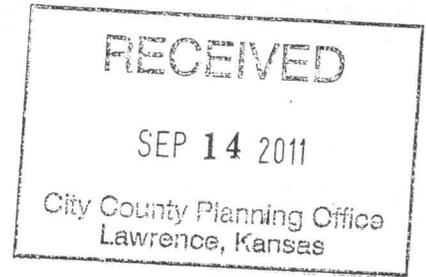


Sven Erik Alstrom AIA  
ECOLOGICAL ARCHITECTURE P.A.  
842 West 21<sup>st</sup> Street  
Lawrence, Kansas 66046

tel. 785 749 1018



September 14, 2011

1043 Indiana Varsity House

Dear HRC Commissioners and staff,

This letter is to request that you deny the current application to move this historic house.

Please remember that you are required to support the six criteria of an environs review.

The following apply to this project.

Standard 1 of an environs review requires that the character of a historic property's environs should be retained and preserved. The removal or alteration of distinctive buildings.....that characterize the environs should be avoided. Moving this building significantly changes its historic relationship in this case where it has been located.

Standard 2 of an environs review states, "The environs of a property should be used as it has been historically or allow the inclusion of new uses that require minimal change to the environs'....., and spatial relationships. Completing relocation the historic building to a new location completely and profoundly affects this standard of review.

Standard 6 The proposed new building is not appropriate with regard to scale and proportion, and massing of the environs as it required by Standard 6.

Please vote unanimously to require that applications meet all 6 of the standards for environs review.

Sincerely,

A handwritten signature in black ink, appearing to read "Sven Erik Alstrom". The signature is fluid and cursive.

Sven Erik Alstrom

Former HRC Commissioner 2004 - 2007, former member of AIA Kansas City Historic Resources, former member of AIA Colorado Historic Resources, former member of City of Aspen, Colorado Historic Preservation Committee, Licensed Architect in CA,CO,KS,MO,NC, and New Mexico. Lifetime and former Board Member of Lawrence Preservation Alliance.

RECEIVED

JUL 12 2011

City County Planning Office  
Lawrence, Kansas

# Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

RECEIVED

JUL 12 2011

City County Planning Office  
Lawrence, Kansas

**DIRECTORS**

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DENNIS BROWN  
PRESIDENT

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JOSH DAVIS

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MICHAEL SHAW

DALE SLUSSER  
CO-TREASURER

MARY LYNN STUART

REV. VERDELL TAYLOR JR.

CAROL VON TERSCH

DENNIS DOMER  
EMERITUS

MARCI FRANCISCO  
EMERITUS

July 10, 2011 Varsity House, 1043 Indiana  
1000 block of Indiana

While declining comment on the density level in this infill proposal, the Lawrence Preservation Alliance does wish to emphasize that the applicant's density goals can be met while leaving the Varsity House, a listable structure, in place, and in such a way that the proposal could pass Certified Local Government Review using the Standards and Guidelines for Evaluating the Effect of Projects on Environs.

We believe that for this project to pass environs review, it is necessary to rehabilitate the Varsity House and utilize it as a unique identifying component of the overall project. Doing this will encourage the creation of a design that meets three other basic environs goals: acknowledging residential construction on the building's Indiana (front), façade, referencing a single structure on single lot development pattern on Indiana, and employing the use of green space between each building component on the front façade. Meeting these basic design goals will ensure the project's compatibility with the environs of the Oread Neighborhood National Historic District.

Materials are also central to the discussion of whether the project as proposed meets the guidelines. Wood, as found in many area residential structures, could be appropriate, but modern materials could be as well. Stone, or stone veneer, while historic-looking, should be considered inappropriate as a predominant building component because in this historic area stone is mostly found as a foundation material only.

**Our submittal shows that there is at least one feasible and prudent design alternative that keeps the Varsity House in place and meets the other basic design goals necessary to pass environs review. While we have outlined one alternative, we believe others to be possible.**

We also note that the proposal to move the Varsity House would not only damage the environs, but the cost of the move itself, as well as the loss of substantial tax credits, would add considerable expense to what is obviously already an expensive project.

Regarding cost, we have also worked with Hernly Associates, a Lawrence architectural and environmental consulting firm, to develop a cost analysis for a sensitive rehabilitation of the Varsity House that is far more accurate than an analysis submitted by the applicant to the City in October 2010. This analysis was derived from using the reference RS Means Sq.Ft. Costs, augmented by recent work Hernly has been involved with similar to the Varsity House, such as foundation repair, staircase installation, and a spreadsheet of actual expenses at St.



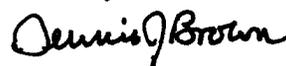
Lawrence  
Preservation  
Alliance

Luke AME Church in Lawrence. The primary contractor for the St Luke AME project, Wilcott Construction, has also independently provided a preliminary estimate for the cost of rehabilitation work that is less than the total estimated by Hernly Associates.

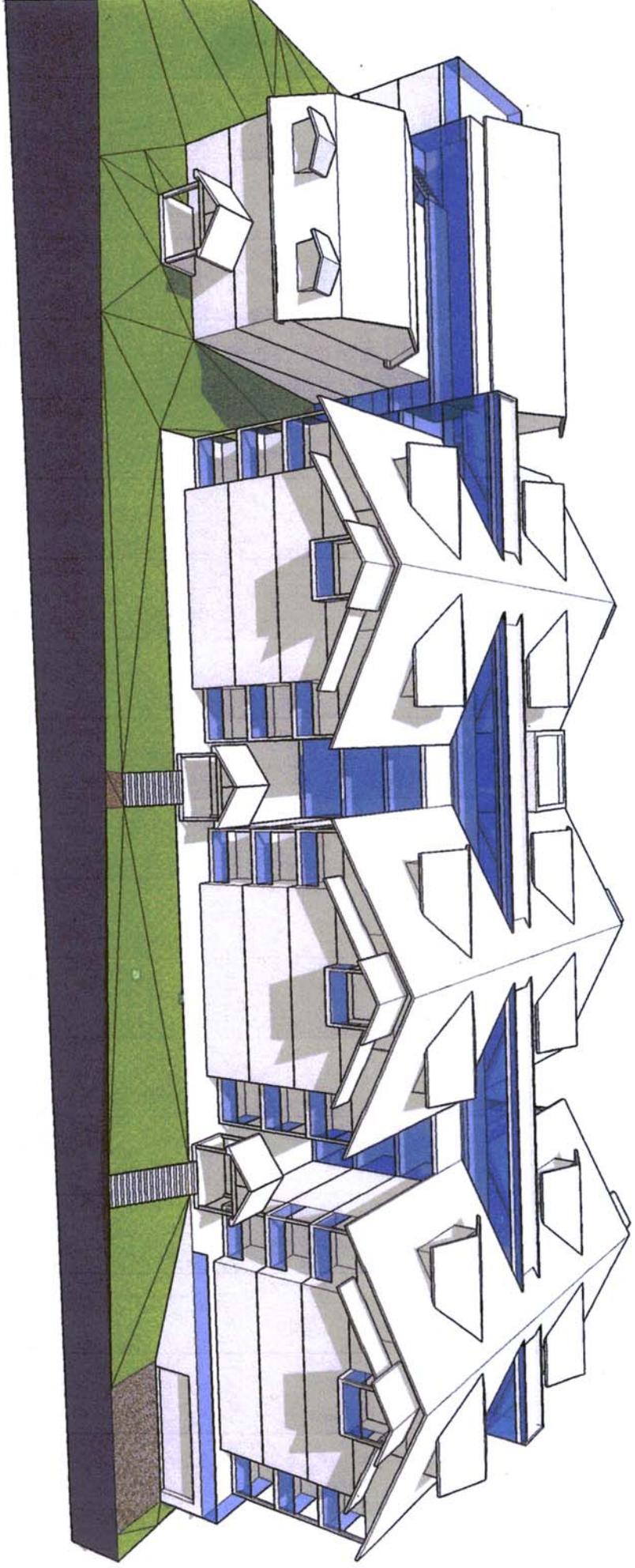
We remind the members of the Lawrence Historic Resources Commission that your sole task in reviewing this application is to determine if the APPLICANT'S proposed project will damage or encroach upon the environs of the Historic District. To do that, you must determine how the standards and guidelines apply to the APPLICANT'S proposal.

