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June 26, 2012

Mayor Bob Schumm	schummfoods@gmail.com
Commissioner Mike Amyx	mikeamyx515@hotmail.com
Commissioner Hugh Carter	hughcarter@sunflower.com
Commissioner Aron Cromwell	aroncromwell@gmail.com
Commissioner Mike Dever	mdever@sunflower.com

RE: Feasibility of Alternative Development at 9th and New Hampshire Streets

Dear Commissioners,

As you consider an appeal from a decision by the Historic Resources Commission on the proposed development at 9th and New Hampshire Streets, you must make a finding as to whether or not any feasible alternative exists. Attached is a pro forma analysis that demonstrates that a three-story retail/office development would be economically feasible.

Feasibility is defined as achieving an internal rate of return after 10 years in excess of 10 percent, which is the National Association for Real Estate Investment Trusts historic return to investment in commercial real estate.

The feasibility test assumes the same land acquisition, site improvements, construction costs per square foot, and fees presented by the developer of the proposed project.

Given that a three-story project, which would work with the current city plan and would adhere to the downtown development guidelines, is economically feasible, you must find that reasonable alternatives exist to the current proposal.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Kirk McClure', with a long horizontal flourish extending to the right.

Kirk McClure

Feasibility of Three-Story Project at 9th and New Hampshire Streets

Income and Leverage

	10,000	feet/floor	
	3	stories	
	30,000	total area all three stories	
	\$13.50	triple net lease with 4% vacancy	10% Assumed lease rate increase after 5 years
\$	405,000	NOI gross income to bulding owner	
	1.10	debt coverage ratio - make sure that you can pay even when times are bad	
\$	368,182	annual debt service available	
\$	30,682	monthly debt service available	
	5.50%	interest rate	
	300	number of monthly payments in a 25-year loan	
\$	4,996,327	Loan amount that can be leveraged	
	81.39%	loan-to-value ratio	
\$	6,138,619	total development costs that can be supported	

Total Development Costs

\$	695,000	Land	
\$	845,287	Site Improvement	
\$	3,990,000	Construction	\$ 133 per SQFT
\$	5,530,287	Land/Site/Construction	
\$	248,863	Developer fee	4.50% of Land/Site/Construc
\$	359,469	Contingency	6.50% of Land/Site/Construc
\$	6,138,619	Total Development Costs	

Calculation of Return on Investment

Return on Operation

Year	1	2	3	4	5	6	7	8	9	10
Gross potential income	\$ 405,000	\$ 405,000	\$ 405,000	\$ 405,000	\$ 405,000	\$ 445,500	\$ 445,500	\$ 445,500	\$ 445,500	\$ 445,500
Operating Expenses	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Net Operating Income	\$ 405,000	\$ 405,000	\$ 405,000	\$ 405,000	\$ 405,000	\$ 445,500	\$ 445,500	\$ 445,500	\$ 445,500	\$ 445,500
Debt Service	\$ 368,181.82	\$ 368,182	\$ 368,182	\$ 368,182	\$ 368,182	\$ 368,182	\$ 368,182	\$ 368,182	\$ 368,182	\$ 368,182
Cash Flow	\$ 36,818	\$ 36,818	\$ 36,818	\$ 36,818	\$ 36,818	\$ 77,318	\$ 77,318	\$ 77,318	\$ 77,318	\$ 77,318
Return on equity	0.60%	0.60%	0.60%	0.60%	0.60%	1.26%	1.26%	1.26%	1.26%	1.26%

Return from Reversion at the end of year 10

		Reversion
Sale value	6.50% cap rate	\$ 6,853,846
Balance of loan due		\$ (3,755,041)
Selling cost	4%	\$ (274,154)
Net proceeds on sale		\$ 2,824,651

Return on Investment Total

Initial equity	Cash flow during operation
\$ (1,142,292)	\$ 36,818 \$ 36,818 \$ 36,818 \$ 36,818 \$ 36,818 \$ 77,318 \$ 77,318 \$ 77,318 \$ 77,318 \$ 2,901,970

Internal Rate of Return **12.63%**

Question: Is the IRR higher than the normal market return on similar investments?

Benchmark: NAREIT: return on equity invested in real estate 10 year return is 10%

Decision: This project exceeds normal return on investment in real estate thus it will be able to attract developers and investors.

East Lawrence Neighborhood Association

P.O. Box 442393
Lawrence, KS 66044
www.eastlawrence.org



June 25, 2012

City Commission
City Hall
6 E. 6th Street
Lawrence, KS 66044

RE: 900 New Hampshire

Dear Commissioners,

This Tuesday you will **not** be voting “for” or “against” the proposed hotel project for the vacant lot at the SE corner of 9th & New Hampshire. Instead you will be having a quasi-judicial public hearing with a very narrow scope, one leading to a legal ruling on whether or not there are feasible & prudent alternatives to the proposed plan, and if all possible planning has been accomplished. This public hearing is based on an appeal by the developer of the Historic Resources Commission’s ruling of April 30, 2012, one in which the HRC had ruled the proposed hotel development would indeed damage the historic environs of the North Rhode Island National Historic District.

Understandably, confusion has arisen as to **who** has the burden of proof in determining that they have no feasible & prudent alternatives: the property owner, the developer or the city? In the interest of cohesiveness, this letter will cover all 3 parties below.

1. Feasible & prudent alternatives for the property owner?

The city has recently shown a significant interest in expanding the Lawrence Arts Center (LAC), a municipal building located directly to the south of the vacant lot at the SE corner of 9th and New Hampshire. The city’s interest in expanding the LAC is in fact a feasible & prudent alternative for the property owner (Marty Moore), who may potentially sell his vacant land to the city, instead of selling to the current developer’s investment group.

2. Feasible & prudent alternatives for the city?

Last week the city announced a potential scenario for expanding the LAC by purchasing the Salvation Army building that already exists to the **south** of the LAC, a purchase with a much larger price tag (published last week as \$1 million + any demolition costs). Purchasing instead the empty lot to the **north** of the LAC (the very same SE corner of 9th & New Hampshire) would certainly be a more feasible & prudent option for the city, considering the price of the empty lot to the north was listed in the feasibility study last week at \$695,000.

3. Feasible & prudent alternatives for the developer?

In the current developer's plans for the SE corner of 9th & New Hampshire, the developer had outlined a broad concept for the NE corner. This NE lot does not directly abut residential usage like the SE corner does. We would like to point out the obvious feasible & prudent alternative of simply moving the current hotel project to the NE corner of 9th & New Hampshire.

Perhaps the developer may merely wish to swap their proposed uses of the NE and SE corners of 9th & New Hampshire? The HRC may be more amenable to the current size & scope of the hotel project if it were positioned farther away from the residential edge of the North Rhode Island National Historic District. And by removing the intense scope of the hotel project to the NE corner, it may free them to build a smaller apartment/retail building at the SE corner, which may also satisfy HRC's directives to match any proposed building there to the size, scale & mass of the Lawrence Arts Center next door.

In your correspondence packet there are other feasible & prudent alternatives submitted by Town Peterson & John Ralston that could keep the current scope of the hotel project at the SE corner and still lead to a shorter building. [Please remember that the extraordinary size of the building at 900 NH is driven directly by the scope of the project as a hotel, which they state must include a parking garage, 80-90 hotel rooms, a restaurant, pool, and "market" space.]

As you can see, even with a small amount of imagination, there are in fact feasible & prudent alternatives available to the city, the land-owner and the developer, and thus one cannot say that all possible planning has been accomplished.

Thank you for your time & energy on this issue, and I look forward to seeing you all Tuesday night.

Sincerely,

Leslie Soden, President
East Lawrence Neighborhood Association

Bobbie Walthall

From: Brian Iverson [bkivers@att.net]
Sent: Monday, June 25, 2012 1:59 PM
To: Bobbie Walthall
Subject: 9th and NH project

To: Mayor, Vice Mayor, and Commissioners for the City of Lawrence:

I would like to express my support for the development project at 900 New Hampshire, and I ask that you vote to allow this project to move forward on Tuesday night. As a resident of Lawrence, I care about the success of our community and the ability of our residents to find work in Lawrence. I also care about keeping our downtown vibrant and healthy.

This project is a fair compromise between all parties and will enhance the overall area. The developers are taking great personal risk to proceed with this project, and to shrink the project to the point that it is not economically feasible is identical to saying “don’t invest in down town”.

I recognize the concerns of the neighbors and the East Lawrence Neighborhood but I believe there are many positive aspects of this project. This development will enhance the overall area, draw more people down town, and help support the other downtown businesses. It will also benefit the entire city, as we add to the industrial tax base, and reduce the reliance on homeowners property tax.

Thank you for your time and consideration.

Brian Iverson

Bobbie Walthall

From: Gary Rexroad [grexroad@microsoft.com]
Sent: Friday, June 22, 2012 5:10 PM
To: Bobbie Walthall
Subject: 9th and New Hampshire

Mayor Schumm, Vice Mayor Dever, Commissioners Carter, Amyx and Cromwell.

I would like to express my support for the proposed 900 New Hampshire project, and I encourage you to approve the appeal of the Historic Resource Commission (HRC) determination. Following is justification for my support.

It is my observation that no prudent or feasible alternative exists at this time as evidenced by:

- The number of years the lot has remained empty without development
- The degree and depth of discussion and compromise done by all sides to get to current plan
- The feasibility study suggests that no further reductions are possible
- The lack of other real proposals on the table which have funding, backing or a reasonable chance to be developed

This development offers a very good transition from residential to commercial and is in fact well within the scope of the property's design as indicated by zoning. Further, I believe the historic district will be enhanced by this project as designed.

While this is very good for the downtown and for the immediate area, it is also important to note this is very good for Lawrence in general. This will bring people and \$\$ to downtown keeping it healthy and will benefit all of Lawrence for decades.

Please support this project and enable this experienced and capable development team to spend their money in Lawrence

Best regards,

gary rexroad | support practice manager | (m) 785.226.2908 | grexroad@microsoft.com

Bobbie Walthall

From: Rasmussen, Stanley L NWK [Stanley.L.Rasmussen@usace.army.mil]
Sent: Friday, June 22, 2012 2:01 PM
To: Bobbie Walthall
Subject: City Commission Comments on the 900 New Hampshire Project (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Dear City Commissioners:

I would like to express my support for the proposed 900 New Hampshire project, and I encourage you to approve the appeal of the Historic Resource Commission (HRC) determination. Following is justification for my support.

--The proposed hotel project will be good for downtown and all of Lawrence. By drawing in more potential customers of stores, restaurants, and other downtown business, it will help to keep downtown alive, vibrant, and robust.

--The hotel will provide a good transition between the East Lawrence residential community and the more commercial downtown area.

--This is not just an East Lawrence issue, this project will affect the quality of life for all Lawrence residents, and I believe it will have a net positive and beneficial impact on our community.

--I disagree with the HRC opinion that the proposed project will encroach upon the historic environs of the downtown area.

--At this time, there is no better, more sensible, or more realistic place for the proposed hotel project. Therefore, there is not currently a feasible or prudent alternative to the proposal.

--All possible planning has been done to minimize harm from the proposed project. This is evidenced by the project's location in the Commercial Downtown district, by the project being adjacent to other commercial properties and uses, by the project's close proximity to Massachusetts Street, and by the multiple design features and concessions of the applicant that will essentially eliminate any detrimental impacts to nearby properties.

--This location is suitable for the proposed project and has stood vacant too long. Now is the time to turn a parcel of land with minimal economic benefit to our community into a valuable economic contributor to the neighborhood, to downtown Lawrence, and to our community as a whole.

For the reasons stated above, I encourage you to approve the appeal of the HRC determination and let this project move forward as quickly as possible.

Thank you in advance for your consideration of my comments.

Stanley L. Rasmussen,
4701 Turnberry Drive
Lawrence, KS 66047
785-842-7790

Classification: UNCLASSIFIED

Caveats: NONE

Bobbie Walthall

From: Town Peterson [town@ku.edu]
Sent: Thursday, June 21, 2012 9:07 PM
To: schummfoods@gmail.com; aroncromwell@gmail.com; mdever@sunflower.com; hughcarter@sunflower.com; mikeamyx515@hotmail.com; Bobbie Walthall
Cc: clawhorn@ljworld.com
Subject: A feasible alternative for 900 NH
Attachments: City Commission Letter.pdf
Importance: High

To the City Commission of Lawrence:

Please find attached a pdf document that provides you with an analysis of an alternative to the current proposal for the 900 New Hampshire Street lot that I hope that you will find interesting. The project is much smaller in scale, and coincides far better with the needs and desires of the East Lawrence neighborhood. Most significantly, the project is feasible financially—by avoiding some of the big expenditures in the current proposal (e.g., parking garage), this proposal manages to be quite profitable, to the point that no request for public financing would be necessary. Finally, this proposal would subsidize a grocery store that is much needed in East Lawrence and North Lawrence, alleviating a critical problem for Lawrence as a community (did you know that much of Lawrence is an official USDA-designated 'food desert'? I urge you to read this document carefully, and please do not hesitate to contact me should you require any further information.

