Italianate to the Victorian Gothic. The best preserved building, outside of the Senn Building, is the Frankfurth Hardware Building that displays the spiky and bold ornament characteristic of the Victorian Gothic. Alterations to the buildings are, for the most part, reversible.

e-9 Its unique location as a singular physical characteristic which represents an established and familiar visual feature of a neighborhood, community, or of the City of Milwaukee.

Sydney Hih, with its bold letters on its east and south facades, has long been a visual landmark west of the river. It was recognized as an important spot as early as 1877 when it was depicted in Milwaukee Illustrated. The construction of the Park East Freeway demolished everything around it and left the complex standing alone. This was a fact that Sydney Eisenberg played up in the prospectus for his new venture. He emphasized that Sydney Hih was visible from major buildings and viewsheds west of the river and therefore easily accessed. New construction that has taken place nearby Sydney Hih has not diminished its prominence.

X. PRESERVATION GUIDELINES

The following preservation guidelines represent the principal concerns of the Historic Preservation Commission regarding interim historic designation of Sydney Hih. The intent of the commission is to preserve the historic, existing exterior features of the buildings with an emphasis on their on Juneau Avenue façades.

Building maintenance and restoration must follow accepted preservation practices as outlined below. Any exterior changes including tuckpointing but exclusive of routine painting will require a certificate of appropriateness. Most certificates are issued on a staff-approved basis and only major new construction or alteration requests typically will go before the Historic Preservation Commission. The Commission reserves the right to make final decisions based upon particular design submissions.

NOTE: Two of the buildings (or three if the Senn Building is added) are relatively intact and have had storefront or façade alterations that are reversible. The third building, No. 312-314-316-318 has had the most changes. It is the oldest of the group. Over time the window hoods have been changed, the parapet shortened and the west wall re-sheathed with a thin material. Currently missing are windows and many or most of the sills. The storefront underwent significant change in the late 1940s. The demolition of this building might be required and if the remainder of the buildings can be saved, staff would support removal of No. 312-318.

A. Roofs

Retain the appearance of the flat roof shape. No additional full stories may be added to the roofs, as this would alter their nineteenth century appearance. Locate mechanical systems and vents on portions of the roof not visible from the public right of way and paint them out to minimize impact. Satellite dishes are to be located on portions of the roof not visible from the public right of way. Any current rooftop penthouse units or structures that shelter an access stair to the roof, or the catwalk atop No. 306-308, can remain or be removed as needed. The addition of any new small penthouse must be set back from the parapet walls to minimize being visible from the public rights-of-way. The addition of skylights, satellite dishes, penthouses, stair enclosures and re-roofing require review by Historic Preservation staff and a Certificate of Appropriateness.

B. Materials

1. Masonry

- a. Unpainted brick, terra cotta, or stone must not be painted or covered. Painting masonry is historically incorrect and could cause irreversible

damage if it was decided to remove the paint at a later date. Covering masonry with other materials (wood, sheet metal, vinyl siding, etc.) is not allowed. The buildings appear to have been unpainted through the mid-1950s per historic photographs. The polychrome checkerboard paint scheme applied when the building was renamed Sydney Hih was repainted with beige paint when the building went up for sale in 2000. This beige paint can remain. If the owner would want to remove the paint or repaint the structures, that would be appropriate. See section c below.

- b. Repoint defective mortar by duplicating the original in color, hardness, texture, joint finish and joint width. See the masonry chapters in the books, As Good As New or Good For Business for explanations on why the use of a proper mortar mix is crucial to making lasting repairs that will not contribute to new deterioration of the masonry. Replaced mortar joints should be tooled to match the style of the original. Avoid using mortar colors and pointing styles that were unavailable or were not used when the building was constructed. Consultation with historic preservation staff and a Certificate of Appropriateness is required before starting any repointing and one or more test panels must be prepared and approved before work can proceed.
- c. Clean masonry only when necessary to halt deterioration and with the gentlest method possible. Sandblasting or high pressure water blasting or the use of other abrasive materials (soda, nut shells, etc.) on limestone, terra cotta, pressed brick or cream brick surfaces is prohibited. This method of cleaning erodes the surface of the material and accelerates deterioration. The use of accepted chemical products to clean masonry is allowed and a test panel is required before general commencement of the work. Work should be done by experienced individuals as the chemical cleaning process can have a negative impact on the masonry. Consultation with historic preservation staff and a Certificate of Appropriateness is required before any cleaning would begin.
- d. Repair or replace deteriorated material with new material that duplicates the old as closely as possible. Avoid using new material that is inappropriate or was unavailable when the building was constructed. Do not remove stone brackets/corbels. Spot repair is encouraged rather than complete removal and replication. Consultation with historic preservation staff and a Certificate of Appropriateness is required before any work would proceed on repairs to the stone and brick such as replacing/rebuilding the parapets.

2. Wood/Metal

- a. Retain original material, whenever possible. Do not remove architectural features that are essential to maintaining the building's character and appearance such as the metal capitals at No. 310. Historic Preservation staff would support the removal of metal fire escapes.
- b. Retain or replace deteriorated material with new material that duplicates the appearance of the old as closely as possible. Do not

cover architectural features with new materials that do not duplicate the appearance of the original materials. Covering wood or metal with aluminum or vinyl is not permitted.

C. Windows and Doors

1. Retain existing window and door openings. Retain the existing configuration of panes, sash, surrounds and sills, except as necessary to restore to the original condition. Avoid making additional openings or changes in existing fenestration by enlarging or reducing window or door openings to fit new stock window sash or new stock door sizes. Avoid changing the size or configuration of windowpanes or sash. Use storm windows or protective glazing which have glazing configurations similar to the prime windows and which obscure the prime windows as little as possible.
2. Original windows that have been replaced may remain, but in the event those windows are replaced they must match the original design and materials as seen in historic photos. New windows that face the street must be made of wood on the outside surface. Do not fill in or cover openings with inappropriate materials such as glass block or concrete block. Respect the building's stylistic period. If the replacement of doors or window sash is necessary, the replacement should duplicate the appearance and design and material of the original window sash or door. New glass must match the size of the historic glass. Do not use modern style window units, such as horizontal sliding sash or casements, in place of double-hung sash or the substitution of units with glazing configurations not appropriate to the style of the building. The full, original size of the window opening must be maintained. No blocking down or altering of the window opening is allowed.

Any original windows at Sydney Hih should be retained and repaired if at all possible. Historic Preservation staff will work with the owner on appropriate replacement sash. Each era produced different brick mould profiles. Original brick mould profiles around the sash must be retained. Vinyl, vinyl clad, metal and metal-clad or fiberglass prime window units are not permitted. Metal windows may be permitted on the non-street facing sides of the buildings where building codes might require them. Glass block basement windows are not permitted where visible from the public right of way. Retain any existing art glass/leaded glass windows that may be located beneath the boarded up storefront windows. Changes to doors and windows require consultation with Historic Preservation staff and a Certificate of Appropriateness.

3. Steel bar security doors and window guards are generally not allowed. If permitted, the doors or grates shall be of the simplest design and installed so as to be as unobtrusive as possible. A Certificate of Appropriateness is required for this type of installation.

D. Trim and Ornamentation

There should be no changes to the existing historic trim or ornamentation except as necessary to restore the building to its original condition. See discussion of cornice and stone above. Replacement features shall match the original member

in scale, design, color and appearance. Essential features of the buildings such as the brick pilasters, corbelling at the upper level, prominent cornices, and corbelled surrounds with keystones around the windows are to be retained. Consultation with Historic Preservation staff is required before any changes or repairs are made to the trim features.

E. Additions

It is not anticipated that additions will be made to Sydney High's south (Juneau Ave.) elevation because the building sits right at the property line. Rooftop additions have been covered under Roofs. No hanging balconies or projecting bays may be applied to the building at the east (Senn Building) and south elevations, as this would adversely affect the building's character defining features. The north and west elevations were mostly blank party walls abutting to adjacent buildings. If Sydney Hih is incorporated into new construction care must be taken to preserve the building/complex as a free-standing entity with connectors set back from the main body of the buildings. Any addition or connector requires the approval of the Commission. Ideally an addition should either compliment or have a neutral effect upon the historic character of the building. Approval shall be based upon the addition's design compatibility with the building in terms of window size and placement, building height, roof configuration, scale, design, color, and materials, and the degree to which it visually intrudes upon the principal elevations or is visible from the public right of way. Additions must not obscure the historic building.

F. Signs/Exterior Lighting

The installation of any permanent exterior sign or light fixture shall require the approval of the Commission. Approval will be based on the compatibility of the proposed sign or light with the historic and architectural character of the building. Plastic internally illuminated box signs are not permitted.

G. Site Features

Given that the building occupies its entire site and is bordered by city sidewalks, it is unlikely that landscape features will be incorporated into the property. Should landscape matters come up, consultation with Historic Preservation staff, and a Certificate of Appropriateness is required before starting any work.

H. Guidelines for New Construction that Results in Alteration of the Designated Structure

Given that Sydney Hih occupies its entire site and is bordered by city sidewalks, it is unlikely that there would be room for new construction except in the form of additions or connectors as discussed above. If new construction would somehow apply to the property, the following guidelines would apply. It is important that new construction be designed to be as sympathetic as possible with the character of the structure.

1. Sitting

New construction must respect the historic siting of the buildings. It should be accomplished so as to maintain the appearance of the buildings from the street as a freestanding complex.

2. Scale

Overall building height and bulk, the expression of major building divisions including foundation, body and roof, and individual building components, such as overhangs and fenestration that are in close proximity to a historic building must be compatible to and sympathetic with the design of the building.

3. Form

The massing of the new construction must be compatible with the goal of maintaining the integrity of the building as a freestanding structure.

4. Materials

The building materials that are visible from the public right-of-way and in close proximity to the historic building should be consistent with the colors, textures, proportions, and combinations of cladding materials used on the historic building. The physical composition of the materials may be different from that of the historic materials, but the same appearance should be maintained and materials not available when the buildings were constructed should be avoided.

I. Guidelines for Demolition

Although demolition is not encouraged and is generally not permissible, there may be instances when demolition may be acceptable if approved by the Historic Preservation Commission. See the discussion of No. 312-318 above. The following guidelines, with those found in subsection 9(h) of the ordinance, shall be taken into consideration by the Commission when reviewing demolition requests.

1. Condition

Demolition requests may be granted when it can be clearly demonstrated that the condition of a building or a portion thereof is such that it constitutes an immediate threat to health and safety and is beyond hope of repair.

2. Importance

Consideration will be given to whether or not the building is of historical or architectural significance or displays a quality of material and craftsmanship that does not exist in other structures in the area.

3. Location

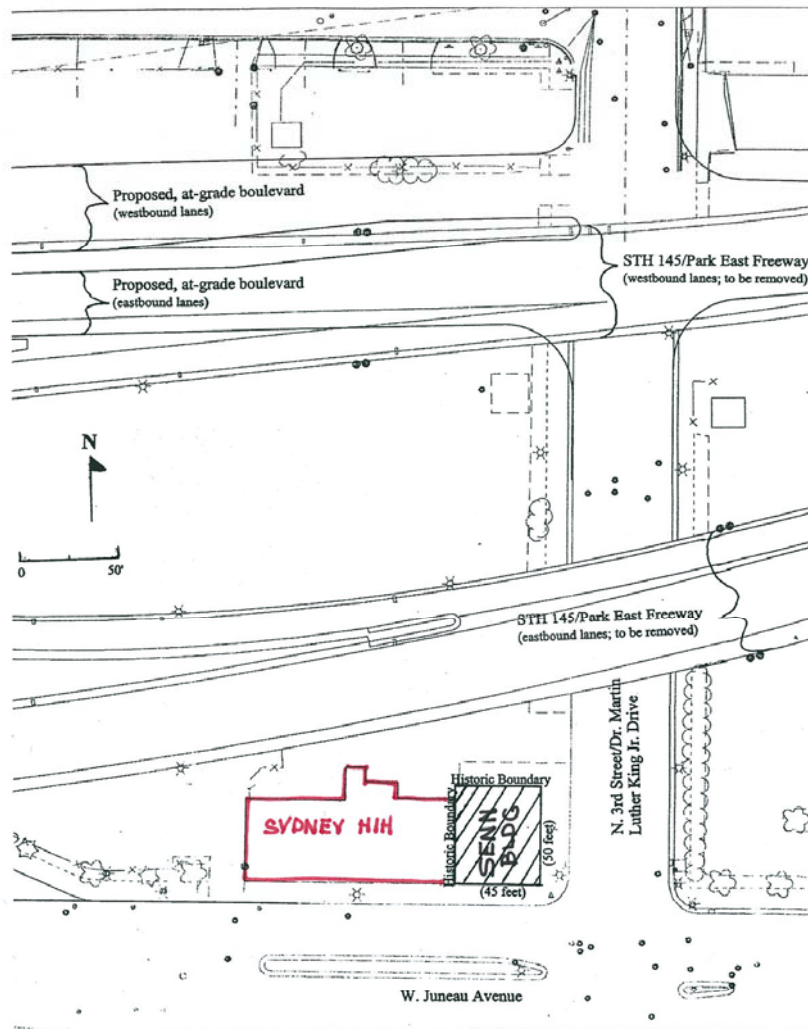
Consideration will be given to whether or not the building contributes to the neighborhood and the general street appearance and has a positive effect on other buildings in the area.