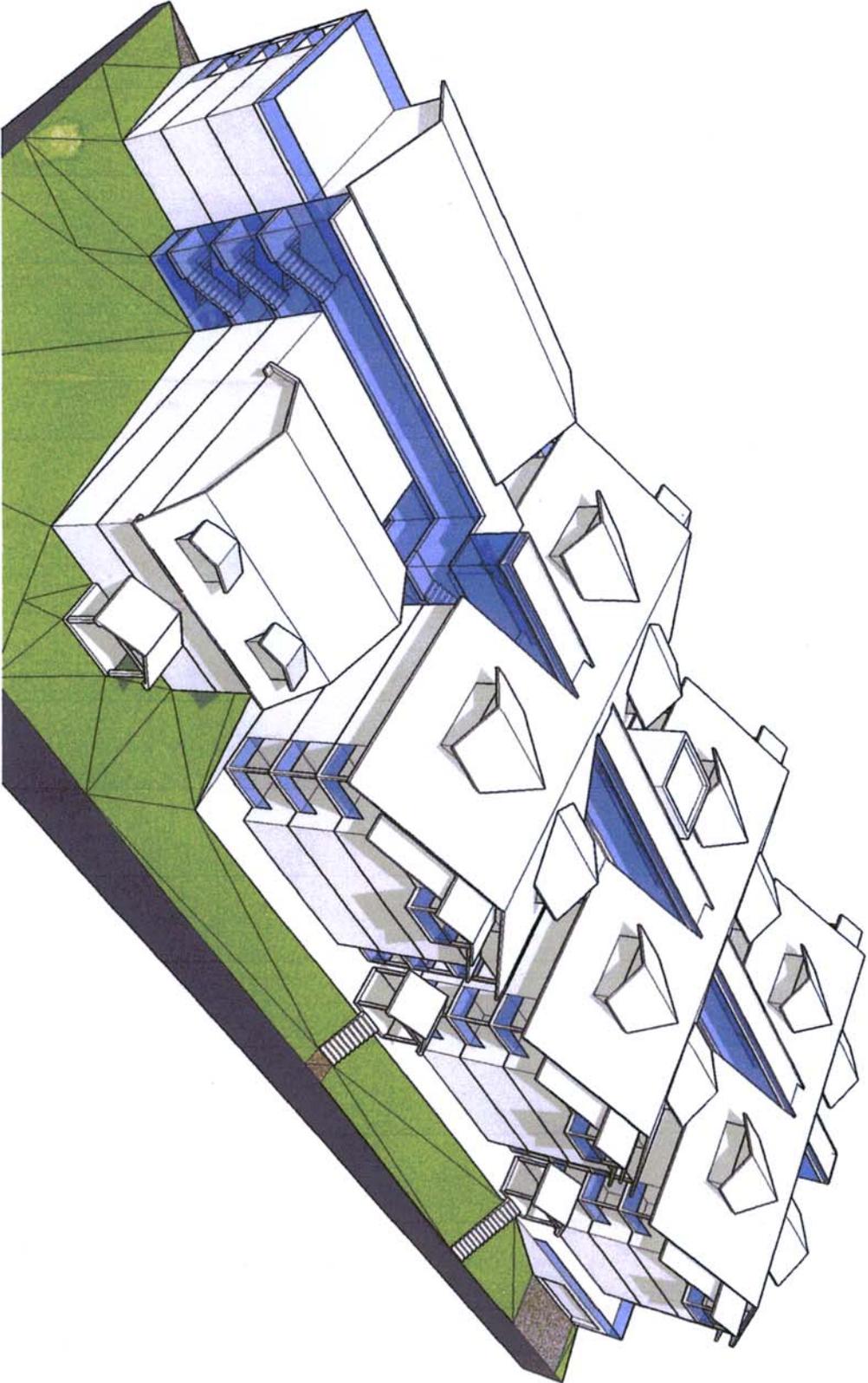
This submission by LPA is only meant to encourage members of the commission that, if you don't think the applicant's proposal meets the intent of the standards and guidelines, there are other design alternatives that will.

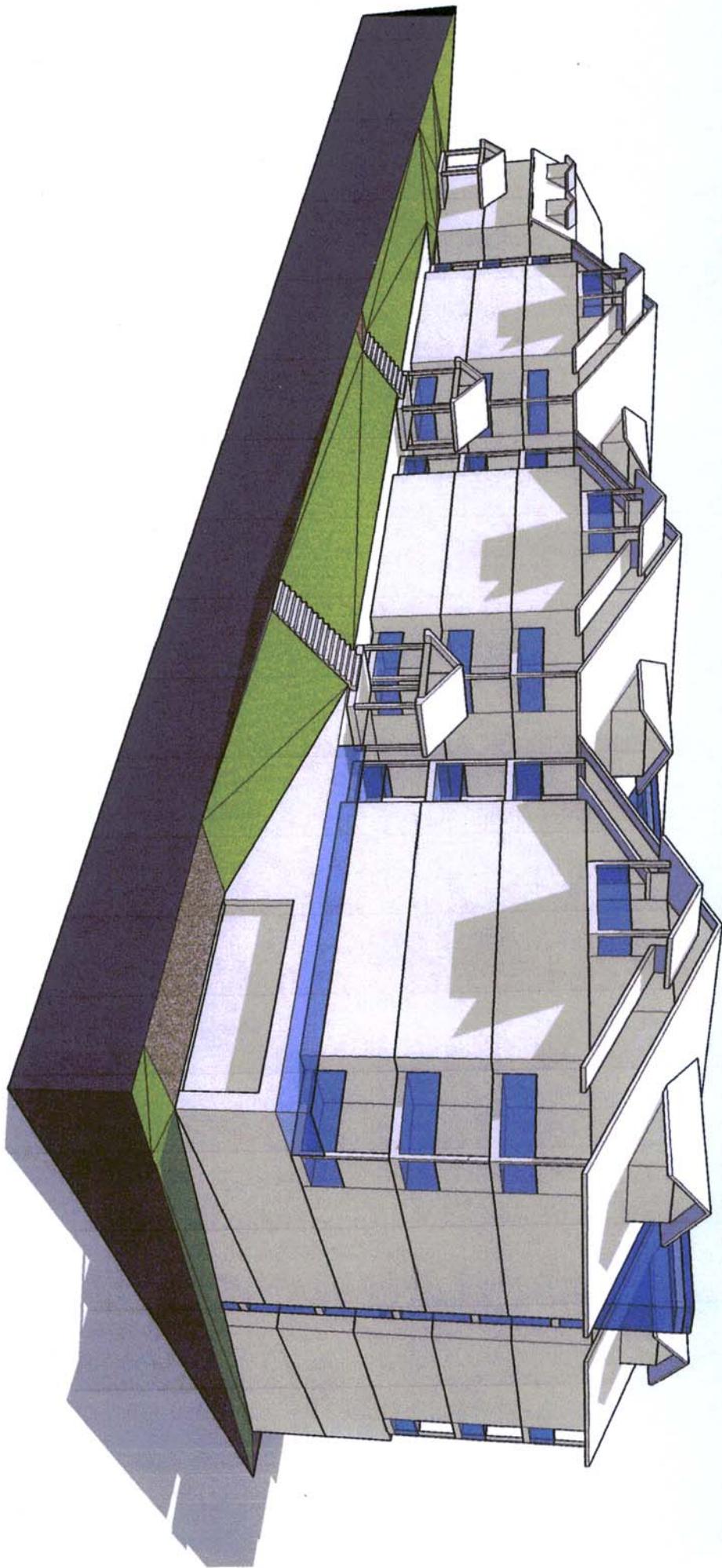
Sincerely,

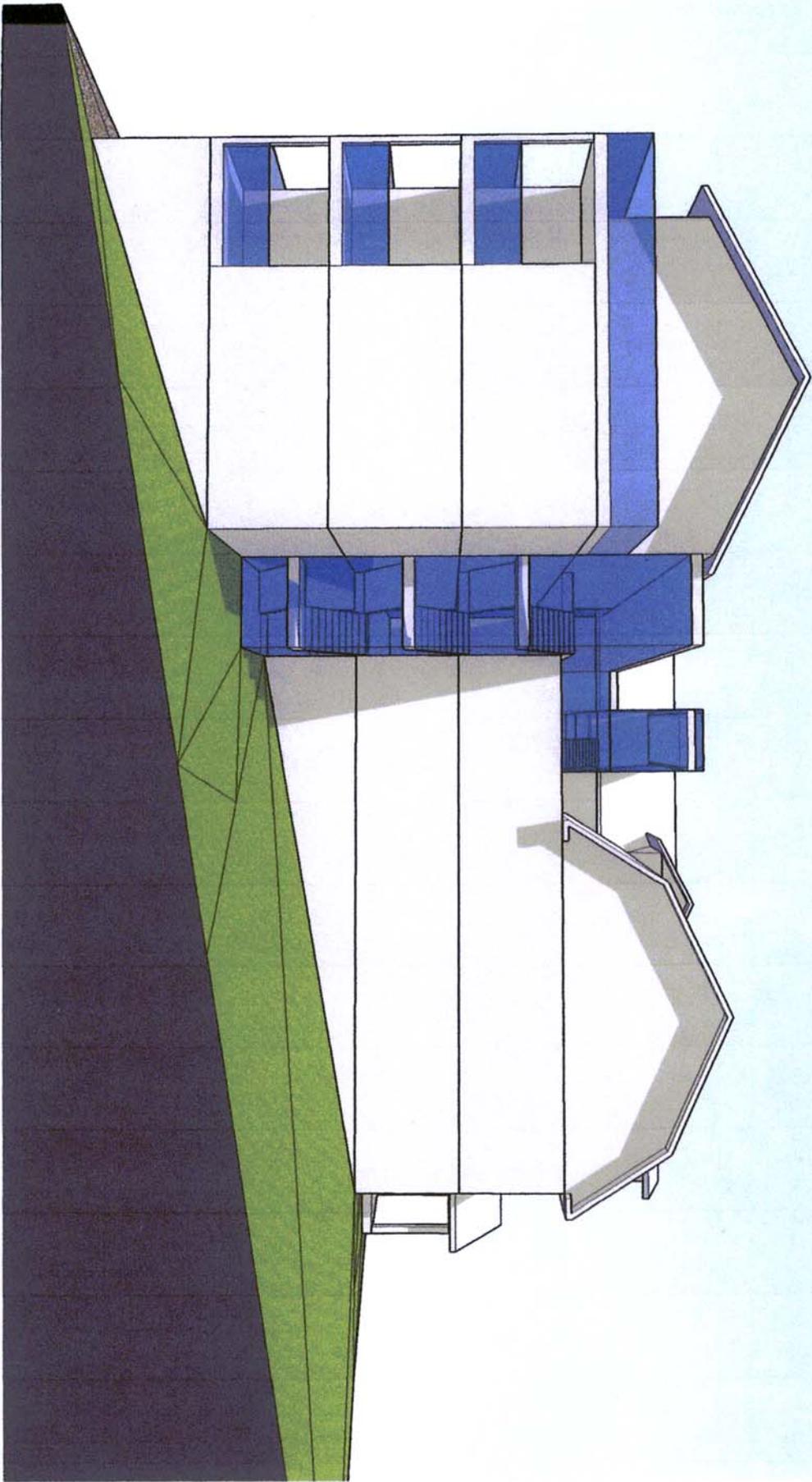
A handwritten signature in black ink that reads "Dennis J Brown". The signature is written in a cursive style with a large, prominent "D" and "B".