Very best regards,
Town Peterson

A. Townsend Peterson, University Distinguished Professor
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21 June 2012

Bob Schumm, schummfoods@gmail.com
Aron E. Cromwell, aroncromwell@gmail.com
Michael Dever, mdever@sunflower.com
Hugh Carter, hughcarter@sunflower.com
Mike Amyx, mikeamyx515@hotmail.com
Bobbie Walthall, bjwalthall@lawrenceks.org

To the City Commission of Lawrence:

You have before you an appeal of the Historical Resources Commission's twice-unanimous decision to deny permission for the construction of the "900 New Hampshire" project (henceforth "900NH"). The HRC, as you know, concluded that this project would impact negatively Lawrence's rich historical resources. I write this letter in strongest protest against any thought of overturning this decision.

In cases of this sort, the proponents must demonstrate that no prudent and feasible alternatives to their proposal exist, and that all possible steps have been taken to mitigate damages that would be caused by their project. You are charged with hearing the case, which I hope to convince you is weakened by the document that follows here. In this document, I provide what you will see to be a very prudent and eminently feasible alternative to the proposed project. I am not at all against the idea of development for this lot, but rather my focus is on building a building that will serve the needs of the neighborhood, while serving the needs of the developers and investors as well. Should you not like the grocery store option, I note for you that, if the retail space were rented at normal market rates, the profit margins would be much larger, such that this building would be enormously solvent and profitable and certainly feasible (see numbers in the table under *Caveat Investor* below).

More generally, I urge you to ponder what is an ideal use of the 9th and New Hampshire region. Lawrence is not Chicago or New York, and does not need skyscrapers (or anything like them) or rampant growth without measure. Rather, Lawrence needs careful, well-considered development that is responsive to retaining Lawrence's unique flavor—consider, for example, the very successful Final Fridays events. A big, generic building designed for maximum profit does not achieve these goals.

Please feel free to contact me if you have any questions, or would like any further information.

Very sincerely,



Andrew Townsend Peterson, Ph.D.

University Distinguished Professor
The University of Kansas

A Feasible and Prudent Alternative for 900NH: *The 900NH Grocery Store Project*

A. Townsend Peterson

The objective of this white paper is to assess and demonstrate the feasibility of a three-story, 30,000 ft² building on the southeast corner of 9th and New Hampshire streets in Lawrence, Kansas. This building is proposed as an alternative to the large-scale hotel-restaurant-apartments-retail project that was recently denied permission by the Lawrence Historical Resources Commission, a decision that is under appeal before the Lawrence City Commission. Unlike the large-scale proposal, however, this building is much smaller, and has been designed in close consultation with the East Lawrence community, as this is the region where the project is situated. This building responds to important and pressing needs for the Lawrence community, and yet is clearly and unambiguously feasible in economic terms.

Residual Approach to Project Appraisal

In an ideal world, a response to the current 900NH proposal would have access to the financial figures on which the proponents' own evaluations were based; as these figures are not available in full, I have assembled extensive information from the recent construction by the same group at a nearby site to build this assessment. Indeed, I provide a level of detail in the financial dimensions of planning of this building that the proponents of the current 900NH proposal have not offered, and most of the detail available was only provided to me in recent days, as part of the Springsted feasibility studies that were recently made available.

I use information that *is* available to infer how much funding could be obtained for land purchase and construction. I make standard and defensible assumptions regarding use-specific lease rates (from the First Management website as regards leases in the 901 NH building) and vacancy losses (assumed at 6%), debt coverage ratios (assumed at 1.1), interest rates (assumed at 5.5% over 25 years, from the Springsted feasibility studies), and loan-to-value ratios (assumed at 80%). I provide two measures of overall project feasibility: (1) whether, considering all costs involved in such a development, enough money is available for construction on a per ft² basis; and (2) whether, based on the construction cost rates cited in the Springsted feasibility studies, the intrinsic rate of return would be sufficient to convince investors to back the project.

A particularly useful and convenient point of comparison is provided by the recent 901 New Hampshire Street project. This project was carried out very recently at a very close-by location by the same development group, such that construction costs for that project are maximally relevant to the proposed 900NH project. Specifically, the *Lawrence Journal-World*, on 22 October 2011, reported that the 901 New Hampshire Street project cost \$10,000,000, with all costs included (e.g., land purchase, construction, etc.); the same report indicated that the building covers 10,000 ft²/floor, and consists of 7 floors, for a total of 70,000 ft². Putting these two figures together, I calculate a project cost of \$142.86/ft² in “all-in” construction costs for the 901 New Hampshire Street project. The Springsted feasibility studies cited a rate of \$133/ft², a figure provided by the developers, which will be used later in this analysis. In this analysis, I assume that a nice building can be built for these amounts of development money, and thus set these cost estimates as goals of my figures. In other words, my alternative will be judged as feasible if it can be constructed for this amount of funding.

Rationale for the Alternative

Lawrence is a prosperous community that melds high-quality employment (particularly associated with the University of Kansas) with excellent opportunities for living. As the Lawrence Chamber of Commerce puts it,

Lawrence boasts an educated and capable workforce and is consistently ranked a “best state” for business, “top college town” and top 10 city for retirees. Its growing population, top-ranked educational institutions and unique quality of life, make Lawrence a perfect location to live and work.¹

Nonetheless, this prosperity is not distributed evenly across the Lawrence community. Specifically, this proposal focuses on the uneven availability of high-quality foodstuffs as primary materials for nutritional meals—in effect, a grocery store.

The U.S. Department of Agriculture’s Healthy Food Financing Initiative (HFFI) Working Group has defined the idea of ‘food deserts’ as a low-income² census tract where a substantial number or share of residents has low access³ to a supermarket or large grocery store⁴. Surprisingly, the HFFI identifies a large swath of the northern

¹ <http://www.lawrencekansaseconomicdevelopment.com/>.

² “Low-income” is defined as a census tract where (1) poverty rate >20%, or (2) for tracts located within a metropolitan area, median family income <80% of the greater of statewide median family income or the metropolitan area median family income.

³ “Low access” in urban areas is defined as >1 mile from a supermarket or large grocery store.

⁴ See <http://www.ers.usda.gov/Data/FoodDesert/> for a mapping facility, definitions, and much more detail.

and eastern parts of Lawrence as a food desert⁵, which can be appreciated on the map below.

The need for a grocery store has long been appreciated in East Lawrence, and a couple of attempts to develop such a store have failed in recent years. Indeed, at the most recent meeting of the East Lawrence Neighborhood Association, 20 of 27 persons present voted a grocery store as the #1 need of the neighborhood, particularly as regards the 900NH site.

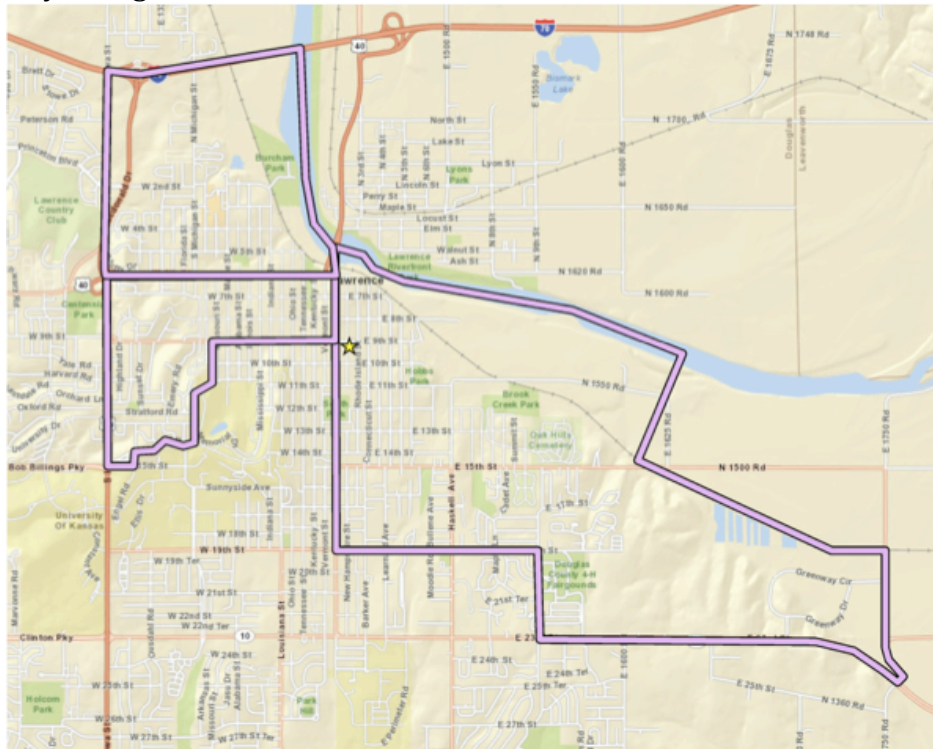


Figure 1. Map of food deserts in Lawrence, Kansas. Officially-qualified, USDA-defined food deserts are shown in pink outlines, and the location of the 900NH project is shown as a yellow star.

Such a project—that is, a community grocery store located within East Lawrence—has multiple and massive additional advantages, including building the tax base of the Downtown and East Lawrence areas, alleviating nutritional consequences of poverty, reducing ‘outflow’ of funds from the community, and reduction of greenhouse gas emissions. Such a development would be nothing short of a ‘win-win’ situation for Lawrence very generally, and particularly for East Lawrence and the Downtown Lawrence area.

⁵ Note that the details of the USDA site's identification of Lawrence's food deserts are not clear. For example, whether the temporary closing of the 19th Street Dillons is incorporated into these calculations is unclear, as the size of the East Lawrence census tract places its centroid far from its edges, one of which overlaps the position of this Dillons. Also, the rationale by which North Lawrence census districts do not qualify as food deserts is similarly unclear: possibly, the Dollar General store is being counted as a grocery store, which is an assumption of dubious merit. Regardless of the details, these food deserts identified by the USDA are certainly real and tangible to those who live in East Lawrence and North Lawrence.

Proposed Building: Size and Uses

The current 900NH proposal plans cover a footprint of 14,552 ft²/floor, with a height that was originally at 6 stories. Although the original design has been modified somewhat in subsequent proposals, the modifications were in detail only, and have not changed the overall massing of the proposed structure (as the HRC had requested), which was the basis for the HRC denials. The current proposal is approximately 5 stories tall.

My proposal is for a building that is lower in height (3 stories). What is more, in view of the need for delivery areas and some off-street parking, I reserve approximately one-third of the original footprint for these purposes. Hence, the ground-floor footprint of the building I propose is only 10,000 ft²; with three stories, the total area of the proposed building is 30,000 ft². An important note is that, by not occupying the entire lot with building, *considerable* cost savings are possible by avoiding the underground parking lot, which constitutes an impressive 20.7% of the total project costs in the 3-story alternative in the Springsted feasibility study.

Three uses are envisioned for this reduced-size building. The top floor would be dedicated to apartments, which has the advantages of creating high-quality housing in the Downtown and East Lawrence areas, and of improving the tax base of the same area. The middle floor would be used as office space, which further concentrates both economic activity and tax revenues in the Downtown and East Lawrence areas. Finally, the ground floor would be dedicated to a grocery store. The critical objective of this proposal is that *the rental income from the upper two floors can be used to subsidize the grocery store, so as to assure its feasibility and solvency.*

Projected Rental Income

Once again, I was able to obtain very good, comparable figures for scoping my proposal from the 901 New Hampshire Street building immediately across the street from my proposed building. According to the First Management website, and doing a few calculations relating prices to areas, office space in this area and in this sort of new building can be rented at \$14.50/ft² (source⁶), and apartment space can be rented at an average of \$16.94/ft² (source⁷). These rental figures are optimal, in that they come from the same region, and from a new building of similar quality to that under discussion herein. I included a 6% vacancy loss in all calculations based on office and apartment rental rates.

The rental rates for the grocery store on the first floor are a more complicated issue. I have established that grocery store-appropriate space in near-west Lawrence (e.g., Hillcrest Shopping Center) is rented at approximately \$8/ft², and that similar space downtown (e.g., the Border's Bookstore building) has been offered for such use at

⁶ <http://www.firstmanagementinc.com/commercial/index.html>.

⁷ <http://www.firstmanagementinc.com/properties/901/index.html>.

\$10-12/ft². However, this latter space has not been rented by a grocery store precisely because the price is too high. As a consequence, I have explored price reductions that allow the higher-dollar rentals on the upper floors (apartments and office space) to compensate for a lower rental rate on the bottom floor (grocery store). Indeed, in the calculations presented in this white paper, I use a grocery store rental rate of \$2/ft².

