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December 20, 2010

VIA MESSENGER

Grant F. Langley, City Attorney
Office of the City Attorney
200 East Wells Street
800 City Hall
Milwaukee, Wisconsin 53202-3653

Dear Mr. Langley:

Re: Historic Preservation Commission ("HPC")
Public Hearing on December 13, 2010

As I believe you are aware, we represent Jackson Street Management, LLC ("Applicant"). The Applicant submitted a Certificate of Appropriateness Application Form ("Application") on November 3, 2010 for the demolition of the buildings identified in the Application and the construction of a new building in accordance with the plans attached to the Application. On December 13, 2010 we appeared at a public hearing of the HPC and the Application was discussed.

During the hearing on December 13, 2010 the attached Motion was introduced and adopted. At the hearing we requested clarification on the motion from HPC and we requested that HPC seek further input from Gregg Hagopian. Unfortunately, neither HPC nor Mr. Hagopian provided us with any clarification on the action taken.

On December 10, 2010 we sent a letter to HPC and your office pursuant to which we set forth our understanding of the applicable Ordinance and HPC's Bylaws and Procedures. As our letter sets forth, it is clear from the Ordinance, Bylaws and Procedures that at the public hearing on December 13, 2010 HPC could have either (i) approved the Application, (ii) denied the Application, (iii) conditionally approved the Application or (iv) deferred an action on the Application for up to one year. Since we did not receive any clarification from either HPC or Mr. Hagopian on December 13, 2010 we now need clarification from you on the following

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items. First, does the Applicant have the right to appeal the actions taken by HPC on December 13, 2010 and, if so, when does the appeal right expire? If you believe the Applicant does not have the right to appeal the actions taken by HPC, then please explain to us the basis for this conclusion.

It is imperative that we receive a response from you immediately because we do not want Applicant's appeal rights to expire. We have also requested a copy of the transcript from the hearing on December 13, 2010 and it is important that we receive a copy of this transcript as soon as possible. To date, HPC has not responded to our request for a copy of the transcript.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas P. DeMuth', with a large, stylized flourish extending to the left.

Thomas P. DeMuth

TPD:jf

cc: Ed Carow
Mark Flaherty

Motion

Based on the testimony, exhibits, files and records that have been presented to the Historic Preservation Commission ("HPC"); and

Based on the criteria for granting certificates of appropriateness ("COA") for demolition within an historic district and for the construction of improvements upon property within an historic district contained in Ch. 320-21 MCO;

I hereby move as follows:

1. With respect to that portion of the application for a COA that requests a COA to demolish the buildings located at 319-325 E. Wisconsin Ave.; 327 E. Wisconsin Ave. (including 633 N. Milwaukee St.); 625 N. Milwaukee St.; 627 N. Milwaukee St.; and 629-631 N. Milwaukee St. ("the Properties"), a COA shall be and hereby is granted for the partial demolition of the buildings located on the Properties conditioned as follows:
 - A. The front facades of the buildings located on the Properties shall not be demolished but shall be preserved, restored and rehabilitated and incorporated into any improvement or improvements constructed upon the Properties.
 - B. The applicant shall submit detailed plans and drawings prior to the HPC meeting referred to in paragraph 2 below that show the restoration and rehabilitation of the front facades of the buildings located on the Properties and that show the improvement or improvements constructed upon the Properties including how any improvement or improvements will be connected or integrated with the front facades of the buildings located on the Properties.
2. With respect to that portion of the application for a COA that requests a COA for the construction of improvements on the Properties and in light of the conditions contained in paragraph 1 above, the HPC neither grants nor denies a COA but shall and hereby holds the application for a COA to a meeting of the HPC to be held within 30 days of December 13, 2010 at which time the HPC shall consider any plans and drawings for restoration and rehabilitation of the front facades of the buildings on the Properties and plans and drawings for any improvement or improvements upon the Properties submitted by the applicant or take any other action permitted by Ch. 320-21 MCO.