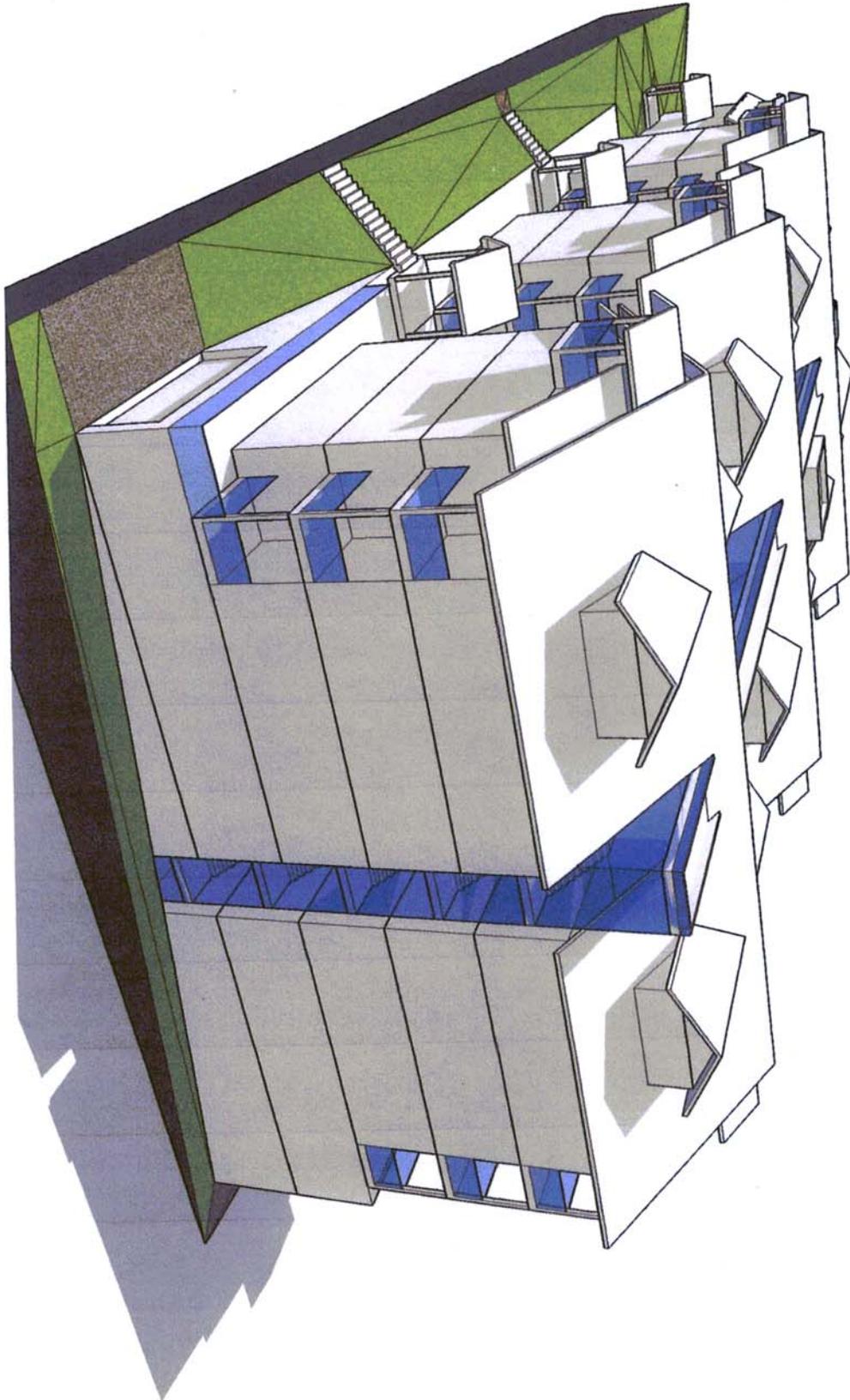
Dennis J Brown  
President

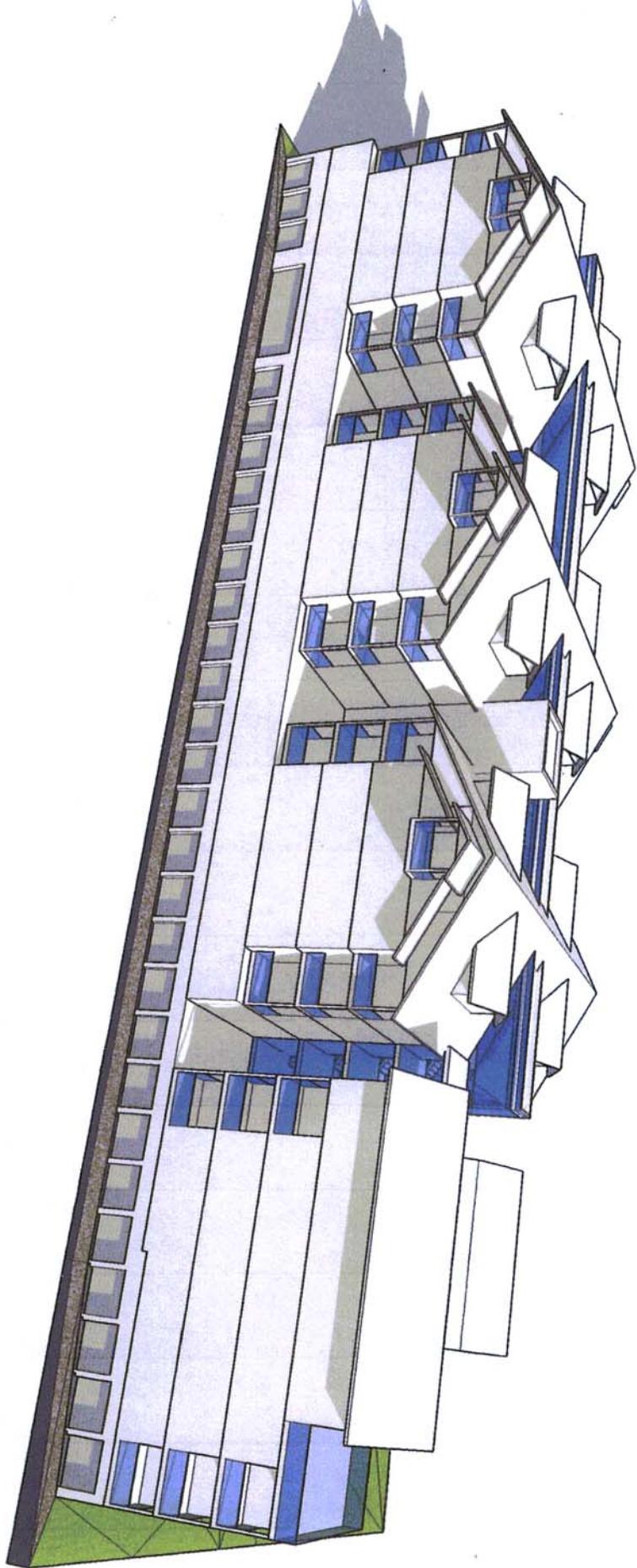


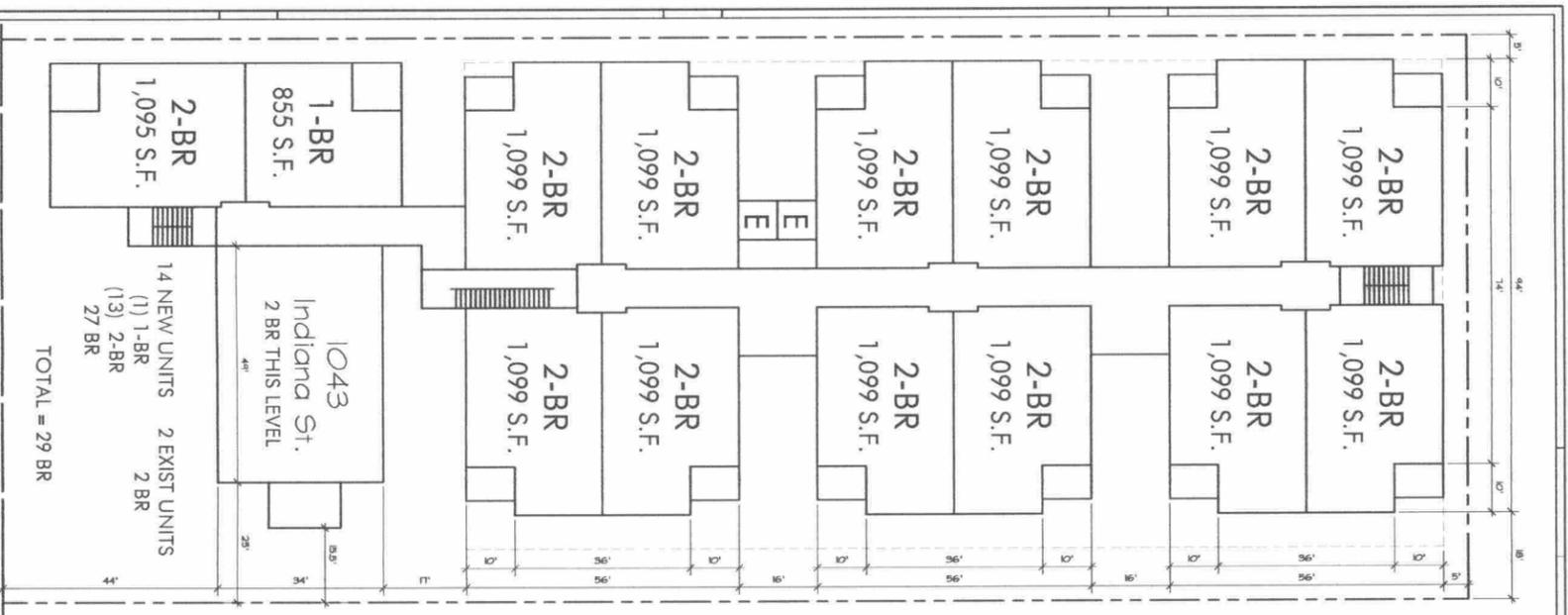