Clearly, \$2/ft² is a very low rate for renting 10,000 ft² of new commercial space at the interface between Downtown Lawrence and East Lawrence on a busy corner. This low rate is purposeful, as it intends to use the significant profit potential of the upper two floors of the building to make possible a use that might not otherwise come to be. That is, if development in Lawrence is left simply to free-market forces, perhaps no grocery store would ever enter this area, serving the needs of East Lawrence and North Lawrence. The availability of such space with such low rental rates, however, all but guarantees (1) that interest would exist on the part of a grocery store in occupying the space, and (2) that such an enterprise would be successful. This—by the way—is the ‘prudent’ part of this proposal: the neighborhood both needs and wants a nearby source of high-quality, primary food.

Projected Income, Financing, and Funds Available for Development

All calculations are based on a compact building that occupies approximately two-thirds of the 900NH lot with 10,000 ft²/floor. At three stories, this translates into 30,000 ft² total area for the proposed building. I calculated a grand average lease rate of \$10.52, based on one floor of offices renting at \$14.50/ft², another of apartments renting at \$16.94/ft², and the ground floor grocery store renting at \$2/ft²; note that I have taken into account 6% anticipated vacancy loss for apartments and office space in these calculations. Multiplying the total square footage by the overall lease rate, we get a figure of \$315,600 annual gross income for this building.

The next question is that of financing—basically, how big of a loan will be justifiable based on an \$315,600 anticipated gross income. Assuming a 1.1 debt coverage ratio, the annual debt service would be \$ \$286,909, which is equivalent to a monthly debt service of \$23,909. Given a 5.5% interest rate on a 25-year loan⁸, a total of \$ \$3,893,434 could be financed. At an 80% loan-to-value ratio (in other words, with a 20% down payment), \$4,685,000 would be the total amount available for development costs for this building.

⁸ FINfacts, 4 January 2012, suggests an even-lower interest rate, but, to be conservative, I have used the rates in the Springsted feasibility reports.

Feasibility

The developers of the present 900NH hotel-restaurant-apartments-retail proposal have stated repeatedly that only via its massive dimensions does the project become feasible in economic terms. Indeed, the Springsted feasibility studies indicated that neither a 3-story version nor a 4-story version would be feasible without substantial public funding subsidy. I suspect that this non-feasibility is in large part a result of the inclusion of the very-costly underground parking facility. The 900NH grocery store proposal outlined herein provides an interesting counterpoint: a MUCH-smaller building appears to be eminently economically feasible.

Throughout the calculations in this white paper, I have made very conservative assumptions: that is, I have avoided carefully the temptation to make this proposal appear more feasible by ‘tweaking the numbers.’ In particular, I have drawn lease rates from the 901 New Hampshire Street building that the same development group has constructed recently, such that these rates are clearly reasonable and comparable. My calculations are based on a land purchase price of \$695,000, which is drawn directly from the Springsted feasibility studies as the contracted purchase price for the land. Hence, at every opportunity, I have made conservative assumptions that make my calculations robust to slight differences in numbers.

*The first demonstration of feasibility is this: \$4,685,000 in total (all-in) development costs for a 30,000 ft² building translates into **\$156.17/ft² available for total development costs for the proposed building**. This is **well above the \$142.86/ft² that was calculated for the 901 New Hampshire Street project**, and well above the \$133/ft² that was cited in the Springsted feasibility studies. The differential represents either funds that could be taken as immediate profit, or that could be invested in higher-quality, more luxurious construction.*

*The second demonstration of feasibility is in internal rate of return calculations. I assumed a lease rate increase of 10% in the 6th year of the project, and found an **expected internal rate of return of 11.50%**, which exceeds the NAREIT benchmark expectation of 10-year return on real estate investments of 10%. It is also considerably above the IRR calculations provided in the Springsted feasibility studies.*

Caveat Investor

It could be argued that the re-construction of the 19th Street Dillons alleviates the need for a grocery store in East Lawrence—although many see that the need for a neighborhood grocery store remains strong, particularly for the northern sector of East Lawrence and all of North Lawrence. Anyhow, in case this reasoning is marshaled to dismiss the arguments above, I present a brief, parallel, summary of calculations based on normal market rental rates for all three stories (i.e., apartments on top floor, offices on middle floor, retail on ground floor). Obviously, without the cross-subsidy between the different uses of the building, this building proposal becomes even more profitable, and easily falls into the category of “feasible.”

Instead of the subsidized \$2/ft² in the above treatment, I assume a \$12/ft² rental rate for the retail space on the first floor, and consider the same 6% loss to vacancies. With these new assumptions, the numbers are as follows (see above for details and sources):

10,000	ft ² /floor
3	Stories
30,000	ft ² total area
\$13.61	average lease rate across all three stories, and taking into account 6% vacancy loss
\$408,300	annual gross income
1.1	debt coverage ratio
\$371,182	annual debt service available
\$30,932	monthly debt service available
5.5%	interest rate
300	number of monthly payments in a 25-year loan
\$5,037,038	amount allowed to borrow
0.8	loan-to-value ratio
\$6,296,297	total funds available for development costs
\$695,000	land value (i.e., purchase price)
\$209.88	all-in development costs/ft ²

Clearly, this analysis is still more feasible from an economic standpoint than the cross-subsidized grocery store proposal. The \$209.88 available for per-ft² development costs is far above what was spent per ft² in the 901 New Hampshire Street project or what was stated as costs expected in the Springsted feasibility study. Once again, the excess funds could be taken as immediate profit, or could be invested in higher-quality construction.

Summary

The proposed 900NH hotel-restaurant-apartments-retail project is a huge building, which would loom massively over nearby East Lawrence, and includes an extremely costly underground parking facility. On the basis principally of height and massing, the Historical Resources Commission denied the application for the construction of this building. That proposal has also proven very unpopular with many East Lawrence residents, because it is seen as not speaking in any relevant way to the needs of its context. Rather, it is seen simply as a financial opportunity for the developers, but does not bring any benefit to its immediate neighbors.

This white paper presents an alternative—a much-smaller building with only three planned uses: apartments, offices, and a grocery store. Being only one-third the volume of the current 900NH proposal, and half of its height, I am confident that the 900NH grocery proposal would encounter few challenges from the Historical Resources Commission or other entities that are quite concerned about the current larger-scale proposal.

Perhaps even more importantly, this proposal speaks directly to the needs of the East Lawrence and Downtown Lawrence areas, as well as those of the adjacent North Lawrence. Specifically, this white paper would place a community grocery store that provides these regions with high-quality, primary material foodstuffs—vegetables, meat, and grains, rather than pre-prepared, low-quality foods that are available at dollar stores and quick-stop-type stores. In effect, this project would remove Lawrence’s food deserts by subsidizing a grocery store down to yearly lease rates that essentially assure solvency.

A final point is that the current 900NH hotel-restaurant-apartment-retail proposal involves a request for significant public financing, aimed at funding construction of hotel-related infrastructure such as off-street parking. Not only that, but the off-street parking is in the form of very expensive underground parking areas. Many in the Lawrence community see this request as public financing that will have largely *private* benefits, such as building the parking facilities for a private hotel. Public financing for a project such as the 900NH grocery store would be considerably more easily justifiable—very direct benefits would accrue to all in the Lawrence community. What is more, given the IRR calculations presented herein, public financing for the 900NH grocery store project *would not be necessary*, as the project is feasible and profitable without public funding.

Bobbie Walthall

From: tina haladay [wow_4organics@yahoo.com.au]
Sent: Thursday, June 21, 2012 1:39 PM
To: aroncromwell@gmail.com; schummfoods@gmail.com; mdever@sunflower.com;
hughcarter@sunflower.com; mikeamx515@hotmail.com; Bobbie Walthall
Subject: 900 New Hampshire Proposal

To the City Commission:

You are being presented with a request to overturn the THREE times decision of the Historic Resources Commission to deny approval for 900 New Hampshire Street. I write to you in strong protest, based on my firm belief that the project would actually harm Lawrence's economy irreparably more than it will add.

The project you are considering has four uses: hotel, apartments, restaurant, and retail, and for many reasons I feel this building would detract in ways that would actually harm Lawrence in the long run.

Lawrence hotel occupancy rates are known to be on the low side (estimated at about 51%), and projects such as Eldridge Extended, Springhill Suites and Halcyon House are already in trouble, as well as the fact that Lawrence already has two major downtown hotels, plus the new Oread Hotel on the Hill, and a hotel under construction to the south of Hallmark. The public has \$11 million in public financing sunk into the Oread Hotel, and undoubtedly there will be requests for more public financing for 900 New Hampshire. Also, the publicly financed parking garage still is not paid for.

Thirty-one retail properties are currently NOT occupied or rented in the downtown area, including large-scale buildings along the New Hampshire Street corridor alone. The need for more retail space is not at all a given, and would in fact point to a serious issue with the health of retail downtown.

As for apartments, please note that the Hobbs-Taylor Lofts Building took 6 years to achieve full occupancy, and that the development group has just finished a very similarly designed apartment project at 901 New Hampshire Street. Our city already has many apartment complexes geared towards single occupants. And considering that the parking below this building is for the hotel, it will push more parked cars onto the neighboring streets and into the already full parking garage.

I see very little in the way of positive long-term economic prospects and feel this massive building will create short-term profit for the developers, and detract from the small town charm and quaint downtown streets that Lawrence is far and wide known for.

A space with green gardens and attractive seating for visitors and residents to enjoy has been offered as an alternative and has always created a positive space in the towns and cities that have created them. It would be wonderful to see a space like this in Lawrence as well.

As a result, I urge you to deny the developer's appeal, and not allow this project to go forward.

I hope you are able to make a decision you feel peaceful with.

Thank you for your time,

Cristina Haladay

1224 Delaware St

Lawrence KS 66044

20 June 2010

Dear Commissioners,

I write regarding the appeal of the Historic Resource Commission rulings on the proposed project at 900 New Hampshire Street. New issues tend to distract you from your duty under the law.

Who has the burden to show there are no feasible and prudent alternatives? *It is the developer's burden, which they cannot meet.* The five-story proposal (falsely described as four) is legally inconsistent with the needs of historic preservation. So much is ruled by the City's own experts on the HRC. The HRC has legal status not to be dismissed. That's why the developers asked you to take on their burden of proof. Brokering side issues and side developments may be clever, but cleverness would have bulldozed Massachusetts Street for short-term gain decades ago. You must stay focused on the duty of the appeal.

A financial study shows feasible and prudent alternatives do exist. A three-story project would make money at better rate than a bank will give you. The word "feasible" in the report is not the same as in historic preservation law. The Law does not say the City should be guided by *maximizing* the profits of speculators. That is the assumption of the study, and its first weakness.

The great weakness of the study accepts the premises given by the developers. The developers falsely padded the costs with superfluous add-ons, and falsely restricted the number of rooms to scale with the number of floors. The report was not allowed consideration of using the land better, or eliminating profitless options. Anyone can produce an unviable alternative, and it is not the same as considering all alternatives.

The Law does not say to limit options, nor to choose the option best for investors. The Kansas law is brilliantly written just the other way around. **Historic preservation takes precedence. Zoning does not matter. The developers need to show no alternatives exist.** It's like showing no number between 1 and 100 exist, including fractions. There's too many options. The Law sets a high standard that must be obeyed, and for good reason. The super-rich investors will find their own way to make money, and selling the town's history is not needed to do it.

The Law gives no special variance for maximizing profits. The City's treatment of the process has been peculiar but not yet the main bone of contention. I respectfully assume and request that 100% of material on this extended project be included in the record of the appeal. That includes all citizen inputs, and all the developer's prior proposals. The basis of this should be obvious, but in case of legalistic maneuvers to cut off inputs, the law states you are to consider ALL relevant factors. That means ALL studies, internal documents, deceptive renderings, mistakes, mis-estimates, testimony, public comments, letters and facts that show beyond a doubt that **many feasible alternatives exist**. Given the existing record, you must ask: *Is even one thing about the design dispensable?* If there is even one alternative, *that's an alternative that exists*. You can't afterwards claim *none* exist.

The dispensable factors of the project include the project itself. The Law does not say the project needs to be at 900 NH. The developers deliberately chose to violate historic guidelines. Then developers need to show there's no option in the Universe except their plan. Dispensable features on record are a superfluous retail area, an absurd rooftop palace, an unnecessary restaurant, a wastefully vast hotel lobby the size of a two double tennis courts, and many features ("meeting halls") that came and went with each Treanor version. The proposal includes a huge wasteful courtyard the financial consultants were not allowed to consider. The proposal wastes a 20 x 100 foot area of land adjacent to the Art Center, a good fraction of the block, because there's a 3-story limit there: not divulged to anyone. Make the expensive underground garage too big: and consultants not allowed to challenge. These facts document many feasible alternatives the developers shunned, suppressed, concealed, in the arrogant drive to dominate by height: Completely useless height of a rooftop palace adding a full extra floor - while lying with numbers - to prove the point of dominance. Why would Commissioners give in to that?