4. Potential for Restoration

Consideration will be given to whether or not the building is beyond economically feasible repair.

5. Additions

Consideration will be given to whether or not the proposed demolition is a later addition that is not in keeping with the original design of the structure or does not contribute to its character.



SYDNEY HIH
300-318 W. JUNEAU AVENUE



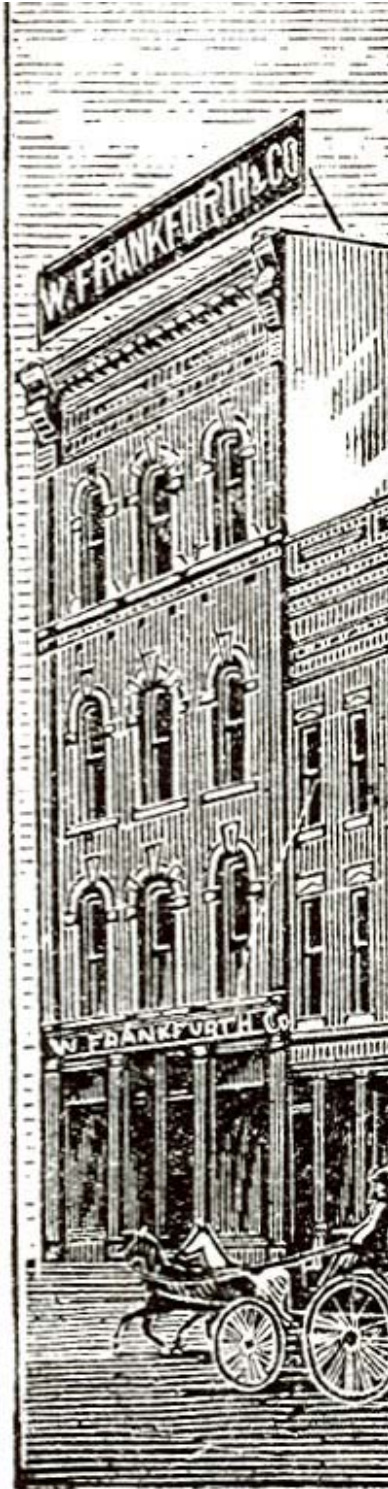
BUILDING THAT PRECEDED HERMAN & MARINER BUILDING
306-308 W. JUNEAU AVENUE
AS SHOWN IN 1877 MILWAUKEE ILLUSTRATED



HERMAN & MARINER BUILDING
306-308 W. JUNEAU AVENUE
PHOTO 1920s MILWAUKEE PUBLIC LIBRARY



HERMAN & MARINER BUILDING 306-308 W. JUNEAU AVENUE
BUILT 1895
ARCHITECT CRANE & BARKHAUSEN



FRANKFURTH HARDWARE
310 W. JUNEAU AVENUE
MILWAUKEE ILLUSTRATED 1877



FRANKFURTH HARDWARE BUILDING
310 W. JUNEAU AVENUE
BUILT 1877/REBUILT OR REMODELED 1880
ARCHITECT UNKNOWN



KALCKHOFF & ROSS BUILDING
312-316 W. JUNEAU AVENUE
1920s PHOTO MILWAUKEE PUBLIC LIBRARY



KALCKHOFF & ROSS BUILDING
312-314-316/318 W. JUNEAU AVENUE
BUILT 1860/1868
ARCHITECT UNKNOWN

Ferdinand Kalckhoff physician and pharmacist 1865 – 1872 (no.312)
Frank H. Ehlman physician 1900 (no.312)
Mr. Kastner boots and shoes 1870 (no. 314)
William Schoof attorney 1878 (no. 314)
Mrs. Margarethe Zahl milliner 1878 (no. 314)
Thompson & Schoof 1885 (no. 314)
William Ross merchant tailor and clothier (1865-1871) (no. 316)



CORNER OF THIRD AND JUNEAU PRE-1958



CORNER OF THIRD AND JUNEAU IN 1958

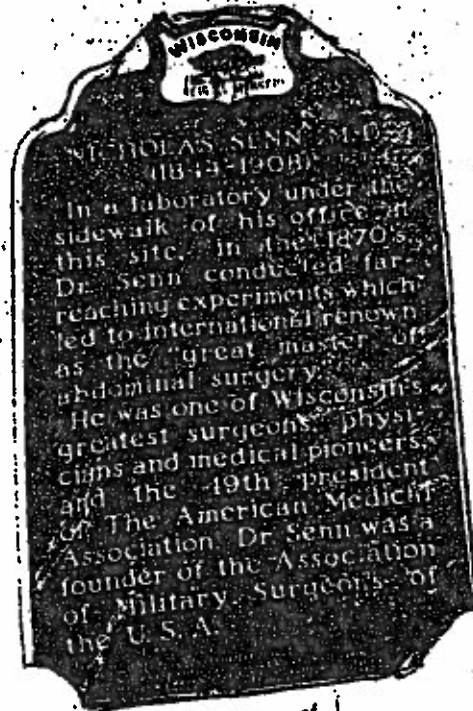
SYDNEY HILL



Northwest corner, Third and Juneeu in 1877. Birkler's building is at the extreme right.

DEDICATION

of the Historical Plaque
HONORING NICHOLAS SENN, M.D.
3rd and Juneeu Streets, Milwaukee



BR-1-0931

A Program of
THE CHARITABLE, EDUCATIONAL AND SCIENTIFIC FOUNDATION
OF THE STATE MEDICAL SOCIETY OF WISCONSIN
in cooperation with
THE SECTION ON MEDICAL HISTORY OF THE STATE MEDICAL SOCIETY
and the
MILWAUKEE COUNTY HISTORICAL SOCIETY

S Y D N E Y H I H

North 3rd and West Juneau Avenue
Milwaukee, Wisconsin
Phone: 1-414-271-0931

WORLD'S FIRST DOWNTOWN AUDIO VISUAL SHOPPING CENTER

Now Interviewing Prospective Tenants For: Arts, Crafts, Jewelry, Clothing, Boutiques and Specialty Shops, Etc.

They will be presented audio-visually in an educational-sales dimension to the many thousands of tourists and visitors who will visit SYDNEY H I H to learn and buy!

To visit SYDNEY H I H will be an educational first for young and old alike.

Continually changing studio programs for the building tours will bring the same visitors back repeatedly to shop and learn at the same time.

SYDNEY H I H is designed for specialty shops and studios of talented people needing public exposure and sales.

SYDNEY H I H intends to create similar centers in selected cities, both domestically and abroad.

CALL 271-0931 FOR A PERSONAL TOUR AND INTERVIEW IMMEDIATELY.

HISTORICAL MESSENGER

of the Milwaukee County
Historical Society

Vol. 25

June, 1969

No. 2

South of Frankfurth's, at the corner of Third and Juneau (Chestnut) in the early 1870's, was the Hustis building, accorded landmark status by a 19th century historian for the memorable theatrical productions, well-attended concerts, and lively west side political meetings held in its hall. Dating from 1842, the Hustis building remained until 1876, when it was replaced by Dr. Nicholas Senn's four-story block of pharmacy and offices. (Much-altered, but still standing, this structure once housed the West Side Bank.) Senn's block and its two small neighbors to the north were all Italianate in style, and as a drawing published in 1877 reveals, the trio's facades originally formed an attractive ensemble.



NICHOLAS SENN, M.D., 1844-1908

SYDNEY HiH

BR1-0931

N. 3rd Street and Juneau

SYDNEY HiH is designed and programmed as an Arts and Crafts Center with a central theme expressing "education in the understanding and technique of Arts and Crafts." A variety of exhibitions or classes will be offered to demonstrate the various techniques evolving around a specific Art or Craft, so that it can be taught and more appreciatively understood.

These exhibitions or classes combined with an extensive closed circuit television system, equipped with video tape recording capabilities, will provide a new and exciting experience for today's shoppers, as well as tremendous promotional flexibility and exposure. This system will be offered on an individual basis for each shop owner. Sydney HiH will be on its way to becoming internationally famous as the first "Educational Commercial Museum" in the world.

Four buildings comprise the Sydney HiH complex. On the corner was the Hustis building, which dated from 1842 and was accorded landmark status by historians because of its memorable theatrical productions, concerts and political meetings until 1876, when the internationally known surgeon, Dr. Nicholas Senn, developed the realty into what is still substantially the present structure.

Once inside the buildings, the visitor observes virtually all are connected by a maze of hallways, doorways, and stairs, creating the effect of one massive structure of studio after another. The estimated capacity and goal is to create approximately 60 to 70 shops or studios.

The floor plan design follows the building's arts and crafts theme, in that the top two floors are reserved primarily for arts and crafts, with gallery and theater space suggested. The second level (floor) of the buildings will house a variety of shops and boutiques commonly found in such notable places as Old Town in Chicago, Ghiradelli Square in San Francisco, and in Atlanta, the Atlanta Underground.

The first level (floor) will be relatively commercial and with an expertise flavor, in order that Sydney HiH can accommodate the essential necessities of the average day-to-day shoppers. The basement of the first and second east buildings will provide the first educational copper or lead mine, including a bar and restaurant, expressing the motif of a mine created by a number of caves-caverns-cribbings and mine shafts with closed circuit monitors providing educational features. Modern jazz bands and "Chicago" type entertainment will stimulate nighttime crowds.

The rooftops of the second and fourth buildings are being planned to provide restaurant and bar facilities with an indoor restaurant between, all expressing the Gay 90's theme, such as complimenting Milwaukee's fine German heritage by serving imported beers and German and Bavarian cuisine or similar themes. The third and fourth level will offer studios for musicians, artists, sculptors and craftsmen, with a proposed art gallery and theater.

The SYDNEY HIH location is also truly amazing. The building complex is situated on a large city block in downtown Milwaukee, within view of Third and Wisconsin (the center of Milwaukee's downtown); the School of Engineering, Juneau Village, Milwaukee Area Technical College, the Arena, the Auditorium, the Civic Center, the new multi-million dollar Convention Center under construction, the Courthouse, Mac Arthur Square, the Museum and the Public Library.

The Wisconsin Highway Engineers planning the immediately adjacent expressway brought it within a few feet of SYDNEY HIH with both on and off ramps virtually covering the entire block and the only other exception, a gas station at the northern corner of the large block area.

Since no buildings are planned under the expressway ramps, there is a tremendous area which could provide for parking of hundreds and hundreds of autos.

Hundreds of thousands of tourists visiting Milwaukee on a weekend, summer or winter, can turn off at the SYDNEY HIH downtown "Oasis" on the Expressway, and see real artistic talent and genius all within the maze of SYDNEY HIH. Quality tenants of SYDNEY HIH will educate tens of thousands of buyers at SYDNEY HIH each week. Studios and shops will be kept open weekends and evenings.

Artisans who are not present in their shops or studios will be amply represented by the closed circuit monitors explaining their background, wares and business hours to the visiting public.

SYDNEY HIH brings a Wisconsin Historical Monument of Arts and Science into the present and future for all to see and hear.

There will be no "opening" of the project and no "closing". The closed circuit programs will be changed weekly or monthly on the video tape. Each studio or shop will start its operation when ready.

Buyers will see "something new and different" each time they visit SYDNEY HIH.

Everyone who has traveled the Chicago-Milwaukee Expressway has witnessed the success of the "Oasis" operations. SYDNEY HIH is truly an expressway "Oasis" plus parking area, and the best planned ever audio-visual educational commercial arts and handicraft showcase.

SYDNEY HIH extends its gratitude to the Wisconsin and Milwaukee Historical Societies and the City of Milwaukee Archives Department, as well as the City of Milwaukee Building Inspection, Construction and Maintenance Divisions for all the constructive suggestions and help toward the SYDNEY HIH restoration project and its new audio-visual dimension.

Prospective quality artisans and craftsmen interested in the SYDNEY HIH concept are invited to call (414) 271-0931.