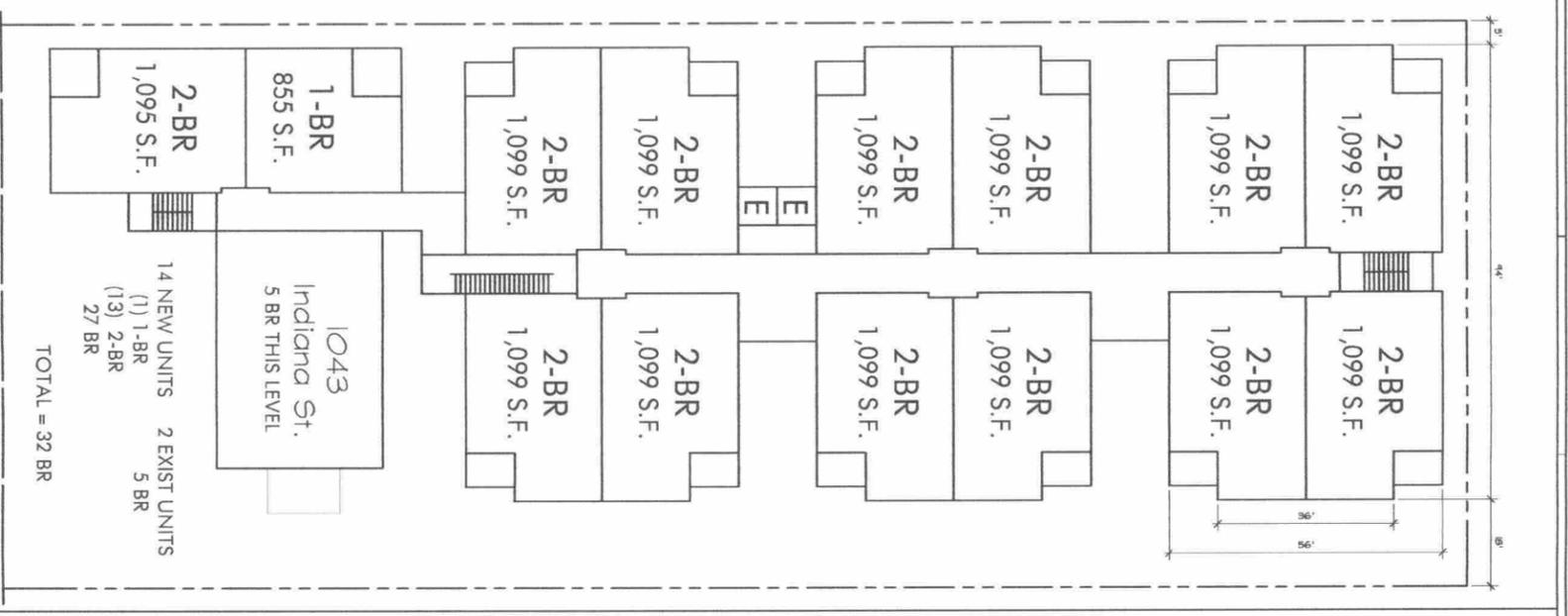






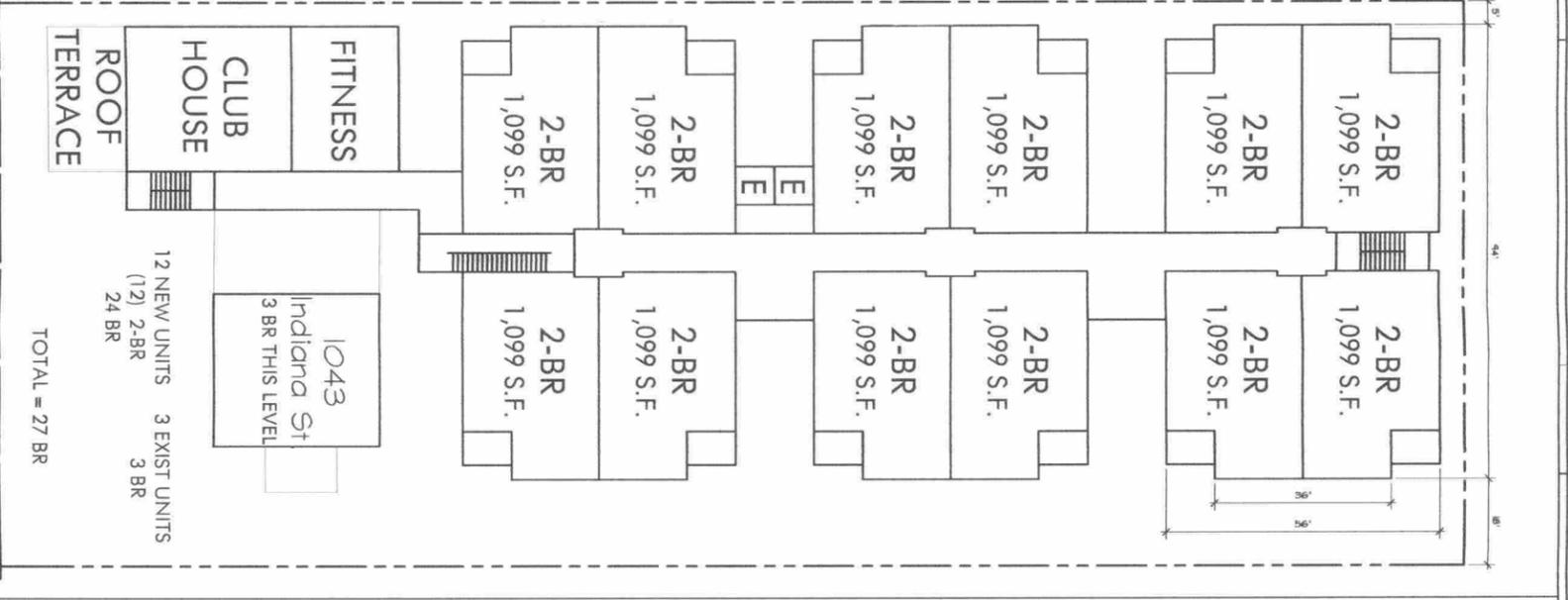
**2** THIRD FLOOR PLAN (ELEV 108')