If the City would grant the appeal, it would forge a precedent forever destroying historic preservation in Lawrence, Kansas. The City would utterly renege on the contract defining the North Rhode Island Historic District. *How's that for fair play with citizens and history?* Granting the appeal would create an algorithm to grant every appeal henceforth. The algorithm is: (1) Hire architects to make arbitrary and wasteful plans too big for a space. (2) Narrowly define the project for financial consultants removed from the Laws and requirements of historic preservation. Give the consultants false restrictions on scope and means. (3) Have consultants return the option of maximum profit. (That's what financial consultants do.) (4) *Iterate*. Once the City chooses the algorithm as its precedent, the City can't go back. The City would be sued by developers for not continuing with the same

negotiated abandonment of Chapter 22 and State Law, because the City will have done it *once*. You cannot go down that road. If validated by a court the City loses all authority. If it loses, the City loses.

Regarding financial incentives for developer profits: most citizens oppose them. Try to base the case on that. If a project can't work without public subsidy, publish the fact. (It's already published.) It's a pretty stupid business project, which must contain a number of redundant, superfluous, wrongheaded elements, that can't succeed on its own. Why break a law for that? The developers will move the project if you stand firm.

Perhaps the Commissioners have looked upon the Law as an annoyance rather than the actual protection and strength it gives the Commissioners. If we uphold the Law it protects us. If we bypass the Law we have nothing to stand upon. In the Commissioner's search for resolution, they may have overlooked the fact that neither the City nor the citizens of Lawrence have a Law directing them to validate the option of maximum profit. Developing 900 NH can be done many different ways.

The laws give you Commissioners no leeway for distractions or side-proposals. The laws are good to focus you on the weakness of the proposal itself. The developers were unable to show no feasible alternatives exist, it would be wrong and false for you to deny that, the appeal is groundless, and you must reject it.

Respectfully,

A handwritten signature in black ink, appearing to read "John Ralston". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

John Ralston

940 Rhode Island Street

For the record, I am re-attaching for this appeal a proposal with three total floors. The design has 34% more rooms per floor, which itself eliminates one of three floors: it has 137 rooms, of the same dimensions as the proposal under appeal. Such an alternative was not considered in the financial consulate report.



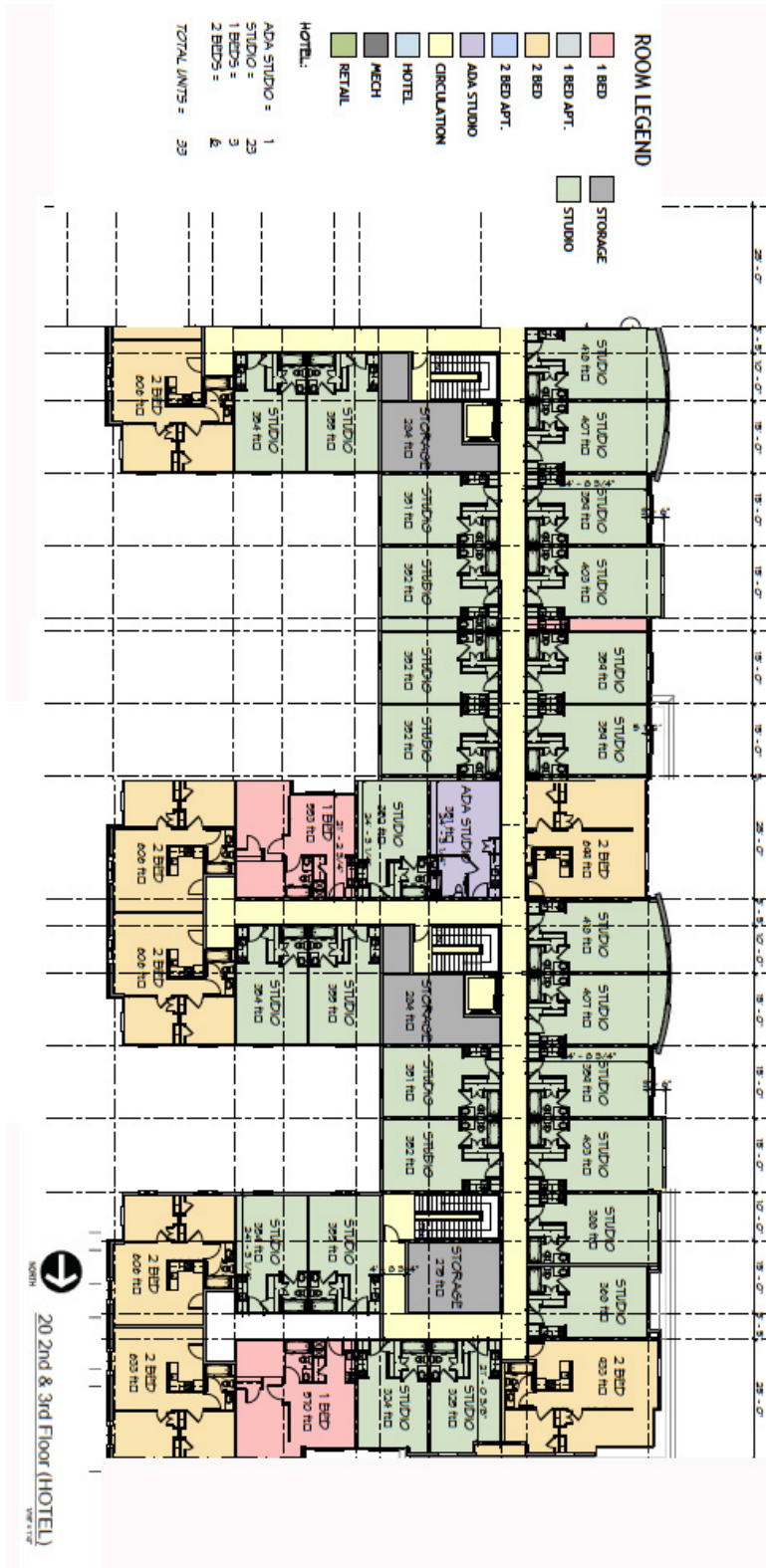
Vanity rooftop structures of faulty design are redundant and can be eliminated. Eliminating superfluous elements decreases height, as required by HRC, saves money, and eliminates need for public subsidies.

	Treanor February 2012	This Project
Number of Rentable Floors	¹ 4.5	3
Rentable area per Floor, ft^2	14000	16000
Approximate Rental Area, ft^2	63000 *	48000
Development Cost / ft^2	\$150 / ft^2	\$150 / ft^2
Average Rental Rate ²	\$14.5 / ft^2 / year	\$14.5 / ft^2 / year
Total Development Costs ³	\$18,000,000	\$7,200,000
Interest at 4% / year	\$720,000	\$280,000
income / year	no information from developers	\$696,000
Profit / year = (Income - Interest) / year	no information from developers	\$416,000

Table 1: Comparative figures. ¹Excludes redundant elements of Treanor design. ² and ³ based on Treanor-supplied public figures of \$1200/month per apartment and \$18,000,000 development.



First floor of new design eliminates redundant retail space and courtyard, uses third wing and the full length of the lot.



Second and third floors of total three (3) story structure uses full space of lot, adds as entire wing in place of unnecessary courtyard, and increases the number of rooms per floor by about 34%

Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

Scott

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5-1-12

900 New Hampshire

Testimony

Feasible and Prudent Alternative Hearing

City Commissioners:

This has been a difficult agenda item that began with the applicant's design team displaying an arrogant unwillingness to make any design changes at the first HRC hearing in October 2011. Since that time, the applicant has had a change of attitude and has worked with the Architectural Review Committee (ARC), to make a number of design changes, many of which were proposed by LPA during public hearings. The applicant, however, has not been able to work out of the deep hole it dug itself with the neighbors, most of whom have yet to acknowledge those changes.

The most recent change, elimination of the apartment use from the project program and an entire story of the building, was welcomed by LPA, but that opinion was not shared by any other participants in the public process. At the special HRC hearing regarding the revised project, LPA agreed with the staff approval recommendation, not as an ideal project solution, but as one which we feel has changed significantly enough that it could pass environs review. On a 4-1 vote, HRC disagreed.

To date, LPA feels like the ARC review process for this item has worked, and we appreciate City Commission's intercession in having the applicant remove a floor from the building. While HRC did not agree with LPA's final assessment, we believe HRC performed their task to the best of their ability, and we realize that the revised project is now such that a determination on whether or not it passes environs review is open to interpretation. The process now moves to the second component of the preservation review process provided by state law: the feasible and prudent alternative review.

We wish to emphasize that these two components of preservation review are totally unrelated to each other. City Commission cannot overturn an HRC ruling on a state law review item. You may have the desire to move the revised project forward, but to do so while ignoring compelling evidence presented at the hearing would not be wise. In the March 6, 2012 memo from the city attorney's office regarding feasible and prudent alternative hearings, page 4, #25, it states: "in reviewing any determination of the City Commission under the KSHPA (Kansas State Historic Preservation Act), the ultimate question for the courts is whether the [City Commission] took a hard look at all relevant factors and, using plain common sense, based its determination upon the evidence."

LPA's overriding concern as this issue goes forward is to protect the two-part review process provided under state law. We participated in the first component of review, the HRC hearings, in a faithful and diligent manner. Even though our final

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determination in that part of the process was different than HRC and would in fact have rendered the current hearing moot, it is very important to us that we participate in this second part of historic review in the same faithful and diligent manner. In that spirit we offer the following relevant factors as our public testimony for you to consider in the feasible and prudent alternative hearing:

- In the Downtown 2000 Plan, planning staff identified 900 New Hampshire as a mixture of 2 or 3 story office/commercial. HRC, for this agenda item, has encouraged a 3 story structure, and has suggested in documented ARC discussion that a fourth-story popup at the 9th and NH corner, all else being equal, would likely pass their review. So while HRC's determination in this matter might be seen by some as strict, in fact it would allow a bigger development than planning staff envisioned in 2000. You rely on planning staff for professional expertise, and on HRC as an advisory body, and these are their recommendations.
- Marriott design necessities make it impossible for it to occupy a building smaller than the one proposed. Thus, it's not the hotel use per se, but Marriott's own design requirements that make it the square peg for the round hole that is this site. Other hoteliers might not have those same requirements, and might be more than happy to occupy a smaller structure that could pass HRC review. They might not require a swimming pool, or they might accept a ground-level pool that would take less above-ground space than the proposed rooftop version. Instead of insisting on a full-service rooftop restaurant, they might be fine with a ground-floor bistro space that frankly would be more popular with visitors to Arts Center events, and they might be happy to offer their guests a list of nearby downtown restaurants so that they can get out and patronize local downtown businesses. While Marriott is resisting ground-floor hotel rooms, another hotelier might not have that problem. Ground-floor residency can be achieved on New Hampshire with a special-use permit. A smaller building footprint, with no restaurant, pool or retail space, might require less of the expensive underground parking that Marriott needs for this site to fit their requirements.
- There are nearby downtown sites, some under the control of this developer, where the Marriott design requirements would be more appropriate. The key is to find a site on the east side of New Hampshire where there are no residential structures on the west side of Rhode Island.
- Rooftop entertainment (swimming, dining and drinking), would be more appropriate at other sites, some under the control of this developer, than at 900 New Hampshire, just across the alley from a residential-structure historic district.
- Requested tax incentives call into question whether the applicant's own project is actually feasible. The parking component of their project is not for public use, yet public financing is requested. Lawrence residents will be quick to recoil from extra sales tax charges in the retail space, and the restaurant too, once the newness of the rooftop experience wears off. The tax incentives requested by the developer would seem to have little benefit to the general public.
- In a previous feasible alternative hearing several years ago regarding the Oread Inn, City Commission ruled that there was no alternative, largely on the relevant factor that Lawrence was one of the few university cities that did not have a hotel facility near campus. That is not an issue here. Further, the Oread Inn transitions from campus to multi-dwelling units, whereas here, the transition is to single-dwelling units. There was no organized opposition to the Oread Inn from the Oread neighborhood. Here, there is intense neighborhood opposition.

While you might be able to rule, based on changes made to the original proposal, that the applicant has largely addressed "all possible planning to mitigate harm to the listed properties," these relevant factors and other detailed and sophisticated evidence LPA is aware of that neighbors will introduce at the hearing will make it difficult for you to rule that there is no feasible and prudent alternative for building on this vacant lot. You may want to hear all the evidence and delay your finding until the next commission meeting, to allow yourselves time to deliberate and confer with staff. If you find that there are alternatives, what we will take from this is that at its best this proposal was a passable but not ideal neighbor for the historic district, and we will hope that a future proposal will be.

Sincerely,

A handwritten signature in cursive script that reads "Dennis J. Brown".

