

266 E. ERIE STREET
RESPONSE TO HPC STAFF REPORT
HPC MEETING DATE: 9/11/2023

I. OWNERSHIP

Joseph-Gencap Triangle is a partnership between Joseph Property Development and General Capital Group.

JPD is a development firm led by Robert Joseph which has been active in the Third Ward for 20 years. JPD is a “Save First” firm that specializes in the adaptive reuse and restoration of historic Milwaukee buildings. JPD has not received any tax credits or historic tax credits on any projects to date. This is the only stand-alone property in the Third Ward for which JPD has sought a demolition permit rather than restore, because the development team determined in conjunction with its architectural and engineering team of experts that restoration is not feasible. There is no other individual or entity that has restored more historic properties in the district than JPD. The firm specializes in restoration and is a long-standing steward of many architectural gems in the city.

Following are examples of adaptive reuse/renovation projects (including the building’s original date) that have been completed by JPD in the immediate area (defined as within 2 blocks of the subject property). This is a testament to the experience, knowledge, and skill that JPD has in historic renovation and with properties of similar vintage. Each has been restored and is a vibrant asset within the community.

- 117 N. Jefferson (Gas & Light Building, 1885)
- 191 N. Broadway (American Candy Co. Building, 1902)
- 200 N. Water St. (Cawker Estate Building, 1895)
- 245-249 N. Water St. (Joys Building, 1924)
- 301-315 N. Broadway (Ludington Estate Commission Houses, 1894-95)
- 322 N. Broadway (Kalvelage Wholesale Commission House (Jennaro Bros.), 1909)
- 525 E. Chicago (Phoenix Printing Co., 1915)

II. GENERAL

1. Owners would never have purchased the building if it was designated historic prior to the purchase because they had previously determined that it was not a candidate for restoration. The building’s highest and best use given its condition especially after the fire was as part of a redevelopment on the site.

2. If the building is one of the “most significant buildings in the Third Ward” according to the National Register (as of 1983) why was it not designated sooner? Why was the building not designated locally historic until 2015?

3. It appears that from 1922–1996 the building was home to various taverns. When MIAD purchased the building in 1996, it was already “frayed”, and maintenance had been deferred. By MIAD’s own admission, the school deferred repairs and replacements prior to the fire and the building was in poor condition. MIAD did not make any major replacements or updates during the 17 years of its ownership.

III. **DEMOLITION CRITERIA**

Condition: Demolition is permissible if “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. This would generally be in case of a major fire or a natural catastrophe”. It is indisputable that the building suffered a major fire that substantially damaged the building in 2013.

The Staff Report claims that the building is “substantially unchanged from the time of the 2013 fire, which argues against approving demolition based on its condition”. This premise is faulty and ironically argues against the premise that the owner neglected the building by not keeping up with repairs. The fire and the efforts to fight it damaged much of the structure holding up the roof and the upper level. The perception that a “repair” could solve this, and the building is otherwise fine, is inaccurate as the inadequacies of the foundations have resulted in severe differential deflections of the floors, and extensive deterioration of the brick has resulted in structural damage to the masonry walls.

The addition to the building in 1912 is causing a differential settlement of more than a foot between the addition and the original building, essentially causing the building to split in half, materially impacting the structure. The problem is that the buildings and foundations were constructed at different times, and were physically connected, which has caused them to settle differently. To ignore the extent of the damage due to the fire, the structurally compromised brick, and the severe settlement due to the foundation’s failure is inappropriate.

Unfortunately, HPC staff did not inspect the interior of the building prior to writing the HPC Staff Report.

Fines are added to RE tax bills and have been paid in full each year. In anticipation of the hearing, all fines that have accrued to date in 2023 have been paid in full.

Importance: Because the building is not a definitive architectural style, rather a blend of a few, there is no pure “architectural significance”. The quality of material and craftsmanship is not unique or special, especially when considering the incredible details on several other buildings in the area. The turret, although an interesting detail, is not special or unusually significant in its design or construction. There was no consideration to conformity to design or its “importance” architecturally over the years as work was completed on the structure by previous owners and/or reviewed by any oversight bodies. *There is nothing in the brief statement of the Staff Report on this matter that objectively or conclusively articulates why the “criterion is not met”, it is just denied.

Location: The Staff Report states that “any detrimental effect to the neighborhood induced by the building is the result of owner’s neglect”. This comment is untethered from the Location Guideline. The building is located on a corner in The third Ward, and comparable to other corner buildings, of which there are many, it is a good “location”. However, any building in that location “would contribute to the sense of character for the area...”, regardless of vintage.

There is nothing objective in the Staff Report to support denial of the request based on this criterion.

Potential For Restoration: The owners submitted a plan in 2018 so that there was something approved before soliciting input from contractors and vendors. Through this design and bid process it was determined that the work on the building would be so extensive that the work would require replacement of a significant portion of the original building and therefore not be a true restoration. Essentially, the building would end up being a replica of the existing structure, due to the extent of the materials being repaired or replaced in addition to the foundation which was faulty and would need to be repaired or replaced before repairing all the structural elements throughout. The repairs would include replacement of the roof due to the fire, replacement of the second floor due to the 12" slope of the floor (the first floor has already been replaced), providing a new deep foundation system to prevent further settling, and replacement of a significant percentage of the exterior brick. Fundamentally, it would be a new building. This is not the intent, goal, or desired outcome of the HPC guidelines as the final structure would be a facsimile of the designated building, therefore removing historical integrity or authenticity of the property.

To state that the condition is due to a "failure to make repairs" is inaccurate. The owner (a historic property redevelopment expert), the architect (a historic restoration expert), and the engineer (who also completed several historic renovations in the immediate area) are all in consensus that this building is not reasonably restorable, and that the best path forward is demolition, and construction of a new building in keeping with the aesthetics, scale and spirit of the surrounding Third Ward area.

HPC staff has not inspected the interior of the building before making these statements. We believe that the report is incomplete as a final determination cannot be rendered without inspecting the interior of the building.

Additions: The addition of the building in 1912 is generally in keeping with the original design. The fundamental issue with this particular item; however, is that the building construction type of the addition is different than the original. The addition has caused large settlement of the original structure, causing approximately one foot of differential settlement between the two buildings and extensive cracking in the exterior brick.

IV. SUMMARY

In conclusion, the property meets the Guidelines for Demolition. Historic preservation should truly be a preservation and tribute to the past, not an artificial reconstruction for the future. To honor the building's past, we are working closely with the LGBTQ community to understand appropriate ways to celebrate the building's legacy. We dispute the conclusion of the HPC Staff Report.