1/16" = 1'-0"



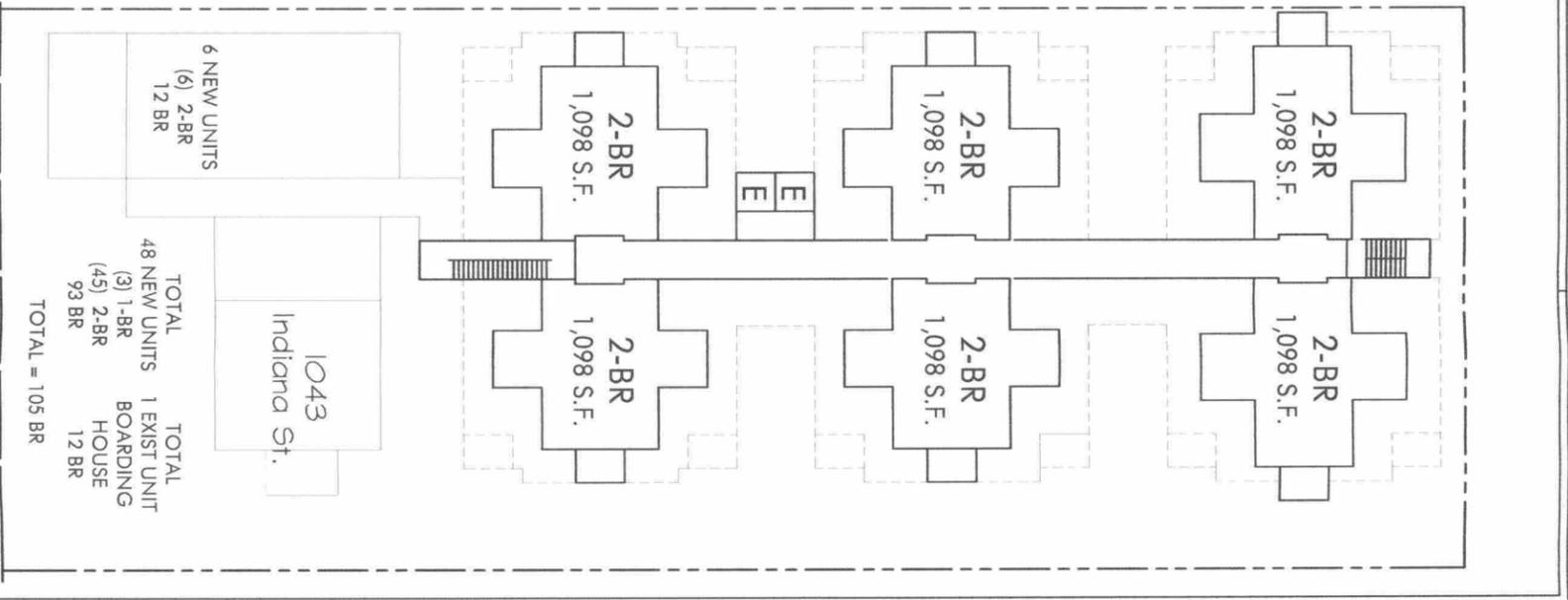
**2** FOURTH FLOOR PLAN (ELEV 118')

1/16" = 1'-0"



**3** FIFTH FLOOR PLAN (ELEV 128')

1/16" = 1'-0"



**4** SIXTH FLOOR PLAN (ELEV 138')

1/16" = 1'-0"

**HOAD RESIDENCE APARTMENTS**  
 1043 INDIANA STREET  
 LAWRENCE, KS

**Herhly**  
 ASSOCIATES

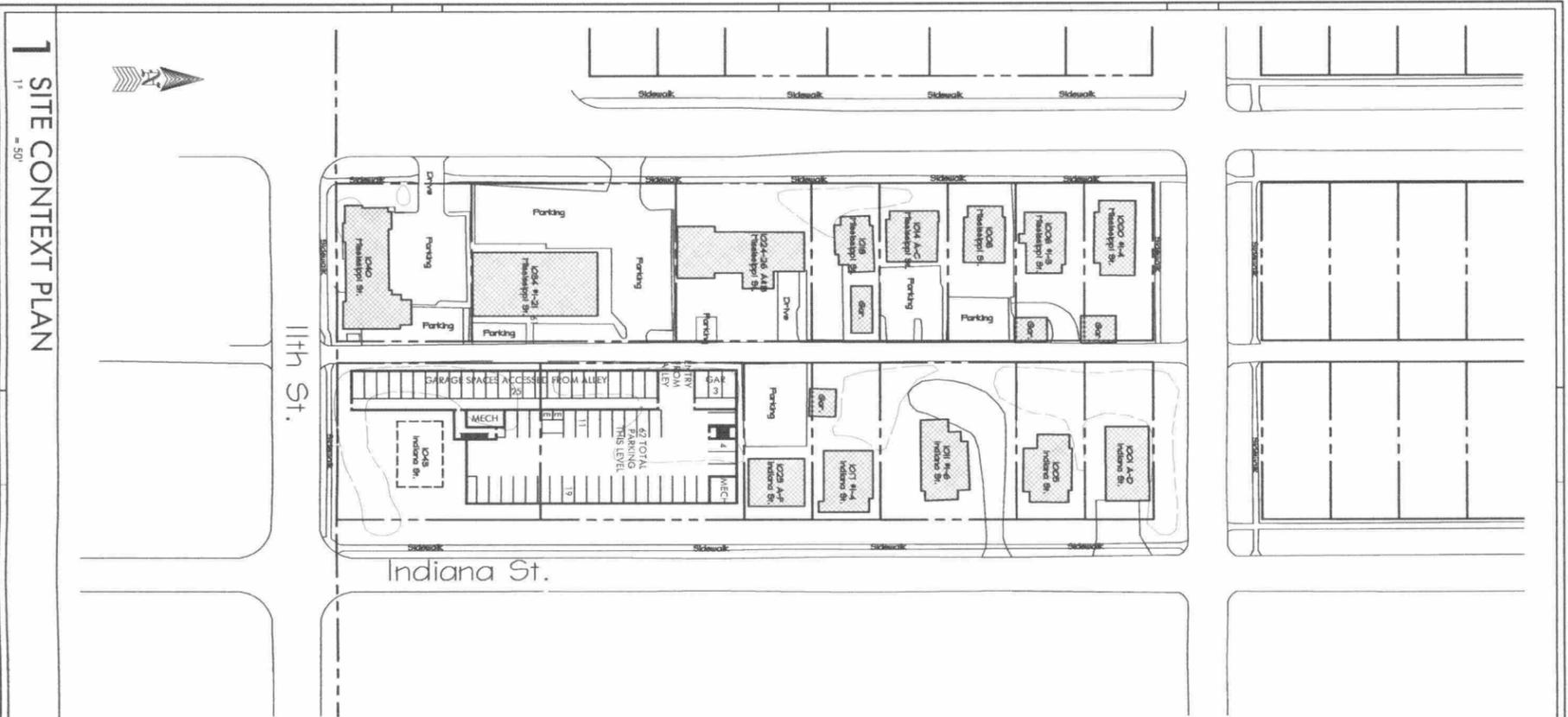
870 Westchick  
 Lawrence, Kansas 66044  
 TEL: 785-249-4444  
 FAX: 785-249-1515