Dennis J Brown
President

Bobbie Walthall

From: Matthew Lehrman [malehrman@gmail.com]
Sent: Thursday, June 14, 2012 8:51 AM
To: Aron Cromwell; schummfoods@gmail.com; Dever, Michael; Hugh Carter; Mike Amyx; Bobbie Walthall
Subject: Proposed New Hampshire Hotel/Apt

Commissioners,

I write to you in strong support of the new construction proposed at both the northeast and southeast corners of 9th and New Hampshire (I believe just the SE corner development is slated for consideration on 6/26).

These projects will add to the residential and commercial density downtown, which will add to the attractiveness of downtown Lawrence both as a great place to live and work but also as a tourism destination.

Greater population density will also serve to attract additional economic and social life for our community and may reduce dependence on vehicle transportation as a requirement to live and work in Lawrence.

As a resident of downtown Lawrence, I am very eager to help shape the direction of the downtown community. I believe these projects are an important step in the right direction.

Matt Lehrman
932 Rhode Island St.

Bobbie Walthall

From: Barbara Michener [barbmichener@gmail.com]
Sent: Monday, June 11, 2012 9:30 PM
To: aroncromwell@gmail.com; schummfoods@gmail.com; mdever@sunflower.com; hughcarter@sunflower.com; mikeamx515@hotmail.com; Bobbie Walthall
Subject: 900 N.H.

I know you are receiving copies of this very same letter, as offered through my East Lawrence newsletter. However, I agree with it completely: 900 N.H., unsightly, more hotel space when hotel usage is low, restaurant(s) when that is already all there is downtown, more retail space when windows are empty on Mass. St. On my tax dollars. The basis of all this is greed. Its an oldfashioned notion, but alive among us. Please put a brake on these people.

You are being presented with a request to overturn the THREE times decision of the Historic Resources Commission to deny approval for 900 New Hampshire Street. I write to you in strong protest, based on my firm belief that the project would actually harm Lawrence's economy irreparably more than it will add.

The project you are considering has four uses: hotel, apartments, restaurant, and retail. Each of these uses will add to Lawrence's short-term economic infrastructure, it is true, but I fear that it will also detract in ways that would actually harm Lawrence in the long run.

1. For the hotel, Lawrence already has two major downtown hotels, plus the new Oread Hotel on the Hill, and a hotel under construction to the south of Hallmark. Lawrence hotel occupancy rates are known to be on the low side (estimated at about 51%), and projects such as Eldridge Extended, Springhill Suites and Halcyon House are already in trouble. The public has \$11 million in public financing sunk into the Oread Hotel, and undoubtedly there will be requests for more public financing for 900 New Hampshire. The publicly financed parking garage still is not paid for. Stop leaving the public on the hook and protect our current investments!

2. As for the restaurant, Lawrence has seen the arrival of numerous new restaurants in recent years, especially the past year, so the competition will be more than stiff. New restaurants will not add to the tax base, but will actually spread current entertainment dollars more thinly. And more part-time, low wage service jobs are not what the city should be striving for.

3. For the retail areas, 31 retail properties are currently NOT occupied or rented in the downtown area, including large-scale buildings along the New Hampshire Street corridor alone. The need for more retail space is not at all a given, and would in fact point to a serious issue with the health of retail downtown. Our downtown is slowly turning into a tourist district — downtown needs services targeted to permanent residents with families to create a solid economic foundation for downtown, not more tourist services!

4. And for apartments, affordable family housing is in sore supply. Lawrence doesn't need more luxury, one-bedroom apartments! I note for you that the Hobbs-Taylor Lofts Building took 6 years to achieve full occupancy, and that the development group has just finished a very similarly designed apartment project at 901 New Hampshire Street. Our city already has way too many apartment complexes geared towards single occupants (how many complexes like this have been developed in the past few years, 31st & Ousdahl, 23rd & Crossgate, and now Gaslight Village). And considering that the parking below this building is for the hotel, it will push more parked cars onto the neighboring streets and into the already full parking garage.

Frankly speaking, I have explored the four components of the 900 Rhode Island Street hotel project, and I see very little in the way of positive long-term economic prospects for any of them. I fear that this project will, in the end, create a massive building that will not improve Lawrence's tax base, nor create a more vibrant downtown area for the city. Rather, it will create short-term profit for the developers, and detract from the small town charm that Lawrence is known for. As a result, I urge you to deny the developer's appeal, and not allow this project to go forward.

Thank you for your time,

--

Barbara Michener

From: Town Peterson [mailto:town@ku.edu]

Sent: Sunday, April 29, 2012 9:17 AM

To: tracy.quillen@gmail.com; meakans@sunflower.com; iloveLawrence@sunflower.com; ltuttle@ku.edu; chad.foster@jocogov.org; wiechert@ku.edu; lzollner@lawrencekc.org; Lynne Zollner

Subject: 900 NH

Importance: High

Historical Resources Commissioners:

Having seen no reply to my previous email regarding the extra-temporaneous nature of the 30 April meeting that you are planning to convene, I presume that you will move forward with this meeting. I will not take time to express my disappointment, but I am certain that you have perceived it. I write to ask you that, if you must do this quick meeting, you at least come to the correct conclusion at the end of the day. I will remind you of two points that you yourselves stated:

1. That the HRC's role is not to negotiate. Rather, you should judge the facts as they are presented to you, and you should decide what the effects are on the nearby historical resources. You should not be considering—as the staff report seems to do—that the developers have 'come down' one more floor. Rather, the question should be whether a building of that size should be built on that site, in view of the historical resources that surround it.
2. That the appropriate size standard is the Lawrence Arts Center, and not the Mercantile Bank Building or the 901 NH building.

It is very clear to me that the HRC (or at least the HRC's staff) is under considerable pressure to "get this one approved," and allow the wheels of development to continue turning. I find it curious that the HRC has twice declared unanimously 'NO' on this project, twice the developers have appealed to the City Commission, twice the winds of fate have blown against them, and twice the developers have withdrawn their appeal and re-submitted a proposal to you. It is VERY clear to me that the City Commission does not wish to have to overturn your decision, given the political fallout that they would see—public opinion has been solidly against the idea of their overturning your decision. So they bounce the decision back to you and pressure you to do their dirty work. As a consequence, I urge you to make the correct decision from the standpoint of historical resources, and to deny this proposal yet again ... if this proposal is to go forward, LET THE CITY COMMISSION make that decision (and let them take all of the consequences as well!).

I am VERY concerned about this proposal going forward under these circumstances for two reasons. The obvious reason is that I will have a monster building behind my house that will forever change the viewscape of my neighborhood permanently and for the vastly worse. But the second reason is that this rush to build and develop will go immediately to the north side of 9th Street. Indeed, the developers have already indicated that they want to propose THAT building to you essentially immediately! I see this as an interminable progression ... use the Mercantile Bank Building to justify building 901 NH, and use 901 NH to justify building 900 NH, and use 900 NH to justify building north of 9th Street, etc., etc., until all of the NH Street corridor is built, and filled with useless, empty retail, office, and apartment space. WHAT IS THE HURRY? Lawrence needs to grow slowly and intelligently. Indeed, I have suggested several times that all of this development should be stopped, until a district study can be carried out ... why build NEW structures, when existing structures could be used? Consider the Reuter Organ Building, the Riverfront Mall Building, the Allen Press Buildings, the Borders Books building, etc.

Finally, I am disappointed in how these proceedings have been developed because I believe that what is being proposed is simply NOT GOOD for this site. Many feasible alternatives exist for this site ... indeed, if the City Commission would consider the inevitable appeal of a next denial from the HRC, I developed what I

consider to be an exciting alternative use for this site. Please see the pdf attachment to this message ... a very feasible, but much smaller building could be built on this site, and could be a VERY positive element in continued well-being of Lawrence's Downtown and East Lawrence neighborhoods.

In sum, you are clearly being pressured from a number of sides to get this building approved. I submit to you that if the City Commission indeed wants this building approved, then it should consider a third denial from the HRC, and overturn it. Rather, they are hoping for an easier path, and for that reason have never voted on overturning your decisions. I urge you to put this case back in their laps yet again, and let's have the broader discussion as to whether this project should be carried out IN SPITE OF the damage that it WILL DO to Lawrence's historical resources. I will be most grateful to you if you can ponder these points carefully.

All the best,

A. Townsend Peterson, University Distinguished Professor
Biodiversity Institute and Department of Ecology and Evolutionary Biology
The University of Kansas
Lawrence, Kansas 66045 USA

E-mail town@ku.edu

Phone +1-785-864-3926

Fax +1-785-864-5335

Skype town_peterson

Dear Members,

The affair of 900 New Hampshire indicates a lack of commitment by the City of Lawrence to orderly process and no basic understanding of the laws of the State and City regarding historic preservation. These tasks are your function.

The laws were available to developers from the beginning. Yet neither a written document nor a powerpoint picture-show about 900 NH has a single mention of Secretary of Interior guidelines. One cannot stop aggressive speculators from submitting multiple proposals and playing hopscotch with order. But why tolerate it? We absolutely need a Historic Resource Commission with an iron will and experience in using its legal authority to explain the law to the public and Commissioners.

Are the laws of historic preservation being negotiated out of existence in private bartering out of sight of the public? It's absolutely irregular to lock out citizens, but the plan and modifications you're asked to consider are literally unavailable in the public record: We think. Citizens wonder why "taking all measures to mitigate harm" seems so abstract. "All" means "All". As far as citizens can determine, your board on April 30 has the choice to consider a proposal with over 7000 square feet of superfluous retail space, that's absolutely necessary to respect historic preservation. The rest of the first floor has a vast lobby with more area than a full sized basketball court (6260 square feet versus 4700 for the court.) There is a new meeting room (absent in first plans, hence superfluous) that fill out 18842 square feet of abiding respect for Kansas History. The plan includes a rooftop palace and glass-walled restaurant totaling more than 10,000 square feet (same as a 100 x 100 foot square) to honor the North Rhode Island Street Historic District, and Social Service League, especially. (Except the new plans omit exactly what's on the roof: might be a herd of elephants.) For reference, the full-sized residential lots on Rhode Island Street are 5000 square feet.

The new version of the same design has a 56 x 107 foot courtyard where a third wing of a building could surely be built. Yet a large and useless courtyard (blighted by mechanicals) is mandatory to respect Secretary of Interior guidelines. It is brilliant to put large storage areas on the fourth floor facing New Hampshire Street, because large storage areas need good windows for the high-rent guests that occupy them, as mentioned in previous staff reports. As always the plan distorts the scale of houses on Rhode Island Street, because the architects can't figure out shadows, houses, or view angles, no matter their love for a neighborhood intact 150 years.

The design you review will reduce the underground area, in order to require public subsidies for parking, which is not your concern, except that much of the building's mechanical and infrastructure could surely be underground, which ought to be your concern. Let's notice the deepest digging and destabilization of old residences and historic structures for the garage is

planned adjacent to old stuff. That's because reckless excavation is the favored approach to preserving historic structures. It makes sense to get advance approval to dig the bad side, so asking for subsidies would not hit the problem. Actually the architects give us proof by construction no trench next to the Social Service League is needed at all.

Many of these points plus financial estimates were sent to you in my letters. Basic information contradicts the HRC minutes that *"though the main focus for 900 New Hampshire Street coming to the ARC was to reduce the height, we hit a wall and reached a point where the height could not be reduced any further."* That's preposterous. The public record shows that a reasonable design of three stories maximum exists: and evidently the developers agree, except for the mandatory illogical unnecessary lobby, retail, and rooftop palace add-ons to make sure (Chapter 22-506.1) that "as a general rule, (developers) construct new buildings to a height roughly equal to existing buildings from the historic period on and across the street."

Citizens are concerned the Historic Resource Commission might have forgotten the laws of its own existence. Perhaps I am wrong, but I find in Chapter 22-504 that 45 days are allowed for your board to evaluate applications for a certificate of appropriateness. There's a reason the law gives you time. When there is a denial, it appears that *"Any person dissatisfied with a determination by the Commission concerning a certificate of appropriateness may file an appeal ... The City Commission must act on this request within thirty (30) days of receipt and must hold a public hearing on the appeal. (Ord. 5950, Sec. 1)"*. The documents available to the public show the City received an appeal from Treanor Architects February 23. Treanor has requested and gotten many irregular deferrals. In the most recent case, Treanor asked for a deferral in conjunction with bypassing orderly process via multiple submissions of the same project. Maybe a judge would know the precedents, but I don't see how the law gives agenda manipulation a special dispensation with infinite deferral bonuses. With developers literally setting agendas of City meetings and advisory boards, the developers can't be faulted for taking advantage. But how does that serve the advantage of the citizens and the history of Lawrence?