UNDER CONSIDERATION

- I. BASEMENT (Lower Level)
 - A. Corner building and second building is leased for decoration of a mine, copper and lead, including Bar and Restaurant
 - B. Third Building: Linotype Specialist
- II. FIRST FLOOR (First Level)
 - A. Casual Mens Wear
 - B. Casual Womens Wear
 - C. Mod Shoe Store
 - D. Office Service (transcriber)
 - E. One Hour Martinizing-speed print
 - F. Sandwich Shop (carry out)
 - G. Ice Cream Parlor
 - H. Kids Attraction (stagecoach serving popcorn, cotton candy, snow cones, etc.)
 - I. Industrial Sculptor
 - J. Health foods restaurant, bakery, and book store
- III. SECOND FLOOR (Second Level)
 - A. Leather Shop
 - B. Candle Shop
 - C. Record Shop
 - D. Plastic Shop
 - E. Antique Jewelry
 - F. Antique Shop (furniture)
 - G. Poster Shop-Card Shop
 - H. Imported Furs
 - I. Oriental Shop
 - J. Book Store
 - K. Camera Shop
 - L. Stereo Shop
- IV. THIRD FLOOR (Third Level)

*This entire floor in all three buildings has been leased by a group of musicians and artists. A total space of thirteen studios, one art gallery and one theater is planned.
- V. FOURTH FLOOR (Fourth Level)
 - A. Sculptor
 - B. Oils, painting and acrylics
 - C. Water color and oils
 - D. Pottery
 - E. Ceramics
 - F. Glass Blowing
 - G. Stained Glass
 - H. Wood carvings and veneer skyline pictures
 - I. Sculptor (Metal)
 - J. Palette Knife Painting
- VI. FIFTH FLOOR (Fifth Level) (Third Building Only)

Karate and Fencing School
- ** The rooftop restaurant will be located on the third floor of buildings two and four, and the fourth floor of building three.
- ** Future plans include an outdoor rooftop amphitheater and a Stereo FM radio station.
- ** Capacity to facilitate approximately 60 to 70 boutiques.

INTERIM HISTORIC DESIGNATION PETITION INSTRUCTIONS

Please type or print clearly.

To request a public hearing on interim designation in accordance with Section 320-21 of the Milwaukee Code of Ordinances, it is necessary to complete the attached petition and return it to the staff of the Historic Preservation Commission. In general, the photographs, research, images and documentation submitted with this petition are non-returnable. To file a petition, you must be the owner of the subject property, or a resident of the City of Milwaukee, or a City of Milwaukee department, board, commission or official.

1. **Name of Property**

Provide the name by which the property is generally known, if any. Give the full address of the property including zip code.

2. **Name and Address of Owner**

Provide the name, address, and telephone number of the owner. If there are multiple owners of real interest, include all parties, using a separate sheet of paper, if necessary. Provide name, address, and telephone number of the applicant, if different from the owner.

3. **Attachments**

If possible, the petition should be accompanied by a minimum of one clear black-and-white (or color) original photograph at least 3 x 5 inches in size showing the principal exterior elevation of the building. Digital images on a disk or flash drive are also acceptable. It is advisable to provide additional photographs if the structure merits more extensive pictorial coverage or displays significant features on several elevations. To supplement your application, you may want to submit historical documentation as further evidence of why the structure is worthy of historic designation.

4. **Legal Property Description**

Provide the legal property description from the deed or tax assessor's records.

5. **Description of Structure**

Describe the structure's shape, building materials, and exterior features in paragraph form. Specify types and colors materials, the design or pattern of decorative ornament, and the arrangement of architectural elements. Also describe other features on the site such as outbuildings, decorative fences, sculpture, fountains, or landscape treatments that may add to the significance or historic character of the site. Briefly describe additions or alterations and non-historic features. Use continuation sheets, if necessary.

6. **Significance**

In a brief opening paragraph, enumerate the areas of significance checked above and explain specifically why the site is important in each of these categories. In subsequent paragraphs, and on continuation sheets, if necessary, detail the history of the site and the people or events that have contributed to its significance. You may want to attach photocopies of documentation to support and further amplify your research.

7. Major Bibliographical References

Include major references. Use continuation sheets, if necessary. Be sure to include publisher, city, and publication dates for books and edition dates for newspapers and periodicals.

8. Form Prepared By

Provide your name, your mailing address, and the telephone number where you can be contacted during the day. Have this form acknowledged by a Notary Public.

Please return this form to the following address:

**Historic Preservation Commission
City Clerk's Office
200 E. Wells Street Room B-4
Milwaukee, WI 53202**

If you have questions or need assistance in completing this form, please call the Historic Preservation staff at **(414) 286-5722 or 286-5712.**

INTERIM HISTORIC DESIGNATION PETITION

1. Name of Property: Sydney Hill
Address of Property: 300-318 W. Juneau Ave 53203
Zip Code

2. Name and Address of Owner
Name: SH Acquisition LLC
Street Address: 809 N. Broadway, Rm 104
City: Milwaukee State: WI Zip Code: 53202
Daytime Telephone Number: 414 286-5840
(Area Code)
Applicant (if different from owner) ERIN DORBIN
Street Address: 2628 N. Humboldt Blvd #305
City: Milwaukee State: WI Zip Code: 53212
Daytime Phone Number: 269-779-0164 Evening Phone Number Same

3. Attachments

The following information is enclosed:

- ☒ Exterior photographs (required)
☐ Color slides of exterior (required)
☐ Copy of newspaper notice of demolition permit application
☐ Other (explain) _____

4. Legal Property Description

(see attachment)

5. **Description of Structure**

Number of stories: 4

Wall cladding (check each that apply)

Clapboard ☐ Brick ☒ Stucco ☐ Stone ☐ Wood Shingle ☐ Terra Cotta ☐
Asphalt Siding ☐ Asbestos Tile ☐ Aluminum/Vinyl Siding ☐ Artificial Stone ☐
Other: _____

Describe Outstanding Features:

(See attachment p. 2 & 3 as well as
2009 Historic Designation Study Report
completed by Gail Fitch)

6. Significance

Areas of Significance:

☐ agriculture
☒ architecture
☒ art
☒ commerce
☒ communications
☐ community planning
☐ conservation
☒ science
☒ social/humanitarian

☐ economics
☒ education
☐ engineering
☒ exploration/settlement
☐ industry
☒ invention
☐ landscape architecture
☒ theater
☐ other (specify)

☐ law
☐ literature
☒ military
☒ music
☐ philosophy
☐ politics/government
☐ religion
☐ transportation

Date Built: 1876

Date Altered (if applicable) 1910 & later

Builder/Architect: unknown

Written Statement of Significance, including history of structure:
(continue on a separate sheet, if necessary)

(see attachment)

7. Major Bibliographical References

(see attachment p. 8)

8. Form Prepared By:

Name: ERIN DORBIN Date: MAY 23, 2012
Address: 2628 N. Humboldt Blvd #305
City: MILWAUKEE State: WI Zip Code: 53212
Telephone: 269-779-0164
Signature: Erin Dorbin

ACKNOWLEDGMENT

STATE OF WISCONSIN
MILWAUKEE COUNTY

Personally came before me on this 23 day of may in the year of 2012
the above named Erin Dorbin to me known to be the
Name of Person
person who executed the foregoing instrument and acknowledge the same.

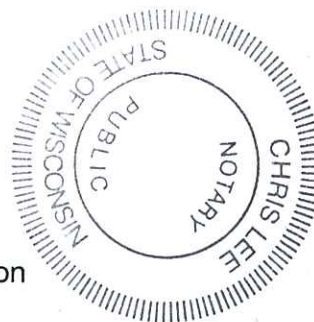
Subscribed and sworn before me

[Signature]
Signature of notary

Notary Seal (required)

Notary Public, State of Wisconsin

My commission is/expires: 8/5/2012



Milwaukee Historic Preservation Commission
City Clerk's Office
200 E. Wells Street Room B-4
Milwaukee, WI 53202

414-286-5722 or 286-5712

**Interim Historic Designation Petition
May 2012**

1. Name of Property:

Historic Name: Nicholas Senn Building/Senn Block
Common Name: Sydney Hih
Address: 300-318 W. Juneau Avenue

2. Name & Address of Owner:

SH Acquisition LLC
Friebert, Finerty & St. John, S.C.
Two Plaza East - Suite 1250
330 East Kilbourn Avenue
Milwaukee, WI 53202
Phone: 414-271-0130

Milwaukee Economic Development Corp. (MEDC)
809 N. Broadway, Room 104
Milwaukee, WI 53202
Phone: 414-286-5840

**NOTE: THE ACTUAL PURCHASE OF SYDNEY HIH WAS
MADE BY SH ACQUISITION IN 2011. THE PURCHASE
WAS FUNDED BY MEDC. IT IS UNCLEAR WHO
TECHNICALLY OWNS THE PROPERTY. IT HAS BEEN
WIDELY REPORTED THAT THE CITY OF MILWAUKEE
IS THE CURRENT OWNER OF SYDNEY HIH.**

Address of Applicant:

(Please refer to actual Petition document)

3. Attachments:

The following information is enclosed:

Photographs related to the
Sydney Hih/Nicholas Senn Building's
Areas of Significance

4. Legal Property Description: Tax Key No.: 361-040-9100

Encompasses formerly numbered buildings: 306-308, 310, 316 W. Juneau Ave

Original Plat of the Town of Milwaukee, west of the river in SECS (20 & 29)-7-22

Block 39 Lot 16 & Part Lot 13 Com SW Cor Lot 13-th N 10'-th-E 60.2'-th S 7.2'-th E 15.43'-th S 1.74—th W 74.96' to Beg

Subj to X-WayEasmt

Bids #15, #21, TID #48

NOTE: THIS PETITION DESIGNATION IS MEANT TO RE-OPEN THE DISCUSSION CONCERNING THE SENN BUILDING'S DESIGNATION STATUS THAT WAS ORIGINALLY SUBMITTED BY GAIL FITCH IN 2009. ALTHOUGH THE ADJACENT BUILDINGS TO THE WEST ARE NOT LEGALLY DESCRIBED IN DEATAIL, CONSIDERATION FOR THE HISTORICAL SIGNIFICANCE OF THE ENTIRE, CONJOINED SYDNEY HIH STRUCTURE IS SUPPORTED BY THIS DOCUMENT.

5. Description of Structure:

The full physical description of the Nicholas Senn building has already been submitted to the HPC in 2009 by Gail Fitch. To avoid repeating what the HPC already knows about this building, please refer to pages 3 and 4 of the original Historic Designation Study Report under Section VI, titled "Physical Description".

The 2009 Study Report can be viewed at
<http://city.milwaukee.gov/hpc/OtherStudyReports>

6. Significance:

The historical significance of the Nicholas Senn portion of the Sydney Hih complex, as it relates to Dr. Nicholas Senn, has been thoroughly detailed in Gail Fitch's 2009 Historic Designation Study Report. To avoid unnecessary repetition, please refer to the 2009 Historic Designation Study Report for the history of Dr. Nicholas Senn (<http://city.milwaukee.gov/hpc/OtherStudyReports>). The goal of this Interim Designation Petition is to expound upon what was presented in the 2009 report to include an in-depth study of the post-Nicholas Senn years. The historical, social and cultural significance of the Sydney Hih Complex spans multiple decades of the 20th century, extending well beyond the time period that Dr. Nicholas Senn occupied the building (late 19th century). The post-WWII period also witnessed the conjoining of the four separate structures to create a cohesive building and history of the former 306-308, 310, 316 structures. This period suggests that the united Sydney Hih structure in its entirety is worthy of a thorough historical evaluation and inquiry. Below are the specific "Areas of Significance" that can be used to signify why Sydney Hih and the Nicholas Senn building in particular deserve protection under a historic designation nomination.

Specific Areas of Significance:

Architecture, Art, Commerce, Communications, Science, Social/Humanitarian, Education, Exploration/Settlement, Invention, Theater, Military, Music

Architecture:

The Sydney Hih/Nicholas Senn Building is located at the former site of the first commercial brick building in Milwaukee, John Hustis Public Hall, built in 1840. The Nicholas Senn Building was designed in an Italianate style, constructed with Pressed Cream City brick. This type of Cream City brick is the rarest of its kind and very few other buildings in Milwaukee were made from this material. The Nicholas Senn Building is one of the last existing large masonry buildings in the city with an upper story hall. In the 1870s, the commercial block structure with upper story hall became a popular architectural design. This building type reflects the explosion in the number of social and fraternal groups that occurred after the Civil War, groups that needed spacious accommodations for their meetings, social events, educational programs and the like.

*refer to the 2009 Historic Designation Study Report for more information about the buildings architectural significance

Art:

In the early 1970s, the Nicholas Senn building became known as Sydney Hih. The building quickly became an epicenter in Milwaukee for arts and music. Artists both lived in the building and created work in private studios. Artists connected to Sydney Hih went on to make a positive impact in the surrounding city while the building itself remained an artistic and creative hub in Milwaukee well into the early 2000s.