DRAWINGS

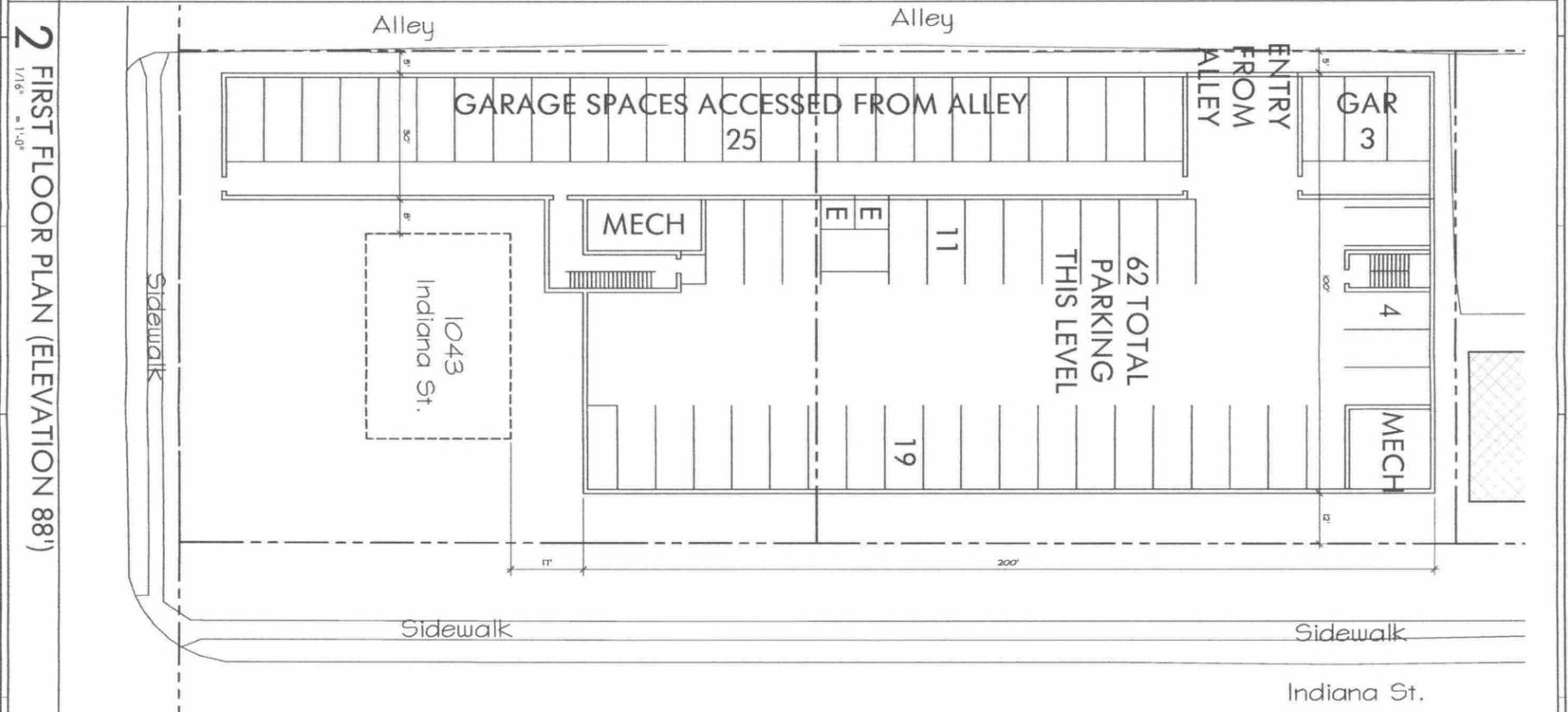
DATE: 08/08/11

Drawn by: J. Herhly  
 Checked by: J. Herhly  
 Revision: 1

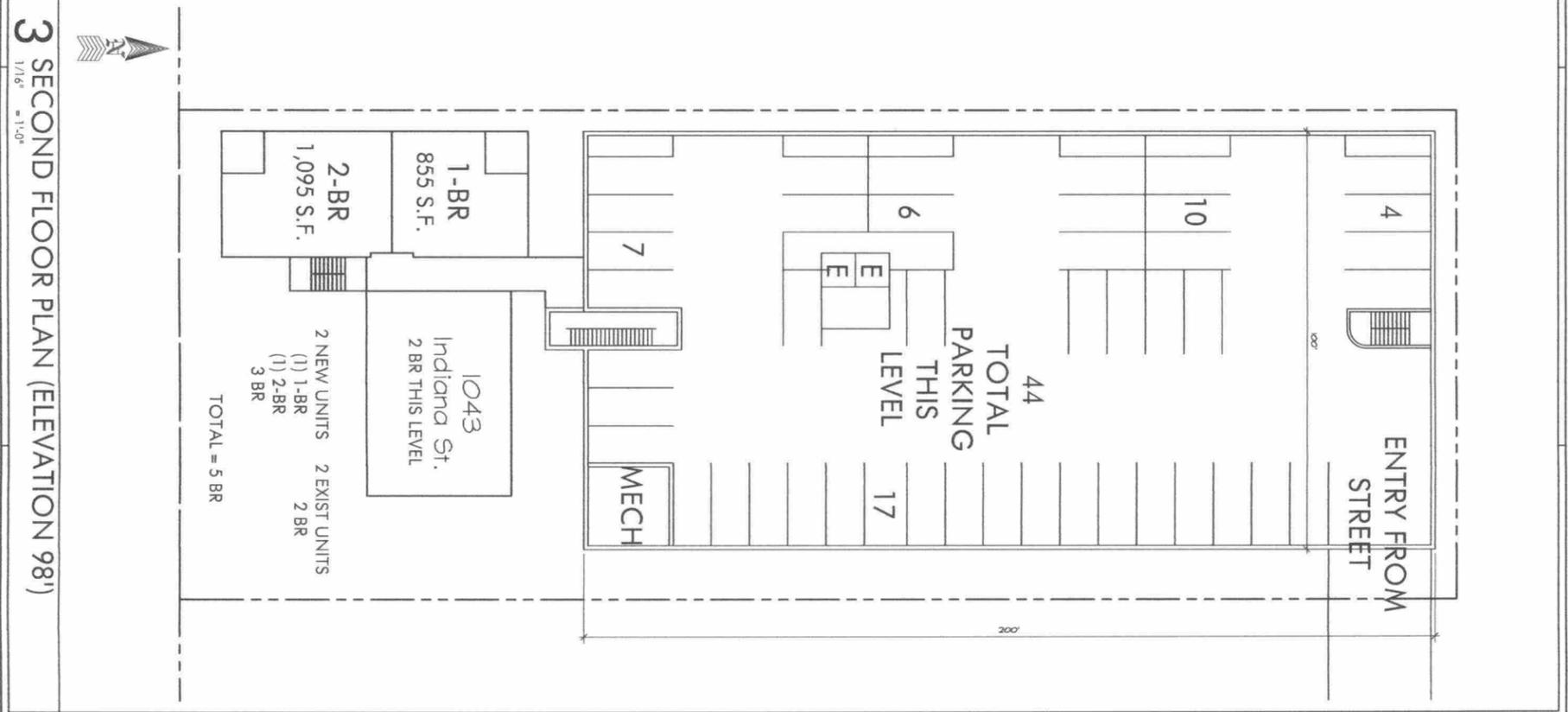
**A1.1**



**1** SITE CONTEXT PLAN  
1" = 50'



**2** FIRST FLOOR PLAN (ELEVATION 88)  
1/16" = 1'-0"



**3** SECOND FLOOR PLAN (ELEVATION 98)  
1/16" = 1'-0"

**HOAD RESIDENCE APARTMENTS**  
1043 INDIANA STREET  
LAWRENCE, KS

**Hernly**  
ASSOCIATES

930 Massachusetts  
Lawrence, Kansas 66044  
TEL: 785-842-5804  
FAX: 785-842-1515

DRAWINGS

Date: 02/01/11

Drawn By: [Signature]

Checked By: [Signature]

Revision: 1

**A1.0**

# WILCOTT CONSTRUCTION, INC.

July 11, 2011

Stan Hernly  
Hernly associates, Inc.  
920 Massachusetts Street  
Lawrence, Kansas 66044

Re: **Probable Restoration Construction Costs**  
**William Christian Hoad Residence**  
**1043 Indiana Street**  
**Lawrence, Kansas**

Dear Stan:

Based on the following quantity assumptions, our estimate of probable restoration construction costs, as of June 30, 2011, is \$886,300.

3 <sup>rd</sup> Floor Area .....	1,220 SF
2 <sup>nd</sup> Floor Area.....	1,820 SF
1 <sup>st</sup> Floor Area.....	1,820 SF
Basement Floor Area (Finished) .....	1,000 SF
Basement Floor Area (Unfinished) .....	570 SF
Total Building Area .....	6,430 SF
Roof Area (Shingles) .....	2,560 SF
Roof Area (Low Slope) .....	425 SF
Foundation Wall Area, Stone .....	1,400 SF
Existing Wall Area, Shingle Siding .....	4,250 SF

Please note that recent events, i.e. the tornado in Joplin and Missouri River flooding, are causing inflationary and demand related price increases to construction materials. As these price increases are beyond our control, we reserve the right to adjust our pricing when a final scope of work and funds become available.

Thank you for an opportunity to review this project with you and your firm.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Wilkins". The signature is fluid and cursive, with a prominent loop at the end.

Mike Wilkins  
President

Direct 816-595-1029

Cell 816-392-9752

[mwilkins@wilcottconstruction.com](mailto:mwilkins@wilcottconstruction.com)

1043 Indiana Street House  
Lawrence, Kansas

## **Scope of Work**

### **Basement and Foundation**

- Install drilled piers along west foundation.
- Replace slab on grade including approximately 25%.
- Excavate basement to enable foundation repairs to include waterproofing.
- Clean and tuck-point stone basement foundation walls.
- Install membrane waterproofing and French drain to include sump pump to control foundation and basement drainage.

### **Building Exterior**

- Construct new fire escape.
- Structural repairs at west corner to include stone and exterior finish repairs.
- Restore and replace wood shingle siding, to include cleaning and staining. Anticipate approximately 20% replacement.
- Restore approximately 300 lf of soffit.
- Restore 60 existing windows with the addition of storm screens.
- Restore 5 exterior doors.
- Install R-11 insulation into stud wall cavaties.
- Install R-38 insulation into roof joist spaces.
- Remove and replace roof shingles with 30 year asphalt shingles system with necessary flashings. Low sloped roof to receive single-ply roofing system.
- Remove and replace gutter and downspouts with new metal system, to include underground PVC leaders to daylight at rear of property.