I wonder why a citizen-based Historic Resource Commission with legal authority would tolerate the abuse. The citizens of Lawrence are strongly united in opposing a wasteful poorly-configured, out of scale structure. City staff already determined that alternatives exist. And there are many alternatives available to HRC. Regarding April 30, I respectfully suggest your board can receive whatever proposal is submitted, put it into the public record, do nothing immediately, and schedule a few future meetings where an orderly public process can be carried out: Only after the City Commission has held a public hearing, and rejected the still-pending appeal.



John Ralston

940 Rhode Island Street

RONALD SCHNEIDER
ATTORNEY AT LAW, P.A.
900 MASSACHUSETTS ST., SUITE 600
LAWRENCE, KANSAS 66044
PH: (785) 841-2040
FAX: (785) 856-0243

RONALD SCHNEIDER

OF COUNSEL:
MARGARET A. FARLEY
CURTIS G. BARNHILL

Chairman Allen Wiechert
Historic Resources Commission
City of Lawrence
Lawrence, Kansas 66044

April 27, 2012

via fax and email

RE: Hearing on 900 New Hampshire
Project

Dear Chairman Wiechert:

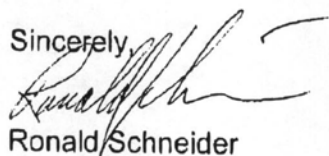
As you may recall, I represent a number of individuals who reside in East Lawrence regarding the above project. My clients' concerns and opposition to this project to date have been expressed at numerous public hearings.

On behalf of my clients, I am strongly objecting to the unprecedented and accelerated scheduling of the HRC hearing on the revised plans for this project. This proposed hearing provides my clients and the public with grossly inadequate time to review all changes and prepare for this hearing.

I have previously expressed my objections in my letter of April 24, 2012 to Randy Larkin, City Legal Department. It is my understanding that a copy of that letter was forwarded to you. In addition, I am advised this date that additional revisions to the previous plan have been submitted that we have not received.

The notice and scheduling of this public hearing is fundamentally unfair, and violates my clients' due process rights. The applicant has received the benefit of numerous continuances and rescheduling opportunities in this process. My clients are entitled to similar treatment. The hearing should be continued to provide adequate notice. Accordingly, I request that the hearing scheduled for Monday, April 30, 2012 be continued so that my clients and I have adequate and reasonable time to prepare for this important public hearing and confirm that all revisions to the plan are provided well in advance of the hearing.

Sincerely,



Ronald Schneider

cc: Planning Dept, fax 832-3160
Randy Larkin, Legal Counsel, 832-3405

East Lawrence Neighborhood Association

P.O. Box 442393
Lawrence, KS 66044
eastlawrence@yahoo.com



April 26, 2012

Historic Resources Commission
City Hall
6 E. 6th Street
Lawrence, KS 66044

Re: 900 New Hampshire, the 5-story version

Dear Commission Members,

We are sorry to report that we will not be able to provide an ELNA neighborhood opinion in time for your expedited April 30th special meeting.

ELNA will be able to review the newest set of plans for the 5-story building at our May 7th meeting. We understand that the applicant wishes matters to be expedited, but if they wish to receive an accurate statement from our neighborhood, then we will go through our regular process and timeline. We do not feel the same sense of urgency in pushing things through as they seem to feel, indeed as 900 New Hampshire has been in the public eye since September 2011.

We can say, however, that having 2 different sets of designs for 900 New Hampshire moving through city hall at the same time, while “technically” legal, we feel is border-line ethical.

We also will not be commenting at this time on the extraneous material attached to the packet relating to public financing and showing a new project slated for the NE corner of 9th & New Hampshire, as that is only serving to muddy the waters for 900 New Hampshire. Adding the material to the same packet as 900 NH is only giving the appearance of “pre-approval” for future design concepts -- poor procedure if public opinion is truly valued. Those items are separate issues that have separate processes to work their way through, if indeed things are truly as open & transparent as they should be.

Perhaps this entire concept for the intersection of 9th & New Hampshire should have started its long journey at PIRC first, if it is truly hinging on public financing to reach completion. Instead now they look as though they are trying their best to circumvent a public process that has proven successful so far for 900 NH.

Thank you again for your continued public service and work on this issue.

Thank you,

Leslie Soden, President
East Lawrence Neighborhood Association

From: Town Peterson [mailto:town@ku.edu]
Sent: Wednesday, April 25, 2012 6:54 PM
To: lzollner@lawrencekc.org
Cc: Lynne Zollner
Subject: Protest Change of Meeting Dates
Importance: High

To the Members of the Historical Resources Commission:

I write to you in strongest protest of the quick, "special date" meeting that you have called, scheduled for this coming Monday, 30 April.

As you may recall, I have been working very hard to carry out an educated, reasonable, and balanced debate regarding the 900 New Hampshire project. I have participated in all of the meetings that have been relevant (and even several that were NOT relevant!), and have dedicated many hours to reading, analyzing, and responding to the documents that have been provided. As a consequence, I am most disturbed at your announcing a last-minute meeting that is designed to consider quickly a 'new' proposal from the Treanor/Compton group.

On your web page, it is made clear that "Meetings are on the 3rd Thursday of each month unless otherwise noted*." (The "otherwise noted" appears to be mainly for 3rd Thursdays that happen to coincide with holidays, such as Thanksgiving.) Even more disturbing, I note that the deadlines for submission of materials for consideration for a meeting (again, from your web site) are 4-5 weeks prior to the meeting. For instance, for your 17 May meeting, the deadline is listed as 16 April. That is to say, the Treanor/Compton group MISSED THE DEADLINE for your May meeting, much less an emergency 30 April meeting. From what I have been able to see so far, this is NOT simply a slight adjustment of the original plans—rather, the Treanor/Compton group brings up its plans for north of 9th Street, which—in my opinion—is a HUGE new can of worms. I insist to you that both you as historical resource commissioners and we as concerned local citizens NEED MORE TIME to read, analyze, and synthesize what is being proposed at such a last moment.

More generally, I would urge you in the strongest terms to ask why the rush. That is, this whole debacle since the original proposal has wasted hundreds of hours of work by you, by city employees, and by the city commission, not to mention by us concerned citizens. It is very clear that the Downtown-East Lawrence border zone is critical, and any decisions regarding this area will be highly controversial and potentially very difficult (e.g., court cases, etc.). I do not see why the city cannot 'freeze' these projects, which are proposed so fast that no one can keep up with them, for a year, and in that year carry out a detailed, carefully considered study of the 'district' ... i.e., the New Hampshire Street corridor from 11th Street to the river. Let's sit down, between City Government, developers, and local citizens, and ponder the potential positive uses for the area, the opportunities that are there ALREADY without more construction (e.g., Allen Press building, Reuter Organ building, Riverfront Mall, Border's, etc.). The idea would be to arrive at a series of guidelines by which both the developers and the local citizens (and of course the city!), such that any proposal developed within those guidelines will be acceptable to all involved. This solution seems to me to be a much more responsible, and much more logical, solution to such a complex planning challenge.

In sum, I write to you to urge a bit of measure. There is no reason that these decisions MUST be made so quickly. I urge you to take the time to think carefully about what is being presented to you, and give the rest of us the time to do the same, and let's come to a better decision. If these decisions end up being rushed through, my only conclusion could be that Treanor/Compton are managing to pressure everyone involved into doing their bidding. Let's not let money rule the day? I hope that you will at the very least postpone the 30 April meeting, and even better postpone the entire discussion until cooler heads can think a bit.

Thanks very much for your time and consideration.

All the best,

A. Townsend Peterson

Local resident: 923 Rhode Island Street

University Distinguished Professor

Biodiversity Institute and Department of Ecology and Evolutionary Biology

The University of Kansas

Lawrence, Kansas 66045 USA

E-mail town@ku.edu

Phone +1-785-864-3926

Fax +1-785-864-5335

Skype town_peterson

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TELEPHONE: (785) 841-2040
FACSIMILE: (785) 856-0243

RONALD SCHNEIDER

OF COUNSEL:
CURTIS BARNHILL
MARGARET FARLEY

April 24, 2012

Randy Larkin
City Legal Department
Lawrence, Kansas 66044
VIA FAX:832-3405

RE: 900 New Hampshire Project and Special Meeting Hearing Before HRC
Case # DR-12-185-11

Dear Larkin:

Pursuant to our conversation, I strongly object to the timing of the scheduled special public hearing on the 900 New Hampshire Project before the HRC. Clearly, this short notice is inadequate and violates due process rights of my clients.

As of this date, the only notice of this special hearing has appeared in the newspaper article today. The applicant has apparently been meeting with city planning and has extensive time to prepare for the hearing. My clients are subject to substantial disadvantage due to the lack of adequate time to prepare.

I am contacting Dan Watkins to seek his agreement to a later date which gives all persons adequate and reasonable notice of this public hearing.

Sincerely,



Ronald Schneider

RS:cw
cc: Clients

From: csuen3@sunflower.com [mailto:csuen3@sunflower.com]
Sent: Tuesday, April 24, 2012 2:14 PM
To: Lynne Zollner
Subject: 900 New Hampshire

Dear Historic Resources Commission,

We would like to commend you for requiring the proposed project at 900 New Hampshire (southeast corner) to be kept to the height, scale, and mass of the Lawrence Arts Center. We hope you continue to do so.

With regards,
Arch Naramore
Cindy Suenram
1204 New York
Lawrence 66044

Bob Schumm
Lawrence City Commission
City Hall
6th E. 6th Street
Lawrence, KS 66044

RECEIVED

APR 23 2012

CITY MANAGERS OFFICE
LAWRENCE, KS

RE: the 900 New Hampshire project.

Dear Bob,

I am writing to uphold the Lawrence Historic Resources Commission's (HRC) unanimous decision (made twice!!) to **DENY the approval** of the 900 New Hampshire proposal to build a multi-story hotel/apartment/retail complex at this address.

- It's too high – it would dwarf the Lawrence Arts Center, and would therefore be a blight on the neighborhood.
- It would damage the environs of the Social Services League and the North Rhode Island Street National Historical District. It would encroach upon and destroy the city's rich historical resources.
- We already have two hotels downtown, plus the Oread Hotel near KU. And the Springhill Suites downtown are on shaky ground.
- Another restaurant?? Downtown has a glut of restaurants, and adding another one in this complex will drain the profits of all the others.
- More retail space?? Check out the empty storefronts downtown, and specifically those on New Hampshire, like the Hobbs building! We don't need more retail space.
- More apartments?? Have you seen the LJ-World classifieds? Apartments are begging for tenants. We don't need more.

900 New Hampshire

Lawrence Arts Center

So, I hope you will see the light on this matter, and **vote against the 900 N.H. project.**

Sincerely,



Frank Janzen
1344 Massachusetts St., #3
Lawrence, KS 66044
Tel. 785-840-7566
fr.janzen@gmail.com

cc: East Lawrence Neighborhood Association,
Marriott Customer Service

Bobbie Walthall

To: David L. Corliss
Subject: RE: 9th and New Hampshire

----- Forwarded message -----

From: "lauri di routh" <lauridi@hotmail.com>

To: "aron cromwell" <aroncromwell@gmail.com>, "mike dever" <mail@guidewire-consulting.com>, "mikeamyx515@hotmail.com" <mikeamyx515@hotmail.com>, "hugh carter" <hughcarter@sunflower.com>, "bob schumm" <schummfoods@gmail.com>, "David L. Corliss" <DCorliss@lawrenceks.org>

Subject: 9th and New Hampshire

Date: Tue, Apr 24, 2012 7:55 am

Dear Commissioners,

I am writing to express my opposition to the 9th and New Hampshire proposal put forth by Treanor and Compton, both in its original iteration and in its newest package.

My objections are as follows:

The project was developed without first seeking the input of neighborhood residents who will be impacted. Any new proposal needs to be brought forth in coordination with the neighborhoods affected.

The HRC has voted unanimously against the project. The last time the City overturned an HRC recommendation, the City ended up in Court, and lost. The City has a process in place for a reason. You need to follow it.

The developer's request for TIF and TDD tax incentives for this project represents a direct drain on public revenues, and thus adds insult to injury. The area is neither blighted nor in need of immediate redevelopment; a tax abatement is not warranted. We cannot afford to subsidize unneeded development.

The City has accommodated and subsidized numerous Treanor and Compton projects, without ever providing a full accounting of the costs being passed on to tax payers. This project and its financing need to be carefully and transparently reviewed.

I appreciate your consideration of my concerns. I respectfully request that my comments be made part of the public record for tonight's meeting.

Thank you.

Laura Routh

Bobbie Walthall

From: Lindsay Campbell [lindsay.campbell99@gmail.com]
Sent: Saturday, April 21, 2012 4:08 PM
To: aroncromwell@gmail.com; schummfoods@gmail.com; mdever@sunflower.com; hughcarter@sunflower.com; mikeamx515@hotmail.com; Bobbie Walthall
Subject: 900 New Hampshire Street Hotel...