Example of Artists that were a part of the Sydney Hih era:

Jim Mitchell

- Well-known underground Milwaukee cartoonist who once worked in Sydney Hih
- Best known for his *Smile* comic, and regularly contributed to famous alternative Milwaukee newspaper, *Bugle-American*
- Currently owns Distant Thunder Studios, Milwaukee-based art studio

Prophet Blackmon

- Owned the Revival Center Shoe Repair and Shine Parlor inside Sydney Hih
- Blackmon an Army veteran of WWII
- Artist's paintings are now included in the collections of the Smithsonian American Art Museum in Washington, D.C., American Visionary Art Museum in Baltimore, American Folk Museum in New York, and the Milwaukee Art Museum

Peter Di'Antoni

- Well-known local photographer that started his career in the Sydney Hih building
- Editor of the internationally distributed *Cog Magazine* dedicated to bike culture

Commerce:

The Sydney Hih/Nicholas Senn Building is directly related to the spirit and overall growth of

independent and local business in Milwaukee. Since its construction in 1876, a long and unique list of shops, businesses, services and restaurants have succeeded in the location's lower-level commercial spaces. In 1894, the building became the West Side Savings Bank. By 1920, the West Side Savings Bank was considered to be one of the strongest and most financially sound institutions in the city, whose officers and stockholders boasted the names of Adam Gettleman, George Koch, Fred Usinger, Otto J. Schoenleber and Victor Schlitz. In 136 years, The Sydney Hih/Nicholas Senn building has housed everything from an experimental medical laboratory, Milwaukee's first organic food restaurant, a Caribbean imports shop, and winemaking consulting firm.

List of some of the businesses associated with the building:

Merk's Cheese and Sausage – products can be found in grocery stores across Wisconsin
Playhouse – handmade stuffed toy store
Delhi Emporium – Indian imports shop
Fantasies in Glass – glass blowing studio
Underfoot – Iranian shoe and clothes boutique
Puerto Rican Valley – a Caribbean imports shop
Dreams and Dragons –glass store
British Record Shop – record store
Western Tradition – western-themed leather shop run a by 24-year-old Iranian, Shahrokh Zonoozi
Mouse Trap – body jewelry store run by Robert B. Zacher, art teacher at John Marshall H.S.
Shish Kabob – Iranian short order kitchen
Fertile Dirt – first organic food restaurant co-operative in Milwaukee
Con Art Gallery – gallery featuring artwork produced by Wisconsin state prisoners
Fermentation Plantation – winemaking consultants
Betty's Bead Bank – (opened 1976) sold handmade beads and were the longest running business in the building
Gus' Mexican Cantina – Mexican restaurant
The Unicorn – underground punk rock bar
The Mine Shaft – restaurant and bar
The Milwaukee Eagle – popular gay bar
and many more.

Communications:

Dr. Nicholas Senn's original intent for the building was for it to become a place of learning and city-wide communication. The architectural style was chosen to create an environment conducive to learning for students, as well as one that could host large community discussions and groups on its upper floors. This upper hall additionally provided much needed space for numerous meetings, social events, and educational events offered by community groups throughout its history. The Sydney Hih era was a continuation of the community-building efforts of earlier inhabitants to unite residents, provide a location to share ideas, experience new experiences in Milwaukee and to improve Milwaukeeans' access to the arts. The building became a hub of learning and discovery that still stands as a prominent symbol of successful community-driven dialogue and development in Milwaukee.

Science:

Medicine is the application of certain sciences including molecular biology, biochemistry, medical physics, genetics, pharmacology and neuroscience. The work of Dr. Nicholas Senn greatly improved

medical practices worldwide. Dr. Senn's work in the field of applied science includes some of the most extensive accomplishments achieved by any one medical professional in the field. The medical experimentation and study that took place in the Nicholas Senn Building greatly expanded the understanding and practice of surgical techniques throughout both the local and worldwide medical community. The building is a living symbol of scientific and medical discovery. Its presence in the built landscape functions as a prominent physical reminder of the extraordinary achievements obtainable by Milwaukee's talented and skilled citizenry.

*refer to the 2009 Historic Designation Study Report for more information about Dr. Senn's important work

Social/Humanitarian:

The work of Dr. Nicholas Senn was primarily motivated by a personal quest to make the world a better place. He made his positive contributions on the local and national level via the improvements he spearheaded in the medical community, namely developing techniques that limited the spread of disease. His selfless attitude, tireless work ethic, and passion to contribute to the betterment of the world around him became an integral and long-lasting ethos associated with the building. The sound and honest business practices later associated with the West Side Savings Bank and the numerous individuals who made positive contributions on both the local and national level during the Sydney Hih era reaffirm Senn's early passions to make the world a better place. In short, Senn's aspirations for positive growth and influence in the larger community did not dissipate when Senn last exited the building. Throughout the 20th century, the Nicholas Senn Building was home to the first organic restaurant co-operative in Milwaukee and also the location of one of Milwaukee's first gay night clubs. The building has historically been respected as a home for multicultural and diverse tenants, and as a gathering place for socially-conscious artists and musicians. The socially-conscious and culturally-diverse atmosphere that fostered these numerous positive contributions to American and international communities demonstrates how the historic character of the building has persevered from its inception and into the 21st century. Further, this continuum of cultural pluralism and innovation demonstrates how the building holds the potential to thrive in the 21st century as a vital community center, if given the opportunity.

Education:

Dr. Nicholas Senn's original intent for the building was for it to exist as a locus for learning and a hub for city-wide communication. The building's specific four-story architectural style that included an upper hall was employed to create an environment ideal for learning, including the ability to host large group discussions on its upper floors. When Sydney Eisenburg bought the building in the early 1970s, he and others were developing plans to further the building's initial scope of design to create an environment that fostered educational opportunities and promote techniques affiliated with the arts and crafts. For instance, a closed circuit television system was in development with the intent to install monitors in specific shops to broadcast artists at work throughout the building. These broadcasts were intended to promote the visual arts, an understanding of artistic techniques, and provide opportunities for skills sharing. Jeff A. Krueger and Micheal J. March of Sydney Hih Forum Co-operative also created a multimedia art studio and drama hall in the building. The hall was designed as a space for musicians, artists, and actors to practice their skills, teach, and share their crafts.

The Sydney Hih/Nicholas Senn Building was built by a world-renowned educator for the purpose of creating a structure that could house, inform and educate citizens of Milwaukee. The Sydney Hih era extended this long-standing tradition of achieving education through thoughtful design and use of

Milwaukee's built environment into the 2000s by continuing to facilitate and host opportunities for learning in the arts and music.

Exploration/Settlement:

The Sydney Hih/Nicholas Senn Building is one of the last existing remnants of Kilbourntown. Due to the Park East freeway project most of this historic community/landscape has been lost to demolition. The corner where this building sits was once lined with breweries and thriving businesses. The Sydney Hih/Nicholas Senn building is the last physical remnant of this once vibrant commercial district in Milwaukee. The building is a living symbol of the origins of our city and a direct window into our proud past.

Invention:

Dr. Nicholas Senn was one of the first medical surgeons to begin using protective gloves during surgery to prevent the spread of germs, infection and sepsis. After investigating the causes of blood infection and sepsis, he determined that bacteria was being transmitted by the hands of surgeons and thereby infecting their patients. The use of cotton gloves boiled in water was pioneered by him and marked a new beginning in the understanding of how germs spread. Dr. Nicholas Senn was also the first surgeon to use hydrogen gas to inflate a patient's intestines to detect perforation. This technique, which he perfected in the basement of Sydney Hih, became widely used to find bullet puncture wounds in the stomachs of wounded soldiers.

The research and experimentation carried out in the Sydney Hih/Nicholas Senn building by Dr. Nicholas Senn led to notable breakthroughs and discoveries that forever changed the way surgery has been practiced throughout the world.

Theater:

The former John Hustis Public Hall building was torn down in 1876 to build the Nicholas Senn building. The Hustis building, constructed in 1840, was considered Milwaukee's first music hall and was designed to accommodate visiting artists and performers. The first known theatrical performance in Milwaukee was held in the Hustis Music Hall in 1842. The play was called *Shylock* and was produced by Thomas Lynn and Thomas Powell of the Detroit and Chicago Company. The theatrical heritage of the site was revived when Milwaukee's famous Theatre X company held their early rehearsals in the building. An array of actors and performers called the building home at this time. Theatre X would go on to become one of the oldest operating experimental theatre ensembles in the United States. World-famous stage and film actor (and Wisconsin native), Willem Dafoe, was once a part of the Theatre X company.

Military:

Dr. Nicholas Senn's research and experimentation was motivated by the goal to make battlefield surgery safer and simpler to perform. He focused on techniques that would prevent the spread of infection. His work directly contributed to an increase of survival for thousands of wounded American soldiers. In 1888, Senn was appointed Surgeon General of Wisconsin and in 1892 became the Surgeon General of the Illinois National Guard. In 1891, Senn created the Association of Military Surgeons of the National Guard of the United States. He participated in the Spanish American War and became Chief of Operating Staff Surgeons with the American army. The work Dr. Nicholas Senn completed

inside the Senn Building directly contributed to the betterment of military medical practices and forever changed the way battlefield surgery was conducted.

In 1880, a historic meeting took place in Senn's Hall related to the forming of a Civil War Veteran's organization. Members of Wisconsin's famous Iron Brigade met on the upper floor of the Nicholas Senn building and here decided to form a permanent organization dedicated to supporting and improving the lives of Wisconsin's war veterans. This was the first organization of its kind in Wisconsin and it laid the groundwork for present-day war veteran assistance programs. The Sydney Hih/Nicholas Senn Building has a direct connection with the advancement of military medicine and is the only building in the City of Milwaukee that has a direct connection with the first steps taken toward creating war veteran assistance programs in Wisconsin.

Music:

The Sydney Hih/Nicholas Senn Building was constructed on the exact site where the John Hustis Public Hall was once located. The Hustis Public Hall, built in 1840, is considered to be the very first music hall in Milwaukee and is also the location where the very first theatrical performance took place. When Sydney Eisenburg purchased the Senn Building in the early 1970s, the building became an art and music epicenter. Musicians of every type populated the numerous studios that were created in the Sydney Hih era, and the building became a center for local artistic and musical development. Hundreds of different local Milwaukee musicians and bands practiced and performed inside this building, many of whom also called the place home.

In 1980, Gus Hosseini opened a nightclub called The Unicorn in the basement level of the Sydney Hih/Nicholas Senn Building. The Unicorn was the first punk rock bar in Milwaukee and it became a huge success, hosting (then pre-Grammy-award-winning) artists including Nirvana, The Smashing Pumpkins, Green Day, Soundgarden, Pearl Jam, and Seven Mary Three. While these groups all performed at The Unicorn prior to achieving world-wide success and notoriety, this significant period in rock music history affirms the building's legacy as an environment for artists, musicians, actors, and other performers to hone their crafts. It also hints to the future incubator the structure can provide Milwaukee-based artists, musicians and actors to catapult their careers into the mainstream.

Noteworthy local musicians that spent time in the Sydney Hih/Nicholas Senn building:

Chris Rosenau

- Practice studio inside Sydney Hih
- Performed in groups Collection of Colonies of Bees and Volcano Choir

Andy Noble

- Played music at Sydney Hih and also regularly attended musical performances at the building
- Created the local band King's Go Forth that toured internationally
- Owned Lotus Land Records in Riverwest
- Currently DJs the "Get Down" at Mad Planet in Riverwest

Dan Duchaine & Rushmor Records in Bay View

- Owner of Milwaukee's longest-running record shop and performed music at Sydney Hih
- Currently plays drums for local Milwaukee band Speed Freaks

Die Kreuzen

- Practice space was in the Sydney Hih/Nicholas Senn Building
- The band is credited with bringing intelligence and lyrical diversity to the heavy metal genre
- 2011, inducted into the WAMI Hall of Fame (Wisconsin Area Music Industry)

Rich Menning

- Frequently Performed music at Sydney Hih
- Founded East Side record store, Atomic Records: Atomic Records was an iconic record store in the city of Milwaukee that garnered a national reputation

Damian Strigens

- Lived in Sydney Hih and held additional space in the building for band practice
- Currently in local Milwaukee band Testa Rosa
- Performed in groups The Lovelies and The Frogs
- Currently Art Director at Hanson Dodge in Milwaukee

Jeff Castelaz

- Well-known participant in the Sydney Hih music scene
- Founded Danger Bird Record Company that held roster of popular national bands
- Founded The Pablove Foundation to fight childhood cancer: World famous bicyclist, Lance Armstrong, works very closely with Pablove Foundation

Paul Finger

- Held studio space inside Sydney Hih building
- Member of the popular Milwaukee band Wild Kingdom
- Paul Finger left the group and later reformed as Citizen King: Citizen King went on to gain worldwide fame

7. Major Bibliographical References:

Nicholas Senn Building 2009 Historical Designation Study Report, by Gail Fitch
<http://city.milwaukee.gov/hpc/OtherStudyReports>

“History of Milwaukee Wisconsin” - The Western Historical Company, A.T. Andreas, Proprietor, 1881

Milwaukee's King of Comix - The Underground Art of Jim Mitchell, by Curtis L. Carter, February 29, 2012, The Sheperd Express

“Prophet Blackmon was a Milwaukee Artist and Preacher”, by Amy Rabideau Silvers
March 19th, 2010 – Milwaukee Journal Sentinel