### **Building Interior**

- Remove wallboard, casing, base, paneling, flooring, etc. to enable completion of MEP upgrades.
- Asbestos removal allowance of \$5,000.
- New stud wall framing per floor plan supplied by Hernly Associates, Inc.
- Install new interior doors per floor plan supplied by Hernly Associates, Inc.
- Bring staircase up to UBC standards.
- Complete wallboard with Level 5 finish per floor plan supplied by Hernly Associates, Inc.
- Complete floor finishes with 50% carpet and 50% ceramic in basement with 90% refinished wood and 10% ceramic on Floors 1, 2 and 3.
- Restore wood trims.
- Provide and install casework per floor plan supplied by Hernly Associates, Inc.

#### HVAC, Plumbing and Electrical

- Heating and cooling to include Split System with gas furnace & AC coil and air-cooled condensing unit.
- Kitchen, bath and service plumbing fixtures.
- Supply lines to be copper with PVC vent and waste.
- Gas fired water heater.
- Wet pipe fire sprinkler system.
- New 600 amp electrical service with new panel boards and feeders.
- New electrical fixtures, emergency lighting, switches and receptacles.
- Electrical connections for HVAC and misc. power.
- Alarm system.

#### Furnishings

- Refrigerator, range, microwave with fan, dishwasher, washer and dryer.

PROBABLE RESTORATION CONSTRUCTION COST									
William Christian Hoad Residence									
1043 Indiana Street - Lawrence, KS									
Probable Costs calculated for remodel and restoration of existing building with partially finished basement.									
QUANTITY ASSUMPTIONS									
	3rd Floor Area		1,220	S.F.					
	2nd Floor Area		1,820	S.F.					
	1st Floor Area		1,820	S.F.					
	Basement Floor Area - Finished		1,000	S.F.					
	Bsmf Floor Area - Unfinished		570	S.F.					
	Total Building Area		6,430	S.F.					
	Roof Area - shingles		2,560	S.F.					
	Roof Area - low-slope		425	S.F.					
	Foundation Wall Area - Stone		1,400	S.F.					
	Ext Wall Area - Shingle Siding		4,250	S.F.					
			Unit	Unit Cost	Cost Per S.F.	Line Item Sub-total	GC Markup	Contingent	Line Item Total
<b>A. SUBSTRUCTURE</b>							<b>25%</b>	<b>10%</b>	
1010	Footings	Install drilled pier footings @ west basement wall	6	3,000.00	2.80	18,000.00	4,500.00	2,250.00	24,750.00
1020	Slab on Grade	Replace 25% @ 200% cost	S.F. Slab	5.00	0.39	2,500.00	625.00	312.50	3,437.50
2010	Basement Excavation	For foundation repairs & waterproofing	S.F. Grnd	1.00	0.16	1,000.00	250.00	125.00	1,375.00
2020	Basement Walls	Clean & point stone	S.F. Wall	5.00	1.09	7,000.00	1,750.00	875.00	9,625.00
2050	Drainage & Waterproofing	Membrane waterproofing & drainage composite below grade	700	15.00	1.63	10,500.00	2,625.00	1,312.50	14,437.50
2060	Subgrade Drainage	Provide interior sump pump	1	1,500.00	0.23	1,500.00	375.00	187.50	2,062.50
<b>B. SHELL</b>									
B10 Superstructure									
1010	Stair Construction	Construct new 4 story fire escape	4	14,000.00	8.71	56,000.00	14,000.00	7,000.00	77,000.00
1020	Floor Construction	Lift, shim, & veneer stone finish west portion	Allow	10,000.00	1.56	10,000.00	2,500.00	1,250.00	13,750.00
B20 Exterior Enclosure									
2010	Exterior Walls - Siding	Restore wood shingle siding - est. 20% replace	S.F. Wall	10.00	1.32	8,500.00	2,125.00	1,062.50	11,687.50
	Exterior Walls - Stain	Clean & stain siding	S.F. Wall	3.00	1.98	12,750.00	3,187.50	1,593.75	17,531.25
2020	Soffits	Restore existing soffits 300 s.f.	300	30.00	1.40	9,000.00	2,250.00	1,125.00	12,375.00
2030	Exterior Windows	South - restore double hung	18	800.00	2.24	14,400.00	3,600.00	1,800.00	19,800.00
		East - restore double hung	10	800.00	1.24	8,000.00	2,000.00	1,000.00	11,000.00
		West - restore double hung	17	800.00	2.12	13,600.00	3,400.00	1,700.00	18,700.00
		North - restore double hung	15	800.00	1.87	12,000.00	3,000.00	1,500.00	16,500.00
2040	Storm Windows	South - provide aluminum storm/screens	18	300.00	0.84	5,400.00	1,350.00	675.00	7,425.00
		East - provide aluminum storm/screens	10	300.00	0.47	3,000.00	750.00	375.00	4,125.00
		West - provide aluminum storm/screens	17	300.00	0.79	5,100.00	1,275.00	637.50	7,012.50
		North - provide aluminum storm/screens	15	300.00	0.70	4,500.00	1,125.00	562.50	6,187.50
2050	Exterior Doors	Restore	5	1,500.00	1.17	7,500.00	1,875.00	937.50	10,312.50
B30 Thermal & Moisture Protection									
3010	Insulation - Walls	Install R-11 insulation in stud wall spaces	S.F. Wall	2.50	1.65	10,625.00	2,656.25	1,328.13	14,609.38
	Insulation - Roof	Install R-38 insulation in joist spaces	S.F. Roof	2.25	1.04	6,716.25	1,679.06	839.53	9,234.84
3020	Roof Coverings	Demo asphalt shingles & install new 30 yr asphalt shingles and all req. flashings	S.F. Roof	3.00	1.19	7,680.00	1,920.00	960.00	10,560.00
		Demo low-slope roofing & install new single-ply roofing	S.F. Roof	6.00	0.40	2,550.00	637.50	318.75	3,506.25
3030	Gutters & Downspouts	Demo and replace metal gutters & downspouts	250	10.00	0.39	2,500.00	625.00	312.50	3,437.50
		Install buried PVC leaders to daylight - 200 L.F.	200	20.00	0.62	4,000.00	1,000.00	500.00	5,500.00
<b>C. INTERIORS</b>									
C10 Demolition									
1010	Interior demolition	Demo building interior as needed for MEP upgrades, including disposal	S.F. Flr	5.00	5.00	32,150.00	8,037.50	4,018.75	44,206.25
1020	Asbestos	Demo asbestos	Allow	5,000.00	0.78	5,000.00	1,250.00	625.00	6,875.00
C20 Construction									
2010	Partitions	New stud walls - 20 S.F. Floor/L.F. Partitions	S.F. Part	6.00	2.70	17,361.00	4,340.25	2,170.13	23,871.38