To the City Commission:

This letter serves to express to you my strongest opposition to the proposed 900 New Hampshire Street hotel project that is before you. My opposition to this project centers on the demonstrated and documented damage that it would do to Lawrence's rich historic heritage. I urge you to deny the appeal that the developers have lodged with the City Commission.

Lawrence attracts visitors because of its excellent university, small town charm, downtown shopping, and rich historic heritage. The latter began prior to the Civil War, when the city was founded, and continued through the Civil War with Quantrill's Raid. Old East Lawrence and Downtown Lawrence were the epicenters of these early events, as they were the home of Lawrence's early business owners and residents.

The Historic Resources Commission (HRC) has certified that this project would do considerable damage to the nearby Shalor Eldridge Residence, Social Service League, and North Rhode Island Street National Historic District. Indeed, after extensive and detailed consideration, the HRC voted unanimously TWICE that this project would damage those three historic elements.

I concur with the HRC. Quite simply, if you overturn the HRC's unanimous decision, the hotel project will go forward. Its hulking presence will literally divide East Lawrence from Downtown Lawrence with a 60 foot brick wall, and much of the historic integrity of the city will be lost. Rather, I urge you to consider a major economic driver of Lawrence's vibrancy—its historic legacy. Please do not grant the appeal that the developers are making, for the good of Lawrence.

Thank you for your time,

Lindsay and David Campbell
1645 W. 20th Terrace
Lawrence KS, 66046

April 5, 2012

Dear City Commissioner Walthall,

I am the owner of the home on 1024 Rhode Island Street and have lived there for 17 years. I am also a member of the East Lawrence Neighbor Hood Association. Regardless of my residence, I am invested in the outcome of the 900 New Hampshire's Street project.

I have attended three City Commission meetings and one HRC meeting. The last I attended was when the HRC declined the 1st proposal and informed the developers to design a new project on the same scale as the Lawrence Art Center. As you can image, I was shocked to see the newest revisions being six stories tall, double the height of the LAC. I teach Art and Design at KU and even a novice can see that this revision doesn't meet the parameters set forth by the HRC.

I have read the economic and historical template letters and agree with all the points covered in both letters. It is appalling to think that these developers, along with the Marriot, are in such a position to determine the quality of our historical downtown and residential areas. Are Mr. Compton or Mr. Treanor willing to put this building in their back yard? No. The 900 block of New Hampshire is crammed with buildings that are completely out of proportion for the aesthetics of our city. It is imperative that we develop goals for future growth that will protect the historic value of our beautiful city. Once this is gone, I fear that all of us will suffer.

I am a taxpayer and I vote. I am against the creation of a new Tax Increment Financing District. I am also adamantly apposed to the use of industrial revenue bonds issued by the city to help support this project.

I will be attending the next City Commissioners meeting on April 24th and look forward to seeing the Commissioners standing by the HRC's vote to decline this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina Westergard", with a stylized flourish at the end.

Gina Westergard

19 April 2012

City Commissioners
City Hall
Lawrence

Dear Commissioners,

Please consider this addendum to my letter of 4 April regarding the request by Treanor Architects that you overturn historic resource findings regarding 900 New Hampshire Street.

The appeal asks you commissioners to find there are no feasible and prudent alternatives. Actually the law requires the “owners” to show none exist, and gives them the burden of proof. The developers made no substantial effort to explore alternatives, nor to mitigate harm. To show alternatives exist, my letter suggested a 3-story proposal, including several mitigating features the developers had somehow overlooked.

The proponents gave the City little or no financial information on their project. They have consistently taken a position of entitlement to base all decisions on their own confidential business plans, which are largely unknown.

I think it would be absurd for the proponents to dismiss alternatives on the basis of lacking economic data. Yet I expect the attempt will come up.

For this reason I append some basic economic estimates, based on public information. The figures happen to be consistent with a detailed analysis by Mr. A. T. Peterson on a different alternative sent to you, which I consider to be united in purpose with mine.

Since my April 4 letter, consultation with a professional architect has also yielded modest praise for my design. Consultation produced a suggestion to reduce the length by 10% and avoid living areas without windows. To accommodate that detail, a number of mechanical, stairway, and storage elements have been moved to the south side of the design.

Inasmuch as the renderings submitted by Treanor are unrealistic, don't create commitments, nor define anything contractual on what would actually be built, I don't find a need to supply new designs in this letter. For completeness of my plan I include a table of figures supporting the fact that alternative designs exist, which are feasible, prudent, and good for the City.

It goes without saying that the first obligation is to do no harm to Lawrence, the North Rhode Island Street Historic District, and to the many historic properties in the vicinity, which I have faithfully respected.

Sincerely



John Ralston

940 Rhode Island Street

	Treanor February 2012	This Project
Number of Rentable Floors	¹ 4.5	3
Rentable area per Floor, ft^2	14000	16000
Approximate Rental Area, ft^2	63000 *	48000
Development Cost / ft^2	\$150 / ft^2	\$150 / ft^2
Average Rental Rate ²	\$14.5 / ft^2 / year	\$14.5 / ft^2 / year
Total Development Costs ³	\$18,000,000	\$7,200,000
Interest at 4%/year	\$720,000	\$280,000
income/year	no information from developers	\$696000
Profit/year =(Income-Interest)/year	no information from developers	\$ 416000

Table 1: Comparative figures. ¹Excludes redundant elements of Treanor design. ² and ³ based on Treanor-supplied public figures of \$1200/month per apartment and \$18,000,000 development.

From: [Jonathan Douglass](#)
To: [Jonathan Douglass](#)
Subject: FW: Repeated Opposition to 900 NH Hotel Project
Date: Thursday, April 19, 2012 2:56:31 PM

From: Jennifer Lattimore[SMTP:JENNY@DBLHOUSE.US]
Sent: Thursday, April 19, 2012 6:14:23 AM
To: schummfoods@gmail.com; aroncromwell@gmail.com; mdever@sunflower.com;
hughcarter@sunflower.com; mikeamyx515@hotmail.com; Bobbie Walthall
Subject: Repeated Opposition to 900 NH Hotel Project
Auto forwarded by a Rule

To the City Commission:

This letter serves to express to you my strongest and repeated opposition to the proposed 900 New Hampshire Street hotel project that is before you. My opposition to this project centers on the demonstrated and documented damage that it would do to Lawrence's rich historic heritage. I urge you to deny the appeal that the developers have lodged with the City Commission.

Thank you for your time,

Jennifer Lattimore

Jennifer Lattimore, Ph.D.
Behavior Analyst
704 New York St.
Lawrence, KS 66044
Email: jlattimore@dblhouse.us
Cell Phone: (785) 550-5369
Home Phone: (785) 813-1325

From: [Jonathan Douglass](#)
To: [Jonathan Douglass](#)
Subject: FW: 900 New Hampshire
Date: Thursday, April 19, 2012 2:57:35 PM

From: nyskansas@aol.com[SMTP:NYSKANSAS@AOL.COM]
Sent: Wednesday, April 18, 2012 6:27:36 PM
To: aroncromwell@gmail.com; schummfoods@gmail.com; mdever@sunflower.com;
hughcarter@sunflower.com; mikeamyx515@hotmail.com; Bobbie Walthall
Subject: 900 New Hampshire
Auto forwarded by a Rule

April 18, 2012

Dear City Commissioners:

We have lived in the East Lawrence neighborhood for almost 20 years. We appreciate living in an affordable, historic neighborhood within easy walking distance of school, work, the library and the post office. But we now fear that the viability and stability of our area is threatened by the hotel project proposed for 900 New Hampshire.

The 900 block of New Hampshire is a transitional area between the dense, primarily commercial area downtown to the west and the single family residential neighborhood to the east. The 900 block of Rhode Island is the most historic block in our historic neighborhood. Yet it is separated only by a very narrow alleyway from the proposed development. Ramifications of increased traffic, sun blockage, noise, trash and other consequences of such a high density building would no doubt adversely affect property values and undermine its historic attractions.

Any development contiguous to the 900 block of Rhode Island needs to be scaled for an appropriate transition. It is blatantly clear that this huge project does not transition well to one and two story houses.

In sum, we urge you to deny the appeal by the developers of the proposed hotel. The Historic Resources Commission has voted unanimously against it twice for very good reasons.

Sincerely,
Jennifer Brown and Philip Kimball
1004 Connecticut Street

From: [Jonathan Douglass](#)
To: [Jonathan Douglass](#)
Subject: FW: DLI statement on hotel project, 9th & NH
Date: Thursday, April 19, 2012 2:59:10 PM

From: Downtown Lawrence [mailto:director@downtownlawrence.com]
Sent: Tuesday, April 10, 2012 10:29 AM
To: schummfoods@gmail.com; 'Mike Amyx'; 'Aron Cromwell'; 'Hugh Carter'; mdever@sunflower.com
Cc: David L. Corliss; Jonathan Douglass
Subject: DLI statement on hotel project, 9th & NH

Dear Mayor Schumm and Commissioners Amyx, Cromwell, Carter and Dever:

The Downtown Lawrence, Inc. Board of Directors support the development of a hotel on the SE corner of 9th & New Hampshire. We do, however, understand the concerns of the neighborhood and the developers regarding the height of the building, but defer to the judgment of the City Commission on this issue.

Respectfully,

David Johanning
President, DLI Board

East Lawrence Neighborhood Association

P.O. Box 442393
Lawrence, KS 66044
eastlawrence@yahoo.com



April 12, 2012

City Commission
City Hall
6 E. 6th Street
Lawrence, KS 66044

RE: 900 New Hampshire

Dear Commission Members,

The East Lawrence Neighborhood Association remains absolutely opposed to the 900 New Hampshire project.

1. The applicant was given strict instructions by the Historic Resource Commission's to bring their project down in size, scale & mass to the Lawrence Arts Center, a 38' tall building. The proposed building is currently 73' tall at 9th Street. (901 NH across the street is 86' at 9th street)
2. The sheer size of the building is entirely driven on the fact that the project is a Marriot Extended Hotel: 80 rooms, restaurant, rooftop pool, and "market". In comparison, Treanor Architects did not seem to have financial issues with building a much smaller building on Vermont Street, one that we feel is a more prudent & beneficial long-range project for downtown.
3. Public financing for such a contentious project that does not serve the neighborhood -- and which will have such a negative impact on its immediate neighbors -- would be an obvious misuse of public money and power.
4. The city has established planning guidelines and advisory boards to ensure compliance with these guidelines. It would be discouraging if these guidelines and the work of the Historic Resources Commission were ignored simply to ensure a developer's return on investment, especially when the same project "needs" public financing as well.
5. It would be in the best interest of our community for the City to avoid the costly & lengthy legal action that will likely happen if the HRC's findings are ignored and overruled.

I have attached a petition that so far contains 137 signatures that shows support for the HRC's findings.