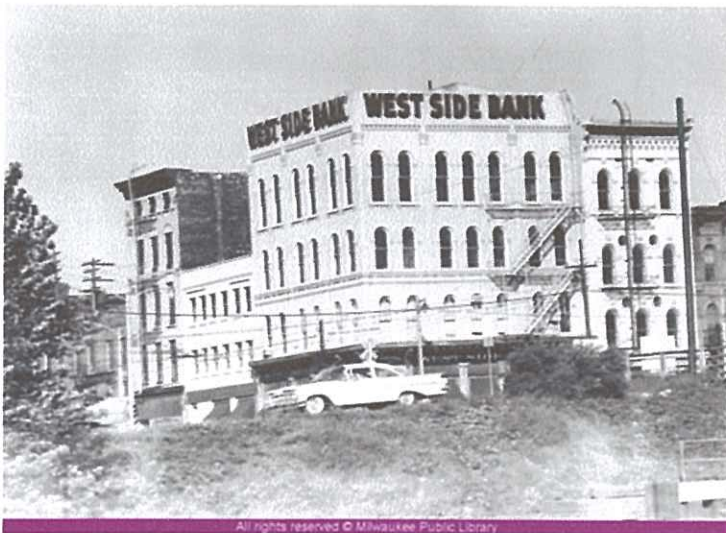
<http://www.allmusic.com/artist/chris-rosenau-p433283/biography>

“Building on Juneau is Center for the Arts” - Milwaukee Journal Sentinel, June 21, 1972

The Life Cycle of the Senn Block



The Senn Block Circa 1870 's



The West Side Bank Circa 1950's



Sydney HiH circa 1970's

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5-23-2012

Street Views



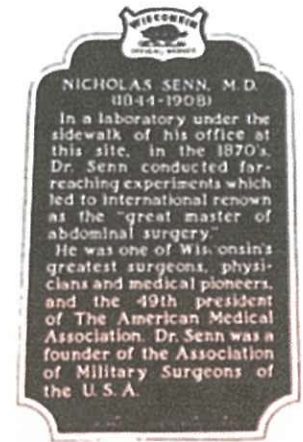
Street view circa 1910. Senn Block
in right foreground



Street view circa 2009. Park East
project decimated this area, leaving
Sydney HiH as one of the only
structures left from the
Kilbourn era.

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5-23-2012

Dr. Nicholas Senn



This historic marker graced the building during the 1960's paying homage to Dr. Senn's contributions. The plaque was stolen 8 years later and never recovered



Sydney Eisenberg transformed the building into an arts and crafts epicenter during the 1970's and renamed the building "Sydney HiH"

SYDNEY HiH GAZETTE

December

Published For and By the Merchants

1978

SYDNEY HiH STILL FUNCTIONING

In spite of the reports that Sydney HiH Shopping Complex was gutted by the fire which occurred on October 31, 1976 and the building was to be razed, the Sydney HiH merchants refused to believe it. They would not give up and today the first two floors of the shopping complex are alive and functioning. These people of course, were the shop owners who were lucky to have suffered damage but could recover enough to once again open their shops.

Other friends of Sydney HiH and the proprietor of the Mineshaft and the fortunate shop owners are collaborating in holding a BENEFIT for the Burned Out Shopkeepers. You can help these people by attending this Benefit which will be held at the Mine-

shaft. The price to hear several good musical artists is \$2.00 per person for admission. The Benefit will be held on two nights, Wednesday December 8 Thursday December 9, 1978. All proceeds from this Benefit will be used to help the Burned Out Shopkeepers.

Come on down to the Mineshaft and you will have the time of your life, plus you will be helping people who have dreamed about doing their thing and doing what they want to do.

Is Sydney HiH going to be better than it was? You can bet your bottom dollar on it. One reason why is that you are now reading the first Sydney HiH Gazette—it is going to be published in the future—Sydney HiH's own miniature newspaper.

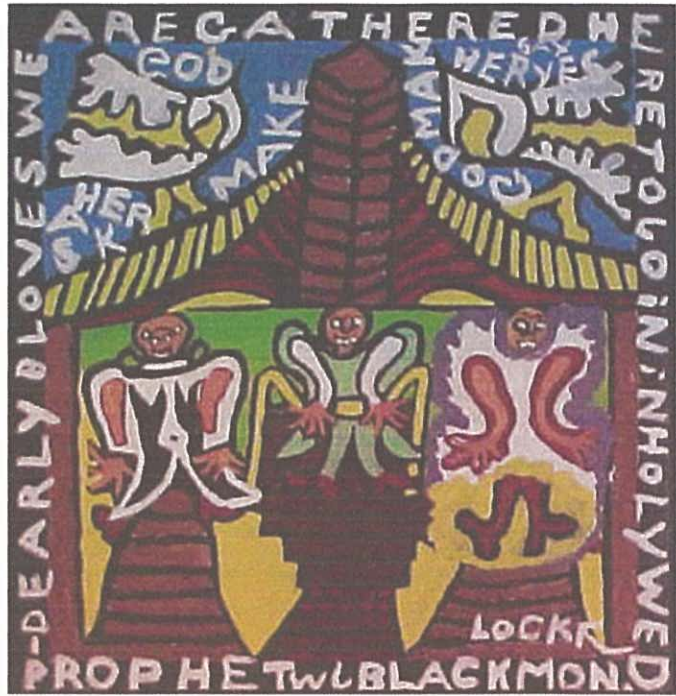
Blaze Guts Shopping Complex



The Sydney HiH building produced its own internal Gazette for a time during the 70's and 80's. The paper was created to strengthen the sense of community and keep tenants of the building on the same page.

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5-23-2012

A sampling of creative achievement that has grown out of those involved during Sydney HiH era



Prophet Blackmon, owner of the Revival shoe shine parlor inside the Sydney HiH building was also an accomplished artist. His work is part of the permanent collection in the Smithsonian Art Museum in Washington D.C., as well as the Milwaukee Art Museum. Blackmon was also a WWII vet in the US Army



Milwaukee resident Peter Di'Antoni got his start in the Sydney HiH building, even living there for a few years in the 90's. Di'Antoni is now an accomplished commercial photographer and Founder / Editor of the biking culture magazine COG.



Milwaukee native and now Los Angeles based Jeff Castelaz frequented the Sydney HiH arts and music scene in the 90's. He is the founder of both the Pablove Foundation for the fight against childhood cancer, and is the owner of Dangerbird Records which represents nationally touring acts from all over the country. Above, Castelaz is pictured with Pablove supporter / Olympian Lance Armstrong

ed
5-23-2012

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
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June 5, 2012

Mr. James R. Owczarski
City Clerk
City of Milwaukee
200 East Wells Street, Room 205
Milwaukee, WI 53202

Re: Interim Historic Designation – "Sydney Hih" Complex

Dear Mr. Owczarski:

I am writing as a follow-up to the opinion letter sent to you on May 30, 2012 regarding the Sydney Hih Complex. Since writing that opinion, we received clarification from the City's Condemnation Section that, although a demolition permit was applied for by the building owner, the permit was not actually issued prior to the filing of the interim designation petition on May 23, 2012. Pursuant to MCO 320-21-13-c, the demolition permit cannot be issued until after the Historic Preservation Commission ("HPC") concludes its hearing and enters a decision on the interim designation petition. In the event that HPC approves the interim designation petition, the demolition permit will be withheld pending any appeals of that decision and the time allowed for making such appeals. The issuance of the demolition permit "may further be delayed or otherwise affected by the [HPC]'s and common council's decision regarding interim and final historic designation." MCO 320-21-13-c. The City's Condemnation Section has been informed of the petition and will withhold issuance of the demolition permit at this time.

Very truly yours,

A handwritten signature in black ink, appearing to read "Grant F. Langley".

GRANT F. LANGLEY
City Attorney

A handwritten signature in black ink, appearing to read "Mary L. Schanning".

MARY L. SCHANNING
Assistant City Attorney

MLS
1033-2012-1334

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

CITY OF MILWAUKEE
2012 MAY 30 AM 11:12
CITY CLERK'S OFFICE

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Assistant City Attorneys

May 30, 2012

Mr. James R. Owczarski
City Clerk
City of Milwaukee
200 East Wells Street, Room 205
Milwaukee, WI 53202

Re: Interim Historic Designation – “Sydney Hih” Complex

Dear Mr. Owczarski:

In your e-mail dated May 23, 2012 to the City Attorney's Office, you posed three questions and requested a formal opinion in response to those questions. The questions relate to an application for interim historic designation of the buildings located at 300-318 W. Juneau Avenue (the “Sydney Hih Complex”). The Sydney Hih Complex is actually made up of four adjacent, connected buildings. The easternmost building located on the corner of North Third Street and West Juneau Avenue is sometimes referred to as the Nicolas Senn Building (the “Senn Building”). Your questions and our responses are as follows:

1. As you know, s. 320-21-13-b of the Code sets two different time requirements for the Historic Preservation Commission (HPC) to hear application for interim designation: 15 days in cases where a demolition permit has been applied for and 45 days where a demolition permit has not been applied for. It is my understanding that a raze order has been issued for this structure. Which time standard should be applied in this case?

Pursuant to the Milwaukee Code of Ordinances (“MCO”), a hearing for interim designation by the HPC shall be held within 15 days of receiving the petition for interim designation in situations where a demolition permit has been applied for under s. 200-26-1. MCO 320-21-13-b-1. In situations where there has been no application for a demolition permit, the hearing shall be held within 45 days after receipt of the petition. MCO 320-21-13-b-2. According to the Condemnation Section of the City's Department of Neighborhood Services, there has been an application for a demolition permit for the Sydney Hih Complex. Therefore, the 15-day timeframe applies in this case.

2. Section 320-21-9-g of the Code states that if the Common Council has not decided whether to grant historic status to a site, district, or structure within two years of the date of application for designation, the application is deemed "terminated." Section 320-21-9-h prohibits reconsideration of an application for designation unless, among other requirements, two years have passed since the application was "dismissed or denied." I note here the difference in terms. Does this mandatory two year hiatus apply in this instance?

In order to answer this question, we must first review some procedural history. In January of 2009, Gail Fitch filed an application for historic designation. From the first page of the HPC's September 2009 Study Report, we understand that Fitch's 2009 application specifically covered only the structure of the Senn Building and not the three adjacent buildings to the west that also make up the Sydney Hih Complex. After reviewing Fitch's application, the HPC nominated the Senn Building for historic designation on September 21, 2009. The nomination was introduced to the Common Council as File Number 091436 and assigned to the Zoning, Neighborhoods and Development Committee ("ZND") on March 2, 2010. On March 19, 2010, ZND held a hearing regarding the Senn Building nomination, but decided to hold the matter over to the call of the chair so that ZND could hear from the building owner before making a decision. On April 27, 2010, ZND held a second hearing where the owner was present and stated that he did not want the building designated as historic. Again, ZND held it to the call of the chair. No further action was taken on the matter until May 15, 2012, when the current Chairman of ZND placed the matter on the agenda. The matter was again held to the call of the chair and no final decision was made on the nomination of the Senn Building.

As you know, holding a matter to the call of the chair is a parliamentary procedure in which a matter is postponed until the Chairperson brings it back at a future meeting. Under Milwaukee Common Council procedural rules, a matter held to the call of the chair can remain open indefinitely in committee until placed on file or unless law or another procedural rule supersedes and terminates the matter. According to Robert's rules of parliamentary procedure, when there is a law that conflicts with the parliamentary procedural rules, it is the law that is applied rather than the rule. *Robert's Rules of Order Newly Revised*, 10th ed. 2000, at p. 16. Here, a city ordinance supersedes the procedural rules and terminated the nomination for historic designation for the Senn Building.

Under MCO 320-21-9-g, a nomination by HPC for historic designation is terminated if final action is not taken within two years of the date of the nomination. The Code reads as follows:

g. In cases where the [HPC] has nominated a site, structure or area for consideration for historic designation, final action, in accordance with this

subsection, shall be taken within 2 years of the date of nomination. If final action is not taken, the nomination of the site, structure or area is terminated.

With regard to the Senn Building, the HPC met on September 21, 2009 and voted to recommend that the Common Council designate the building as historic, thereby nominating the building for historic designation pursuant to MCO 320-21-9-c. No final action was taken on that nomination within two years because the nomination remained in ZND without any final action by ZND or the Common Council. Therefore, the nomination was terminated by operation of law under MCO 320-21-9-g on September 21, 2011. Despite the parliamentary procedure rule that allows items to be held to the call of the chair of a committee indefinitely, MCO 320-21-9-g supersedes that rule. Holding the matter in committee does not toll, or suspend, the two year deadline.