			Unit	Unit Cost	Cost Per S.F.	Line Item Sub-total	GC Markup	Contingent	Line Item Total
2020	Interior Doors	100 S.F. Floor/Door	Each	400.00	4.00	25,720.00	6,430.00	3,215.00	35,365.00
2030	Stair Construction	Modify guards/rails per code	4	3,000.00	1.87	12,000.00	3,000.00	1,500.00	16,500.00
	C30 Finishes							0.00	
3010	Wall Finishes	New GWB level 5 finish & paint - 10 S.F. Floor/L.F.	S.F. Part	2.50	2.25	14,467.50	3,616.88	1,808.44	19,892.81
3020	Floor Finishes - Bsmt	Bsmt Flr - 50% ceramic, 50% carpet	1,000	7.50	1.17	7,500.00	1,875.00	937.50	10,312.50
3021	Floor Finishes - 1st, 2nd, 3rd Flrs	1st Flr - 90% refinish wood	4,374	7.50	5.10	32,805.00	8,201.25	4,100.63	45,106.88
3022	Floor Finishes - 1st, 2nd, 3rd Flrs	1st Flr - 10% ceramic	486	10.00	0.76	4,860.00	1,215.00	607.50	6,682.50
3030	Ceiling Finishes	Patch plaster, level 5 finish & paint	S.F. Flr	4.50	4.50	28,935.00	7,233.75	3,616.88	39,785.63
3040	Trim Finishes	Restore interior trim	S.F. Flr	2.50	2.50	16,075.00	4,018.75	2,009.38	22,103.13
3050	Casework	Kitchen casework - 9 apartments	S.F. Flr	3.00	3.00	19,290.00	4,822.50	2,411.25	26,523.75
<b>D. SERVICES</b>									
	D10 Conveying								
1010	Elevators & Lifts	N/A							
	D20 Plumbing								
2010	Plumbing Fixtures	Kitchen, bath & serv fixtures, w/ drainage - 1 Fixt/200 S.F.	Each	2,250.00	11.25	72,337.50	18,084.38	9,042.19	99,464.06
2020	Domestic Water Distribution	Copper water supply & gas fired water heater	S.F. Flr	3.50	3.50	22,505.00	5,626.25	2,813.13	30,944.38
	D30 HVAC							0.00	
3010	Heat Generating Systems	Split system w/ gas furnace & AC coil	S.F. Flr	6.00	6.00	38,580.00	9,645.00	4,822.50	53,047.50
3020	Cooling Generation Systems	Split system w/ air cooled condensing unit	S.F. Flr	7.00	7.00	45,010.00	11,252.50	5,626.25	61,888.75
	D40 Fire Protection								
4010	Fire Sprinkler System	Wet pipe sprinkler system	S.F. Flr	3.00	3.00	19,290.00	4,822.50	2,411.25	26,523.75
	D50 Electrical								
5010	Electrical Service/Distribution	new 600a service, panel board & feeders		2.50	2.50	16,075.00	4,018.75	2,009.38	22,103.13
5020	Lighting & Branch Wiring - Basement	Fixtures, receptacles, switches, A.C. & misc. power		6.50	6.50	41,795.00	10,448.75	5,224.38	57,468.13
5030	Communications & Security	Alarm systems & emergency lighting		1.25	1.25	8,037.50	2,009.38	1,004.69	11,051.56
<b>E. EQUIPMENT &amp; FURNISHINGS</b>									
1010	Kitchen Equipment	Residential appliances - 9 apartments (range, frig, micro/fan, DW, W/D)	9	3,000.00	4.20	27,000.00	6,750.00	3,375.00	37,125.00
<b>SUB-TOTAL BUILDING</b>					<b>116.81</b>	<b>751,114.75</b>	<b>187,778.69</b>	<b>93,889.34</b>	<b>1,032,782.78</b>
						116.81			
<b>G. BUILDING SITework</b>									
1010	Earthwork	Backfill - 200 C.Y.	200	14.45	0.45	2,890.00	722.50	361.25	3,973.75
1020	Site utilities	Water, sewer, electric, gas	Allow	10,000.00	1.56	10,000.00	2,500.00	1,250.00	13,750.00
1100	Landscaping	Finish grade & seed - M.S.F.	795	5.00	0.62	3,975.00	993.75	496.88	5,465.63
<b>SUB-TOTAL SITE</b>					<b>2.62</b>	<b>16,865.00</b>	<b>4,216.25</b>	<b>2,108.13</b>	<b>23,189.38</b>
<b>SUB-TOTAL CONSTRUCTION</b>					<b>119.44</b>	<b>767,979.75</b>	<b>191,994.94</b>	<b>95,997.47</b>	<b>1,056,000.00</b>
	<b>CONTRACTOR FEES</b> (General Req: 10%, OH: 5%, Profit: 10%)			25%	29.86	191,994.94			
<b>SUB-TOTAL CONSTRUCTION W/ MARKUP</b>						<b>959,974.69</b>			
	<b>CONTINGENCY</b>			10.00%	14.93	95,997.47			
<b>TOTAL PROBABLE CONSTRUCTION COST</b>					<b>164.23</b>	<b>1,056,000.00</b>			
	<b>A/E Fee (Based on Sub-Total Construction w/o Contingency)</b>			8.00%	11.94	76,797.98			
<b>TOTAL PROBABLE COST W/ A/E FEES</b>					<b>176.17</b>	<b>1,132,797.98</b>			
<b>HISTORIC PRESERVATION TAX CREDITS</b>									
	Non-eligible Portion	Appliances & landscaping				42,590.63			
	Kansas Tax Credit			25%		272,600.00			
	Federal Tax Credit			20%		218,000.00			
	Total Tax Credit					490,600.00			
<b>TOTAL PROBABLE NET CONSTRUCTION COST</b>					<b>99.88</b>	<b>642,200.00</b>			

November 5, 2010

Historic Resources Commissioners  
City of Lawrence, Kansas

Re: Proposed 1043 Indiana Street Demolition and New Construction DR-08-91-10.

As an architect practicing in Lawrence, I'm writing to provide additional information regarding the proposed demolition of the William Christian Hoad Residence (1043 Indiana Street) and construction of a new multi-dwelling project on the property. The following is divided between the two different components of the request, demolition and new construction.

### **DEMOLITION**

#### Environs of Oread Historic District

The applicant for the project indicates "There isn't any historic structures within a line of sight due to the existing topography of the area". According to the "Standards and Guidelines of Evaluating the Effect of Projects on Environs", this is not the criterion for evaluating the effect of the project on the historic property. The Standards state that "The character of a historic property's environs should be retained and preserved. The removal or alteration of distinctive buildings, structures, landscape features, spatial relationships, etc. that characterize the environs should be avoided." This certainly is a distinctive building that has a significant spatial relationship characterizing the environs of the Historic District. As you travel west on Eleventh Street from the historic district you crest over Mt. Oread and the first visible building is the Hoad Residence; from the high point both the historic district and the Hoad Residence are visible. The last house you see in the Historic District is a Dutch Colonial Style, and the first house you see over the hill, the Hoad Residence, is also a Dutch Colonial Style. Demolition of the Hoad Residence would have a detrimental affect on the character of the environs of the Oread Historic District.

#### Historical Significance of the Hoad Residence

The Hoad Residence has been determined to be historically significant in its own right and has been determined by the Kansas State Historical Society as eligible to be listed on the State and National Registers of Historic Places. I have previously provided historical information about the house and the individuals associated with its construction including William Christian Hoad (Owner), Harriet Tanner (Developer), and John Constant (Contractor).

#### Condition of House

The applicant states that the Hoad Residence is in terrible condition and supports this with their own inspection report and by a hired structural consultant's report. Having been involved in hundreds of residential rehabilitation projects and dozens of historic preservation projects, and having toured through the house, I can state that this representation is patently false. The only significant structural issue with the house is that the foundation of the west addition (circa 1918) has experienced differential settlement from the original 1908 portion of the house. The majority

of work required is with mechanical systems, thermal upgrading (storm windows and insulation), and finishes. The work on the house should be approached as a "restoration", maintaining as much of the original building fabric as possible. The applicant suggests that complete removal of interior and exterior finishes is necessary; this is not an accurate statement and is not the proper method of approach for a restoration project.

#### Cost of Restoration

The applicant estimates a cost of \$233/s.f. (without parking) for "renovation" of the house, stating that this figure is "based on previous five renovations"; there is no substantial support for this cost estimation. Based on detailed cost estimation spreadsheets we've completed for other historic preservation projects, I believe restoration of the house can be completed for around \$165/s.f. Utilizing 25% State and 20% Federal preservation tax credits, available for restoration of historic listed properties, the net cost would be approximately \$91/s.f., which is the same amount as the applicant's projected cost for the new construction.

#### **NEW CONSTRUCTION**

##### Owners of property

The proposed project encompasses six 50'x117' lots, three of which are owned by Triple T LLC (the applicant) and three of which are owned by the University of Kansas. According to the City Development Code, plan reviews can be initiated by "the Owner of the property that is the subject of the application", or "the Landowners' authorized Agent". Both owners of the property, or their authorized agent, must jointly initiate the plan review by the HRC; the University of Kansas must acknowledge their agreement with the application before it can be acted on by the HRC.

##### Zoning of property

Currently the subject property is zoned "U". It is anticipated the Owner will apply for rezoning to an RM-32 designation, the same as the surrounding properties, but that process has not been completed, and it's possible that another zoning designation could be sought. Before the HRC can effectively evaluate the proposed project the rezoning process needs to be complete.

##### Zoning Variances for proposed design

If the property is rezoned to an RM-32 designation, there are two major items of the proposed design which do not meet the regulations of that district. First, the allowable density in RM-32 is 32 units per acre; the proposed development is for 82 units on .80 acres, which is equivalent to 102 units per acre, **three times more than allowed**. Second, the allowable height in RM-32 is 45' and the height of the proposed development varies from 54' to 75' above the adjacent grade.

Both of these items would require a variance from the Board of Zoning Appeals and potential approval of these is uncertain. The HRC can not conduct an appropriate review of the submitted design, because it is unknown whether this is a feasible design alternative.

No action should be taken by the HRC before the property is rezoned and no action should be taken before the necessary zoning variances are approved.

##### "Feasible and prudent alternative"

As you know, if the HRC acts on the application and denies the demolition and new construction, the applicant can appeal the decision to the City Commission. At that stage the review essentially changes to be whether there are "feasible and prudent alternatives" to the proposed design. Since the proposed development is wildly in excess of the allowable density, it becomes impossible to demonstrate a feasible alternative which meets the zoning regulations

and provides an equivalent economic return. The HRC should defer action on this item until a "feasible" design is submitted by the applicant.

Please feel free to contact me if you have any questions regarding the above information.

Sincerely,

A handwritten signature in black ink, appearing to read "Stan Hernly". The signature is written in a cursive style with a long horizontal stroke at the end.

Stan Hernly