MCO 320-21-9-h restricts when a nomination for historic designation can be renewed after it is terminated. The Code reads as follows:

h. Once a nomination for historic designation has been dismissed or denied, the same site, structure or area may not be renominated unless one of the following conditions is met:

h-1. Two years have passed since the nomination was dismissed or denied. In such cases, the renomination shall be considered a new nomination for the purposes of this section. *In cases where a nomination is terminated pursuant to par. g, the 2 years shall be counted from the date of the termination.*

h-2. *The commission is presented with substantial new evidence that could not reasonably have been presented at the previous hearing.* In such cases, this evidence, including photographs, shall be accompanied by an appropriate application form. No renomination shall take place without the affirmative vote of a majority of the members of the [HPC].

MCO 320-21-9-h (emphasis added). In this case, under MCO 320-21-9-g, the nomination of the Senn Building was terminated by application of law due to there being no final action on the matter by September 21, 2011. Although the language in the introductory paragraph of MCO 320-21-9-h uses the terms “dismissed” and “denied” rather than “terminated” as in MCO 320-21-9-g, one can assume that a nomination that was terminated under MCO 320-21-9-g due to lack of final action is considered to be “dismissed” or “denied” based on the language in MCO 320-21-9-h-1 which specifically explains “[i]n cases where a nomination is terminated pursuant to par. g, the 2 years shall be counted from the date of termination.” Applying these Code sections to the Senn Building, the nomination was terminated on September 21, 2011 due to lack of final

action by the Common Council before the two year deadline. Due to MCO 320-21-9-h-1, there cannot be a re-nomination of the Senn Building until September 22, 2013.

The Code also allows a new petition to be introduced where there is "substantial new evidence that could not reasonably have been presented at the previous hearing." MCO 320-21-9-h-2. In comparing Fitch's 2009 petition with Erin Dorbin's May 23, 2012 Petition for Interim Designation, it does not appear that there is any substantial new evidence presented or any explanation that such additional evidence could not reasonably have been presented in the previous hearings for the 2009 application. Indeed, Dorbin's Petition relies heavily upon the 2009 materials as they were then presented, including the 2009 HPC Study Report and Fitch's 2009 Petition. Dorbin states that the 2012 Petition "is meant to re-open the discussion concerning the Senn Building's designation status that was originally submitted by Gail Fitch in 2009." The 2009 Study Report ended its description of the historical significance of the Senn Building with the 1980s. Dorbin's Petition expands a bit beyond the 1980s, but provides no reason why this evidence could not have been reasonably presented in 2009. Ultimately, whether this requirement is met is a decision subject to the vote of the HPC. However, MCO 320-21-9-h-2 suggests that the substantial new evidence must accompany the new application along with an explanation as to why that evidence could not reasonably have been presented in the previous hearings. Dorbin's 2012 application does not meet these requirements. There is nothing though that prohibits Dorbin, or anyone else, from re-submitting the application with that information provided. HPC would then have to determine whether the new application meets these requirements and whether to re-nominate the Senn Building.

Despite the prohibitions on re-nominating the Senn Building under MCO 320-21-9-h, the prohibitions do not affect the three other buildings directly west of the Senn Building that also make up the Sydney Hih Complex since those three buildings were not included in the 2009 application and nomination. Therefore, Dorbin's 2012 Petition may proceed to the HPC with regard to those three westernmost buildings that make up the Sydney Hih Complex. However, even though Dorbin's Petition may proceed with regard to those three buildings, it appears that from a practical matter, the answer to your third question makes such a procedure moot, given the fact that a raze order was issued for all four buildings that make up the Sydney Hih Complex. This is explained further in response to your third question below.

3. Given the existence of the aforementioned raze order, would s. 320-21-16 of the Code prohibit interim designation by the HPC? I am unfamiliar with the terms of this raze order, but would note that some of the preservation advocates have questioned whether this structure is dangerous to "life, health or property" and whether the raze order reflects this.

On April 19, 2012, the Condemnation Section of the City's Department of Neighborhood Services issued an Order To Raze And Remove Building for the Sydney Hih Complex

(the “Raze Order”). A copy of the Raze Order is attached to this opinion. You can see that the Raze Order encompasses all four buildings that make up the Sydney Hih Complex located at 300-318 W. Juneau Avenue. The address is specifically used along with an order to raze and remove the 4-story “multiple use” and “all accessory structures and fixtures.”

You asked whether the Raze Order states that the Sydney Hih Complex is dangerous to “life, health or property.” The Raze Order was issued pursuant to MCO 218-4 which states:

1. All such unsafe buildings, structures or parts thereof as defined in s. 200-11 or consistent with the conditions specified in s. 218-9-1, *are declared to be a public nuisance, endangering life, limb, health or property*, and shall be repaired and made safe, or razed and removed in compliance with this chapter, as ordered by the commissioner, pursuant to the authority provided in s. 66.0413(4), Wis. Stats.

MCO 218-4-1 (emphasis added). The Raze Order states, “This building is now unfit for human habitation, further occupancy or use and is unreasonable to repair.” The term “unfit for human habitation” is defined in MCO 200-11, which is referenced in MCO 218-4, quoted above. By the specific language of the Raze Order, we know that the Commissioner of Neighborhood Services determined that the Sydney Hih Complex met the definition of “unfit for human habitation” in MCO 200-11 and; therefore, under action of MCO 218-4, the Sydney Hih Complex is “declared to be a public nuisance, *endangering life, limb, health or property.*” MCO 218-4-1 (emphasis added).

MCO 320-21-16 does not prohibit interim historic designation of the Sydney Hih Complex. However, such a designation will not prohibit changes to the Complex that are done “pursuant to the order of any government agency . . . for purpose of remedying emergency conditions determined to be dangerous to life, health, or property.” MCO 320-21-16. Because the Raze Order was issued, the property owner may raze the Sydney Hih Complex to remedy the unsafe conditions of the Complex, regardless of whether the Complex or any part thereof has been designated as historic. Even if Dorbin’s 2012 application for interim historic designation is approved by the HPC and the Common Council, under MCO 320-21-16 of the Code, the historic designation does not prohibit the owner from razing the Complex pursuant to the Raze Order.

In summary, Dorbin’s Petition for interim historic designation of the Sydney Hih Complex may proceed to HPC for a hearing with regard to the three westernmost buildings of the Complex only. Because a demolition permit has been applied for, a hearing by the HPC must be held within 15 days of the application. Any application with regard to the Senn Building cannot be introduced until September 22, 2013, or until there is substantial new evidence included in a petition that could not have reasonably been

Mr. James R. Owczarski
May 30, 2012
Page 6

presented at the previous hearings on that building. While the petition for the three westernmost buildings of the Sydney Hih Complex may proceed to HPC for a hearing on interim historic designation nomination, any such nomination by HPC or even final designation by the Common Council, would not prohibit the demolition of the Sydney Hih Complex under the Raze Order.

Very truly yours,



GRANT F. LANGLEY
City Attorney



MARY L. SCHANNING
Assistant City Attorney

MLS:lmc

Enclosure

1033-2012-1334:181315

ORDER TO RAZE AND REMOVE BUILDING

PURSUANT TO SECTION 218-4, Milw. Code

CITY OF MILWAUKEE
DEPARTMENT OF NEIGHBORHOOD SERVICES
Condemnation Section
841 N. Broadway
Milwaukee, WI 53202



DEPARTMENT COPY

April 19, 2012
Serial #: 009433661

Recipients:
SH ACQUISITION LLC, MILWAUKEE ECONOMIC DEVELOPMENT CORP, C/O PATRICK WALSH (R/A), 809 N BROADWAY LLC, MILWAUKEE, WISCONSIN 53202

TO: Owners and Holders of Encumbrances of Record:

SH ACQUISITION LLC

Re: Premises located at **300-318 W JUNEAU AV**
Taxkey #: 361-0409-100

LEGAL DESCRIPTION: ORIGINAL PLAT OF THE TOWN OF MILW WEST OF THE RIVER IN SECS (20 & 29)-7-22 BLOCK 39 LOT 16 & PART LOT 13 COM SW COR LOT 13-TH N 10'-TH E 60.2'-TH S 7.2'-TH E 15.43'-TH S 1.74'-TH W 74.96' TO BEG SUBJ TO X-WAY EASM'T BIDS #15, #21; TID #48

An inspection of the 4-story, masonry, multiple use located at the above address revealed a deteriorated building. This building is now unfit for human habitation, further occupancy or use and is unreasonable to repair.

1. The conditions requiring the building(s) to be razed and removed include, but are not limited to:

PRIMARY BUILDING

2. Areas or sections of the foundation walls are defective.
3. Areas or sections of the foundation are defective.
4. Areas or sections of the wall structure are defective.
5. Areas or sections of the roof covering are defective.
6. Areas or sections of the exterior finishes are defective.
7. Areas or sections of the exterior finishes are missing.
8. Areas or sections of the exterior trim are missing or defective.
9. Exterior porch(es) are missing or defective.

PLEASE NOTE: See the last page of this order for appeal rights.

10. The building heating appliance(s), or components of these elements of the building, are missing or defective.
11. The building heating distribution system(s), or components of these elements of the building, are defective.
12. The building heating distribution system(s), or components of these elements of the building, are missing.
13. The plumbing system, or components of this element of the building, is defective.
14. The plumbing system, or components of this element of the building, is missing.
15. The plumbing system, or components of this element of the building, is missing or defective.
16. The electrical system, or components of this element of the building, is defective.
17. The electrical system, or components of this element of the building, is missing.

It has been determined that the cost to repair the above-referenced building(s) exceeds 50 percent of the assessed value of the improvements divided by the ratio of the assessed value to the recommended value as last published by the Wisconsin Department of Revenue for the City of Milwaukee, that such repairs are presumed unreasonable, and that this building is a public nuisance.

Therefore, I, Art Dahlberg, Commissioner of Neighborhood Services of the City of Milwaukee, pursuant to the authority of Sec. 218-4, Milw. Code, do hereby order you to secure from entry, raze, and remove the aforementioned 4-story, masonry, multiple use together with all accessory structures and fixtures, and to restore the aforementioned premises to a dust-free and erosion-free condition within twenty (20) days after the service of this order upon you, pursuant to law, and should you fail or refuse to do so, the same will be razed, removed and restored to a dust-free and erosion-free condition by contract or arrangement with private persons or firms, and the costs thereof, plus additional contract administration charges, all of which constitute a lien on the real estate, may be assessed and collected as a special tax under Sec. 218-4, Milw. Code, or be collected personally.

The building(s) must be maintained vacant and secure from entry until you have complied with this order. In the event you do not maintain the building(s) secure from unauthorized entry, this department will maintain the building(s) secure and assess any cost against the real estate. Any use will be a violation of Sec. 200-11-5-b, Milw. Code, and any use will be subject to prosecution. Section ATCP 134.09 prohibits the advertising for rental of condemned properties. No landlord may rent or advertise for rent any premises which have been placarded and condemned for human habitation. Before the building(s) may be razed and removed, appropriate permits must be obtained from the Condemnation Office, which is located in Room 105, Municipal Building, 841 North Broadway, Milwaukee, Wisconsin. Before the building(s) can be razed and removed, appropriate soil erosion control measures must be installed in accordance with Sec. 290, Milw. Code, as approved under an appropriate erosion control permit, which can be obtained from the Milwaukee Development Center, 809 N Broadway, Milwaukee, Wisconsin.

For any additional information, phone Inspector Michael Demski at [414]-286-3559 between the hours of 7:00 -9:00am and 1:30-3:00pm Monday through Friday.

Per Art Dahlberg, Commissioner of Neighborhood Services, By-

Michael Demski
Inspector

NOTICE OF APPEAL RIGHTS: This order is appealable to the Standard and Appeals Commission, located on the 1st Floor, Milwaukee Municipal Building, 841 N. Broadway, Milwaukee. Appeals must be filed in person and within twenty (20) days of service of this order, if personally served, and within (30) days if served by publication, pursuant to Sec. 218-4-4, Milw. Code. Timely filing of a notice of appeal shall stay this order until the hearing date. Appeals shall be filed with a fee as prescribed in Sec. 200-33, Milw. Code. If possible, bring a copy of this order with you when filing for appeal.

Date Posted: April 19, 2012

TRADUCCION EN ESPAÑOL

Si Ud. necesita ayuda para la traducción de esta información, comuníquese con el 'Centro Hispano' Council for the Spanish Speaking, Inc., 614 W. National Avenue, Milwaukee, WI 53204. Teléfono: (414)384-3700, o Community Advocates, 4906 W. Fond du Lac ave., Milwaukee, WI, 53216, Teléfono: (414)449-4777.

LUS HMOO8

Yog koj xav tau kev pab txhais cov lus no, thov hu mus rau koomhaum Hmong/American Friendship Association, 3824 West Vliet Street, Milwaukee, WI 53208, xovtooj yog (414) 344-6575.

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www.city.milwaukee.gov

Office of the City Clerk

Jim Owczarski
City Clerk

May 31, 2012

Erin Dorbin
2628 N. Humboldt Blvd., #305
Milwaukee, WI 53212

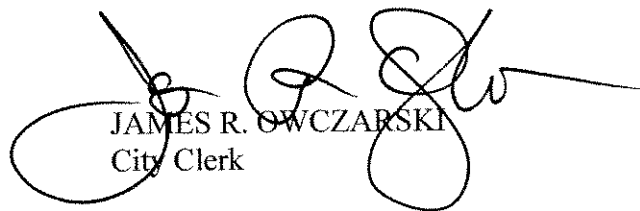
Dear Applicant:

On May 23, 2012, you petitioned for interim designation for the property at 300-318 W. Juneau Avenue. The Historic Preservation Commission will determine whether the structure should be designated, on an interim basis not to exceed 180 days, as either an historic structure or as a nonsignificant structure not qualifying as an historic structure.

In accordance with the provisions of Section 320-21-13 of the Milwaukee Code of Ordinances, the Commission will hold a public hearing to consider this nomination on Thursday, June 7, 2012 in Room 301-B of City Hall, 200 E. Wells Street at 9 a.m.

Information on the proposed designation will be available for your review at <http://milwaukee.legistar.com/legislation> under the file number 120221 if you wish to review it prior to the hearing. If you have any questions regarding the interim designation of the Sydney HHH Building, please call Carlen Hatala of the Historic Preservation Staff at (414) 286-5722 or Staff Assistant Chris Lee at (414) 286-2232.

Sincerely,



JAMES R. OWCZARSKI
City Clerk





www.city.milwaukee.gov

Office of the City Clerk

Jim Owczarski
City Clerk

CERTIFIED MAIL

May 31, 2012

SH Acquisition, LLC
Milwaukee Economic Development Corp.
809 N. Broadway, Room 104
Milwaukee, WI 53202

Dear Property Owner:

RE: Interim Designation of the Sydney HHH Building located at 300-318 W. Juneau Ave.

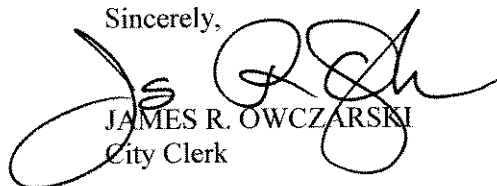
An application was recently submitted to the Historic Preservation Commission to designate the Sydney HHH Building at 300-318 W. Juneau Ave. as a historic structure on an interim basis. Enclosed are copies of the application and opinion from the City Attorney's Office.

A public hearing has been scheduled on Thursday, June 7, 2012 at 9 a.m. at City Hall, 200 W. Wells Street, Room 301-B to determine whether or not the building satisfies the criteria for interim historic designation in accordance with Section 320-21 of the Milwaukee Code of Ordinances.

If the Commission determines the building meets at least one criterion, a favorable recommendation for nomination can be forwarded to the Milwaukee Common Council.

Information about the Historic Preservation Commission and the interim designation is available online at <http://milwaukee.legistar.com/legislation>. The file concerning the Sydney HHH Building is number 120221. If you have any questions regarding the interim designation of the Sydney HHH Building, please call Carlen Hatala of the Historic Preservation Staff at (414) 286-5722.

Sincerely,



JAMES R. OWCZARSKI
City Clerk

Cc: Ald. Milele Coggs, 6th Aldermanic District
Art Dahlberg, Department of Neighborhood Services

City Hall • Room 205 • 200 E. Wells St. • Milwaukee, WI 53202 • Phone (414) 286-2221 • Fax (414) 286-3456

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www.city.milwaukee.gov

Office of the City Clerk

Jim Owczarski
City Clerk

CERTIFIED MAIL

May 31, 2012

SH Acquisition LLC
Friebert, Finerty & St. John, S.C.
Two Plaza East – Suite 1250
330 East Kilbourn Avenue
Milwaukee, WI 53202

Dear Property Owner:

RE: Interim Designation of the Sydney HIH Building located at 300-318 W. Juneau Ave.

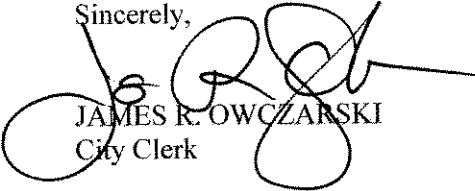
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A Citizen's Rebuttal

This is an official document drafted in response to Grant F. Langley's
May 30th 2012 letter to James R. Owczarski's inquiries regarding
the Interim Historic Designation of the Sydney Hih Complex

Specific Areas of Discussion:

Grant F. Langley's wrong interpretation of the HPC ordinances
Grant F. Langley's misinterpretation of the May 23, 2012 Interim Designation Petition
The truth about Rocky Marcoux and his disregard for the citizens of Milwaukee
The true reasons why Milwaukee's most unique historic building is being demolished

This document was written by:

Noah A. Skowronski

On behalf of every Milwaukee citizen concerned
with protecting and preserving the proud past
and historic buildings of our great city

June 2, 2012

Dear Grant F. Langley,

My name is Noah A. Skowronski.

Erin Dorbin, Erik Ljung, and myself, collaborated to submit the Interim Historic Designation of the Sydney Hih Complex on May 23, 2012. We did this on behalf of the citizens of Milwaukee who want to protect and preserve the history of our cherished historical landmarks.

Although Erin Dorbin filed the actual Petition, I am the one who drafted the attached documents explaining the historical significance of the Sydney Hih Complex. Everything you have read that was attached to Erin Dorbin's Petition Application was written by me. Erin Dorbin and Erik Ljung both contributed to the actual research behind what was submitted, but I was the one who stayed up for two days straight typing up the "Areas of Significance" documents attached to the Petition.

I have recently read your response to James R. Owczarski's questions regarding the application for interim historic designation of the buildings located at 300-318 W. Juneau Avenue (the "Sydney Hih Complex").

The following represents my rebuttal to what you wrote:

I believe your response to James R. Owczarski grossly misrepresents what was presented in the actual Interim Designation Petition and the arguments you used to support your claims neither reflect the actual HPC ordinances or constitute a fair and just understanding of what is actually taking place concerning the demolition of the Sydney Hih Complex.

I have thoroughly read through what you wrote concerning the Interim Designation Petition and the HPC ordinances governing the Historic Designation process. I will be referring to the actual language you used in your response to support my rebuttal and it is my hope that you can gain a clearer perception of how damaging your arguments are to our attempts to stop the demolition of Milwaukee's most unique historic landmark.

I will be quoting your actual written statements in the order in which they were presented in your May 30th response to James R. Owczarski. This will be followed by my specific rebuttals to what you wrote including questions and concerns related to the legitimacy of your claims.

Page 3, Response to Question #2 (final action):

Your Statement:

"No final action was taken on that nomination within two years because the nomination remained in ZND without any final action by ZND or the Common Council."

My Rebuttal:

You are stating that no final action was taken because no final action was taken. I hope you realize how redundant this explanation is and how little you are actually explaining. I have read the HPC ordinances concerning Historical Designation and fully understand MCO 320-21-9-g. You fail to explain the exact reason behind why there was no "final action" taken concerning the Designation of

the Senn Building.

What caused the Designation Resolution to be “held to the call of the chair” with no “final action” ever taken up until the point of it's supposed termination?

What role did Ruvin Development, the owners of Sydney Hih at the time, play in the matter being “held to the call of the chair” for so long?

Did Robert Ruvin's legal and financial woes play a role in the Designation Resolution being “held to the call of the chair?” and if so, Why was his negligence allowed to control the fate of a building that was nominated for Historical Protection by the HPC?

Page 3, Response to Question #2 (termination, dismissed, denied):

Your Statement:

“Although the language in the introductory paragraph of MCO 320-21-9-h uses the terms “dismissed” and “denied” rather than “terminated” as in MCO 320-21-9-g, one can assume that a nomination that was terminated under MCO 320-21-9-g due to lack of final action is considered to be “dismissed” or “denied” based on the language in MCO 320-21-9-h-1 which specifically explains “[i]n cases where a nomination is terminated pursuant to par. g, the 2 years shall be counted from the date of termination.”

My Rebuttal:

As an Attorney, would you ever go into a court of law and base any legal argument on an assumption?

What basis do have to make such an assumption?

Your statement, “one can assume”, holds absolutely no weight at all. The words “termination”, “dismissed”, and “denied” all have distinct and separate definitions.

The actual definitions of these terms:

termination - to bring to an end or halt; to occur at or form the end of; conclude or finish

dismiss - to stop considering; to refuse to accept or recognize; reject

deny - to declare untrue; to refuse to believe; to refuse to recognize or acknowledge; to decline to grant or allow

Regarding MCO 320-21-9-h-1:

If a Historic Nomination is “terminated” it means that no “final action” was taken within the 2 year time frame outlined in the HPC ordinance. This means that *no action* was taken by any representative at any level of the Common Council “for” or “against” the Designation.

When a nomination is “dismissed” or “denied” this means that a *specific action* was taken by a member of the Common Council to prevent a Designation Nomination from going forward.

It can be proved without a shadow of a doubt that no member of the ZND took a *specific action* to “deny” or “dismiss” the Historic Designation Nomination of the Nicholas Senn building. The

resolution was last “held to the call of the chair” on April 27, 2010. No other meeting or discussion ever took place at any level of the Common Council from this date up until September 21, 2011, when, by the process set forth in MOC 320-21-9-h-1, the Designation Resolution was supposedly terminated.

You have not given an accurate or verifiable response as to *why* the Historic Designation of the Nicholas Senn building was allowed to expire. No one at the ZND level has ever specifically “denied” or “dismissed” this Resolution. The HPC has repeatedly demonstrated a want to give the Nicholas Senn portion of the Sydney Hih complex Historic Protection, yet this request has been held at bay by the ZND.

Why was the Historic Designation of the Nicholas Senn building *allowed* to expire?

Page 4, Response to Question #2 (substantial new evidence):

Your Statement:

“In comparing Fitch's 2009 petition with Erin Dorbin's May 23, 2012 Petition for Interim Designation, it does not appear that there is any substantial new evidence presented or any explanation that such additional evidence could not reasonably have been presented in the previous hearings for the 2009 application.”

My Rebuttal:

The May 23, 2012 Petition is clearly focused on nominating the entire Sydney Hih complex for Historic Designation. This is important because it represents a completely new nomination when compared to Gail Fitch's 2009 nomination. Fitch's nomination was specifically focused on the Nicholas Senn building and its history associated with Dr. Nicholas Senn. The Petition submitted on May 23, 2012 goes well beyond the Nicholas Senn era and focuses primarily on the Sydney Hih era. Notice that at every instance in the 2012 Petition when the complex is described, I refer to it as the Sydney Hih/Nicholas Senn building. I drafted the Petition's accompanying documents under the guidance of members of the HPC, and it was stressed that submitting the actual Petition was more important than the actual content of the Petition. We were told that we would be able to add more supporting evidence as the public hearing process was under way.

The original Historic Designation Study report contained one paragraph related to the significance of the Sydney Hih era. It's as follows:

The Senn Building now entered into a period of rebirth, although it was somewhat short lived. Its exterior, as well as the exterior of the other three buildings, was painted into a multi-colored checkerboard palette to highlight the unique mix of tenants that Eisenberg collected into the complex. Many Baby Boomers have recollections of the place, as it became the hub of counterculture activity along with Brady Street. Here the tenants were concentrated vertically on different floors rather than along a street. This may have been the first time that an attempt was made to collect artists and creative types into one setting for commercial purposes. Tenants in 1973 included The Industrial Arts Co., a group of commercial artists in Number 312. In the Senn Building were the Delhi Emporium Gift Shop, Dreams and Dragons art gallery, Fermentation Plantation (home winemaking consultants), Main Stream Records, The Mouse Trap gift shop, The Playhouse gifts, Puerto Rican Valley, and Western Tradition Leather retail shop. The Mine Shaft, a restaurant and bar, was located in the basement. Merkt's Cheese occupied Number 310, the Shish Kabob Restaurant occupied Number 312, a rooming house was located at Number 314, and the Fertile Dirt Cooperative Health Food restaurant was located in Number 316. Betty's Bead Bank was the longest tenant, occupying a first floor space from 1976 through 1999. Permit records reflect dozens of occupancy permits for the building from 1971 through 2001 and included candle shops, jewelry stores, plant stores, and ice cream vendors, among others.

The May 23, 2012 Petition made up a total of 8 pages worth of “new substantial evidence” regarding the historic significance of the Sydney Hih Complex, (if you include all the additional photos that accompanied the Petition, the number of pages of “new evidence” increases). By claiming that the 2012 Petition did not provide “new substantial evidence” you are completely ignoring what was submitted on May 23, 2012.

Definition of “new substantial evidence”:

new - not previously experienced or encountered; different from the former or the old; recently obtained or acquired

substantial - of, relating to, or having substance; true or real; not imaginary

evidence - a thing or things helpful in forming a conclusion or judgment

As an Attorney, how can you justify the statement; “it does not appear”, when describing your opinion on the new evidence presented in the May 23, 2012 Interim Designation Petition?

Does the wording, “it does not appear”, constitute appropriate legal language concerning your opinion?

What does, “it does not appear”, actually mean?

Your Statement:

“Indeed, Dorbin's Petition relies heavily upon the 2009 materials as they were then presented, including the 2009 HPC Study Report and Fitch's 2009 Petition. Dorbin states that the 2012 Petition “is meant to re-open the discussion concerning the Senn Building's designation status that was originally submitted by Gail Fitch in 2009.” The 2009 Study Report ended its description of the historical significance of the Senn Building with the 1980's. Dorbin's Petition expands a bit beyond the 1980s, but provides no reason why this evidence could not have been reasonably presented in 2009. Ultimately, whether this requirement is met is a decision subject to the vote of the HPC.”

My Rebuttal:

The May 23, 2012 Petition does not “rely heavily” on the 2009 HPC Study Report. We used the Report as a resource to support the overall historic importance of the Sydney Hih Complex. The 2009 Study Report was specifically referenced to accurately describe how the Sydney Hih Complex meets numerous “Areas of Significance” required by the actual Interim Historic Designation Petition instructions. It would be unjust for us to ignore the significance of Dr. Nicholas Senn and his contributions to Milwaukee because it relates directly to the overall historical importance of the Sydney Hih Complex.

You also did not accurately describe what was actually stated regarding the Senn Building's designation status. You failed to include the whole description of the purpose of the 2012 Petition.

Full accurate statement contained in the 2012 Petition is as follows:

“This Petition Designation is meant to re-open the discussion concerning the Senn Building's Designation status that was originally submitted by Gail Fitch in 2009. Although the buildings to the west are not legally described, the historical importance of the Sydney Hih structure as a whole is vital in order for a fair and just discussion to occur.”

It is obvious that we wanted to “re-open” the discussion concerning the Senn Building's status because the very fact what it was never re-opened at the ZND level is what led to it's supposed termination in the first place. In order to meet the criteria set forth in MCO 320-21-9-h-2, we chose to nominate the entire Sydney Hih Complex to represent a new nomination and also to highlight the numerous aspects of the Sydney Hih era that were never mentioned in the 2009 Study Report.

Nowhere does it specifically state in the actual language of MCO 320-21-9-h-2, that the person filing an Interim Petition is *required* to provide reasons why this “new substantial evidence” could not have been “reasonably presented.” In the actual Interim Historic Petition instructions this requirement does not exist either. Everything included in the 2012 Petition, beyond the Nicholas Senn information, came as a result of over two months of research, conducted primarily by Erik Ljung and myself. This includes interviews conducted in person, examination of documents and articles not included in the 2009 Study Report, and a purposeful focus on the Sydney Hih era in particular. Gail Fitch focused primarily on Dr. Nicholas Senn, and the original nomination was for the Senn Building only.

The information we provided could not have been “reasonably presented” in 2009, mainly because the research that was conducted to support that information occurred nearly 3 years after the first public hearings held by the HPC took place.

How can you justify your interpretation of the HPC Ordinances by including language that does not exist in MCO 320-21-9-h-2?

Your Statement:

“However, MCO 320-21-9-h-2 suggests that the substantial new evidence must accompany the new application along with an explanation as to why that evidence could not reasonably have been presented in the previous hearings. Dorbin's 2012 application does not meet these requirements.”

My Rebuttal:

Absolutely nowhere in MCO 320-21-9-h-2, does the statement, “along with an explanation as to why that evidence could not reasonably have been presented,” exist. You are completely fabricating this requirement and the idea that you have the liberty to do this is completely inappropriate. We were specifically guided by numerous members of the HPC to turn in the Petition based on the requirements outlined in the Interim Historic Designation Petition instructions. Nowhere in the Petition instructions does the word “explanation” even exist, nor does it exist in the HPC Ordinances regarding Historic Designation.

We were told by members of the HPC that supporting arguments and information could be provided as the public hearing process was underway. The act of turning in the Petition was the critical step, not the information we provided. You need to realize that we are not trying to convince the HPC to grant Sydney Hih historical protection. They do not need convincing, considering that they have already nominated the Nicholas Senn Building for Designation in 2009. The May 2012 Petition was specifically submitted to re-open the discussion on the Sydney Hih Complex in general, and to utilize the arguments set forth by Ald. Bauman at the May 15, 2012 ZND meeting.

You have stated that whether or not the new substantial evidence requirement is met “is a decision subject to the vote of the HPC.” But you also claim that “Dorbin's 2012 application does not meet these requirements.” These two statements directly contradict each other and blatantly represent how

little power you actually have in deciding whether or not a new nomination of the Sydney Hih Complex can take place without having to adhere to the “two year” HPC requirements.

If Gail Fitch and the HPC had reasonable access to all the “new substantial evidence” that we presented in the 2012 Petition, why was it not presented in 2009?

Considering the sole focus of the 2009 nomination was Dr. Nicholas Senn, how can you justify claiming that the HPC had reasonable access to all the information we provided concerning the Sydney Hih era? Why would the HPC seek out information completely unrelated to the intent of the 2009 nomination?

The HPC is not allowed to nominate buildings for Historic Designation, this can only be done by individuals who are not on the Commission. Given this reality, all information not provided by Gail Fitch in 2009 could have never been reasonably presented to the HPC. If the HPC instructed Gail Fitch to present specific information they would have violated their only rules that prevent lobbying for specific designations.

Are you implying that because information exists but is not presented at initial hearings regarding designation, it can never be used for re-nominations? and if so, Are you saying that absolutely no re-nominations of previously nominated buildings can ever take place, given that a re-nomination requires new substantial evidence?

Is your interpretation of the HPC ordinances violating other aspects of the HPC ordinances?

**Concluding Statements and other realities
related to your response to James R. Owczarski:**

Rubin Development's
legal and financial troubles:

The crux of the Sydney Hih re-nomination issue revolves solely around the following question:

Why was the HPC's Historic Designation Nomination of the Nicholas Senn Building allowed to expire, causing its termination?

The HPC supports the Designation of the Sydney Hih/Nicholas Senn building complex and this is evidenced in their 2009 vote to nominate the Senn Building for Historic Protection. The issue we need to focus on is whether or not the ZND acted appropriately when holding this matter “to the call of the Chair”, and then never re-opening the discussion to take a “final action” on the matter before it became terminated.

There were two meetings held at the ZND level in 2010 to discuss the Designation of the Nicholas Senn Building; March 19 and April 27. The total amount of time given to decide the fate of this 130 year old historic building was only 23 minutes over the course of the two 2010 meetings. The main reasons for holding the matter “to the call of the chair” were so that the owners of the building could provide more input about how the Designation would effect future development, and also, according to Ald. Zielinski, to “keep the city's options open” for future consideration.

Robert Ruvin and David Florsheim, the then owners of Sydney Hih, did not even show up to the March 19th hearing. At the April 27th hearing, only Robert Ruvin showed up. You wrote in your response that at the April 27th hearing the owner of Sydney Hih “stated he did not want the building designated as historic.” What you wrote is factually misleading and in many ways completely inaccurate.

At the April 27th meeting Robert Ruvin gave numerous conflicting statements regarding his position on the designation of the Senn Building. When asked if the designation will help or hurt development, Robert Ruvin stated “we go back and forth with that same question.” When asked by Ald. Murphy if he is “here supporting the designation request,” Robert Ruvin responded by saying, “no we're really on the fence.” Mere minutes later, Robert Ruvin stated; “our personal preference would be to not have the building designated.” These are three separate responses to virtually the same question. For you to hand pick one of them while ignoring the others is neither just nor factually accurate.

It is important to consider the preference of the owners when deciding whether or not a building should be historically designated, but given the realities surrounding Ruvin Development at the time, it does not seem appropriate for the then owner of Sydney Hih to be the deciding factor.

At the time of the March and April 2010 ZND meetings, Ruvin Development's main financial backer and contractor, Gatehouse Capital Corp., had backed out of the proposed development at the Sydney Hih site. This resulted because the City Development Commissioner, Rocky Marcoux, denied them a request of \$18 million in city funds to get the project going. Also at that time, Robert Ruvin was involved in a lawsuit filed against him in 2008 over money that he was loaned, but had never repaid.

In September of 2011, Robert Ruvin was ordered to pay \$1.3 million after losing the lawsuit filed against him, coincidentally this was the very same month that you claim the Designation Nomination became terminated. Given these circumstances surrounding the legitimacy of Ruvin Development, the ZND's lack of action regarding the Senn Building becomes very conspicuous and brings up a lot of questions that demand answering.

Rocky Marcoux and the taxpayer
funded secret purchase of Sydney Hih:

In November of 2011, Rocky Marcoux organized the secret purchase of Sydney Hih from owners David Florsheim and Robert Ruvin. Marcoux had the Milwaukee law firm, Friebert, Finerty & St. John, create a private entity called SH Acquisition. He then convinced the Milwaukee Economic Development Corp. to fund the \$769,000 needed to purchase the building. MEDC was then able to purchase Sydney Hih through SH Acquisition. This effectively enabled the whole transaction to occur with zero Common Council involvement and no public scrutiny. Rocky Marcoux has openly stated that the purchase was done in secret through SH acquisition “to avoid publicity that would be created if the city had sought funds provided through a Common Council vote.”

This purchase occurred just two months after the Designation Nomination of the Senn Building was supposedly terminated and was not revealed to the public until late February, early March of 2012. It has been reported that the actual demolition of Sydney Hih will begin on Thursday June 7th 2012; (coincidentally the exact date of the special HPC meeting to discuss the May 23rd Designation Petition.)

The public has only been aware of the impending demolition of Sydney Hih for a little over three months. The raze order for the building was drafted in near secrecy and the HPC was only made aware of it by chance. I was in the HPC office on April 20th inquiring about re-nominating the building when

Paul Jakovich learned over the phone that the raze order was underway. He was making a phone call to find out information on my behalf and would not have found out about the raze order that day if I had not shown up.

It's important to note how little public involvement has actually taken place since Rocky Marcoux organized the secret purchase of Sydney Hih. It is also important to note that this secrecy has led directly to a raze order being drafted before any citizen had time to submit an Interim Historic Designation Petition. Every step of the way the public has been denied access to information related to saving this historic structure. The HPC is governed by a "no lobbying" policy and virtually all information that Erik Ljung and myself have gained has come from two months of extensive questioning and independent research in order to draw the right conclusions and gain a healthy understanding of what has been going on. The HPC has been put in a stranglehold by the ZND's lack of "final action" on the Designation Nomination and this has caused a virtual black out of accessible and usable information concerning what power the citizens of Milwaukee have to save Sydney Hih. This is unacceptable.

The videos that detail the lack of public involvement, as well as the actual amount of time given to the Senn Building's nomination at the ZND level, have mysteriously disappeared from online. These video links of the March 19th and April 27th meetings that had once existed have now been taken offline as of the first week of May 2012. This occurred coincidentally right around the time Erik Ljung and myself stepped up our efforts to save Sydney Hih by questioning numerous individuals at City Hall. Can you explain this?

The way in which you responded to James R. Owczarski represents, in my opinion, a complete white washing of what is actually happening concerning the demolition of Sydney Hih. Your conclusion that we can only discuss the Designation of the three westernmost buildings feels like a slap in the face. It makes all the hours of research and sleepless nights that all of us involved in the Interim Petition have been dealing with for the past two months, completely meaningless. You seem to be interpreting the HPC's own ordinances in such a way that effectively uses them against the HPC, yet they are the only official body in the city that has officially voted and approved the Designation of the Senn Building.

The ZND's inaction is why we are where we are concerning the demolition of Sydney Hih. The secret purchase of Sydney Hih by Rocky Marcoux, using taxpayer money, has allowed a raze order to be issued before anyone in the public had an opportunity to re-nominate the building. You took a week to respond to James R. Owczarski's questions. This effectively cut the 15 day time limit to hold a new hearing in half. In doing so, you have greatly limited our ability to alert the public about the upcoming hearing, and your claim that we can only discuss the three westernmost buildings essentially eliminates our ability to utilize all the "new substantial evidence" that we provided in the Interim Petition.

Final Thoughts:

I don't know who you are personally, so I am not in a position to judge your character or make claims about your actual intentions regarding the Sydney Hih Complex. Everything I have just written is based on your actual words but in the interest of being honest with you, I would like you to know that I am completely offended. The destruction of this historic landmark is a complete affront to everything that Milwaukee and its citizens stand for. It could be argued, and for all I know proved without a shadow of a doubt, that even Mayor Tom Barrett is involved in the unjust demolition of Sydney Hih. After all, he is on the board of directors for the Milwaukee Economic Development Corp.

The citizens of Milwaukee deserve honest answers. I hope you take my written rebuttal seriously and it is my goal that it motivates you to look deeper into what is going on concerning the demolition of Milwaukee's most unique historic landmark.

Sincerely,

Concerned Milwaukee Citizen;

Noah A. Skowronski

June 2, 2012