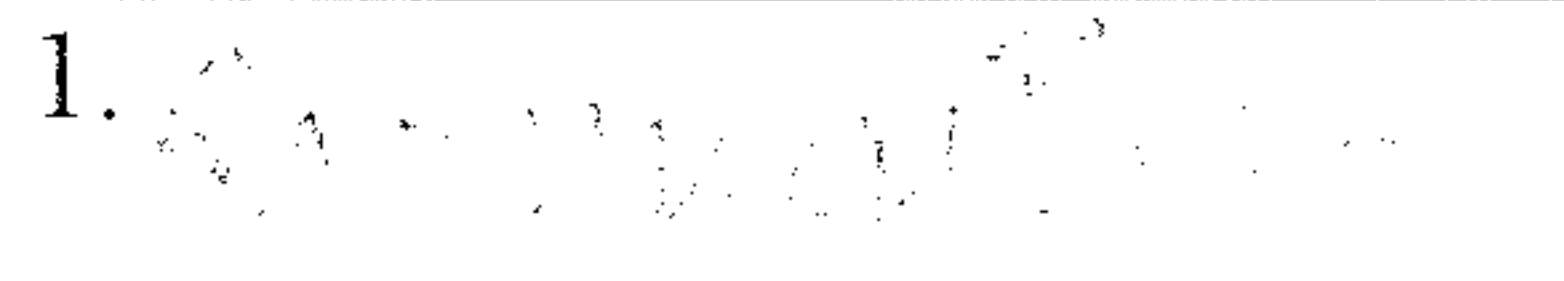
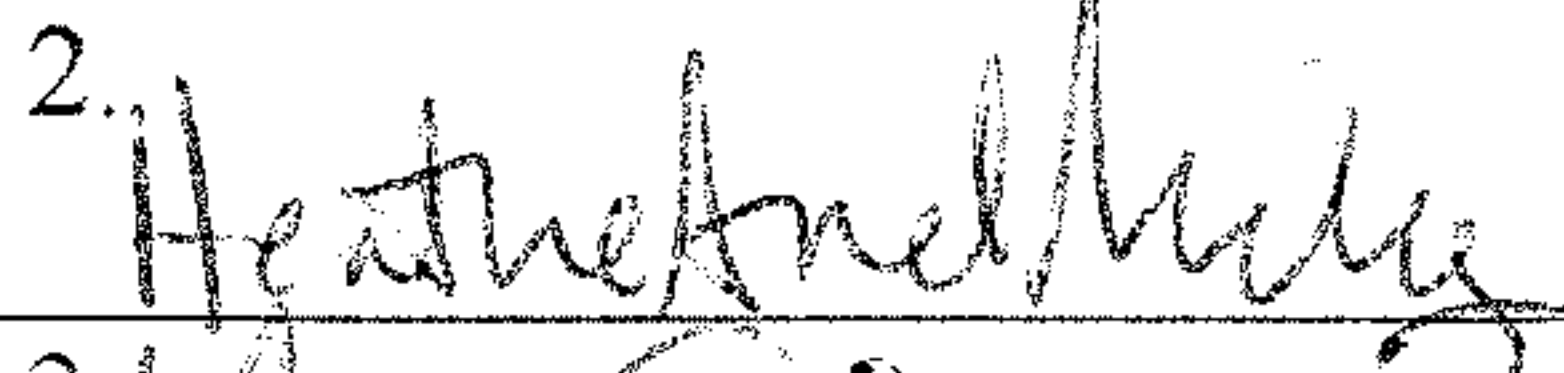
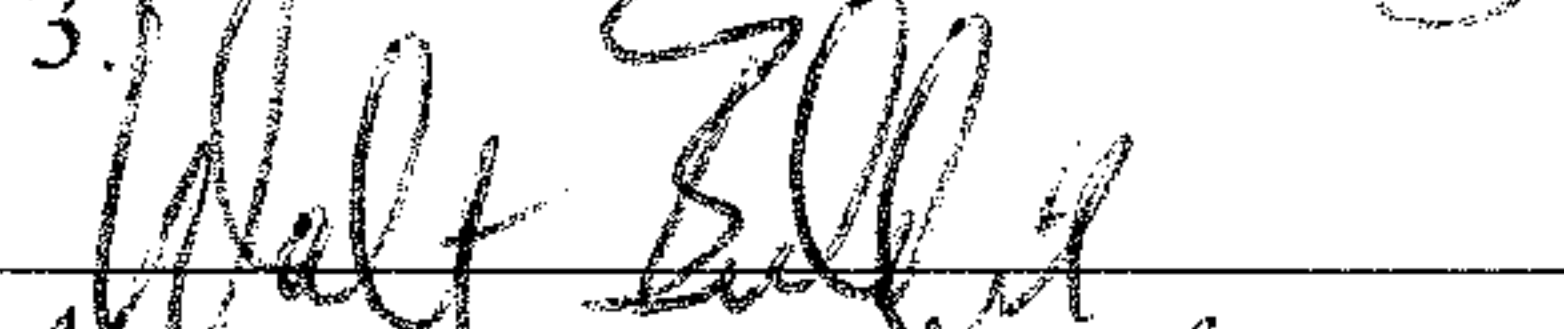
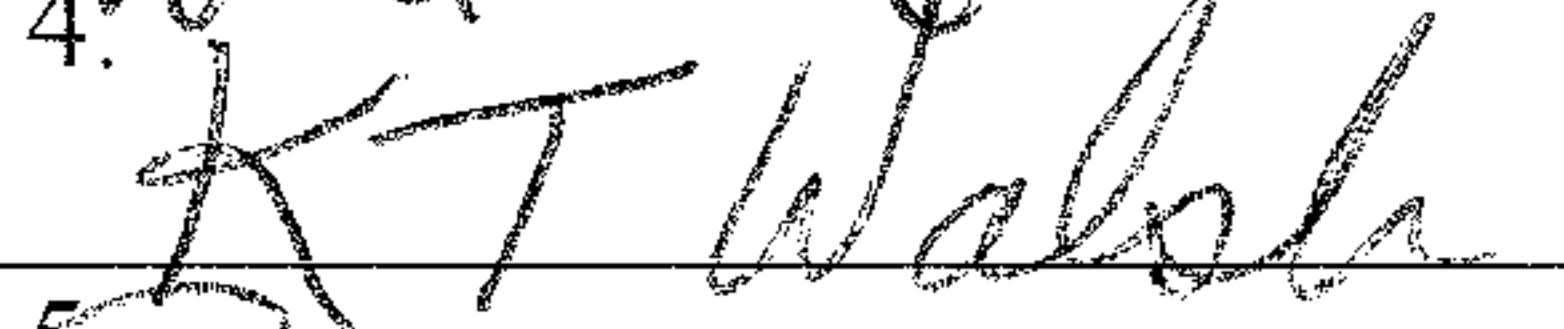
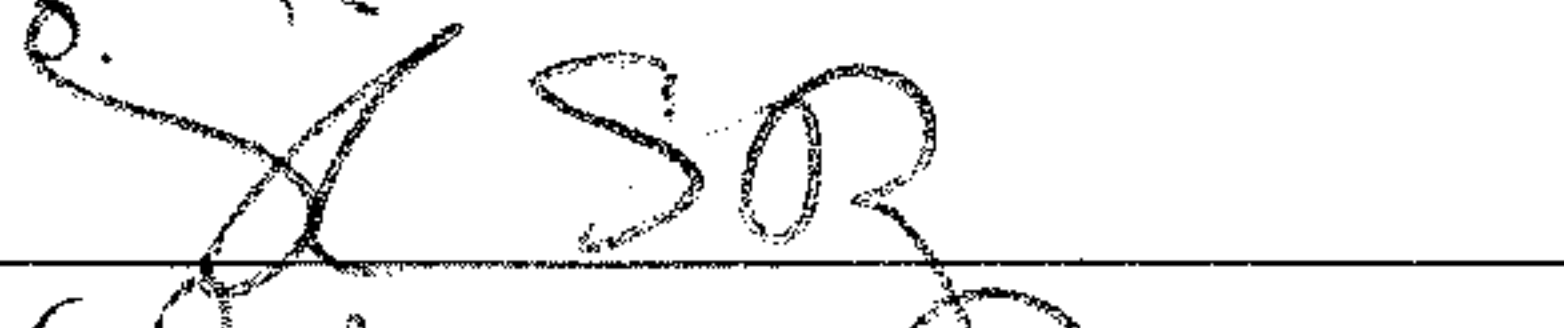
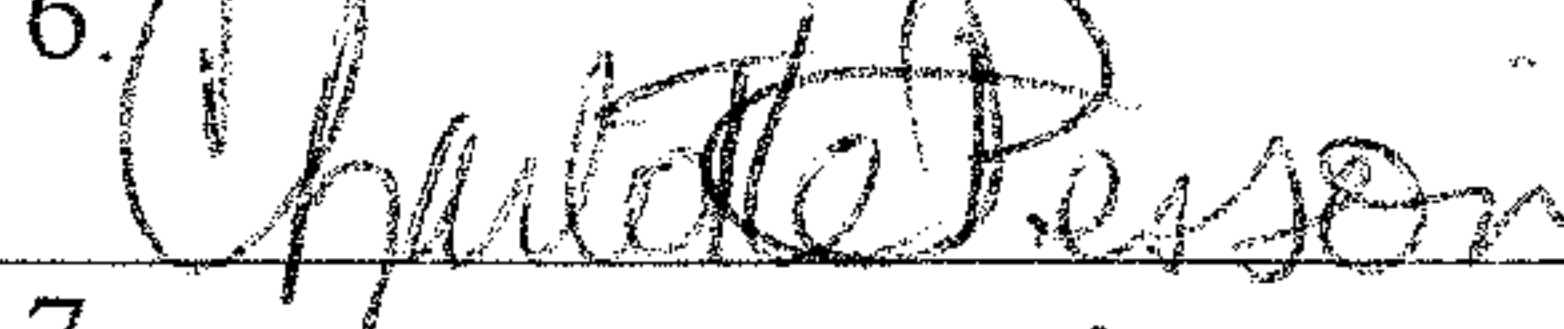
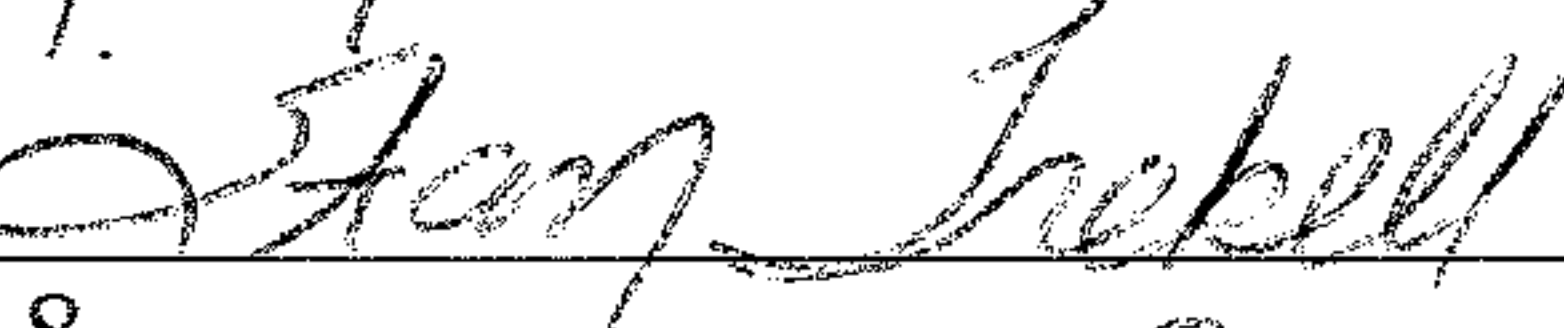
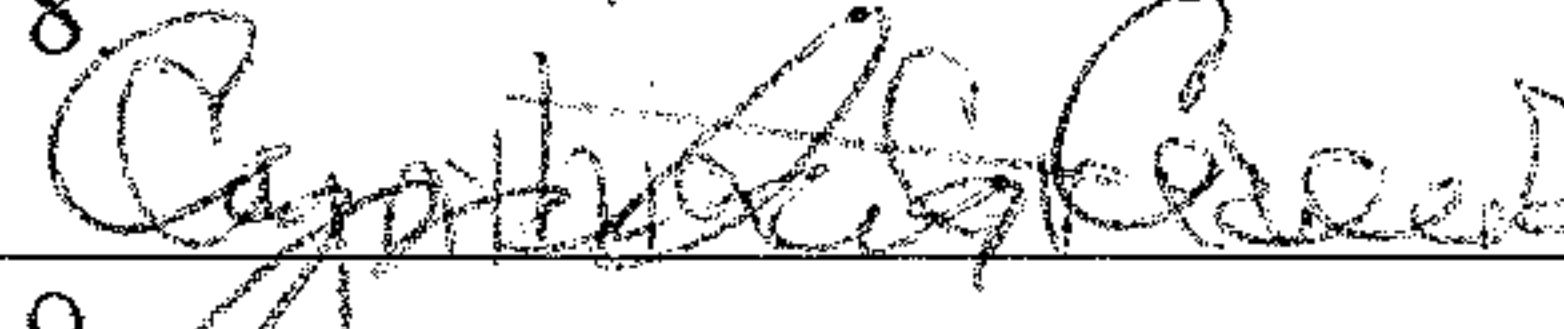
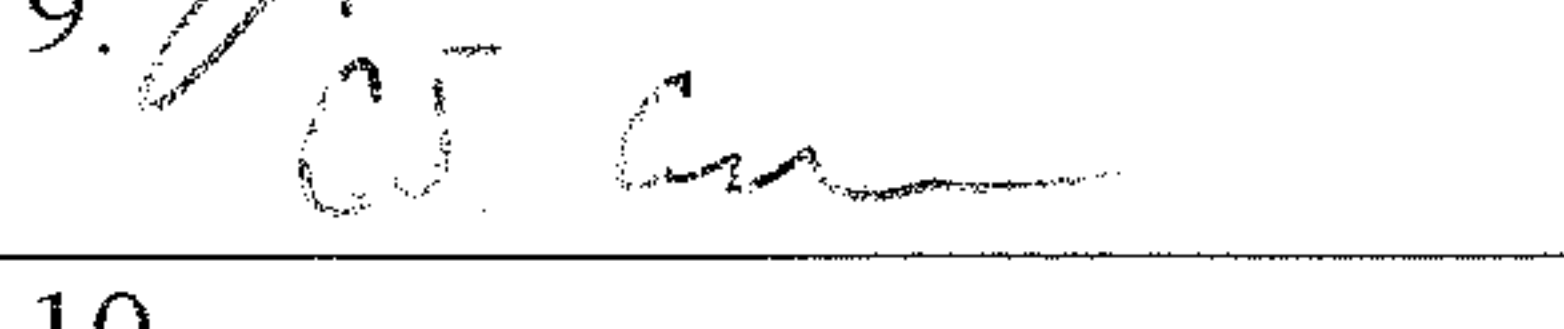


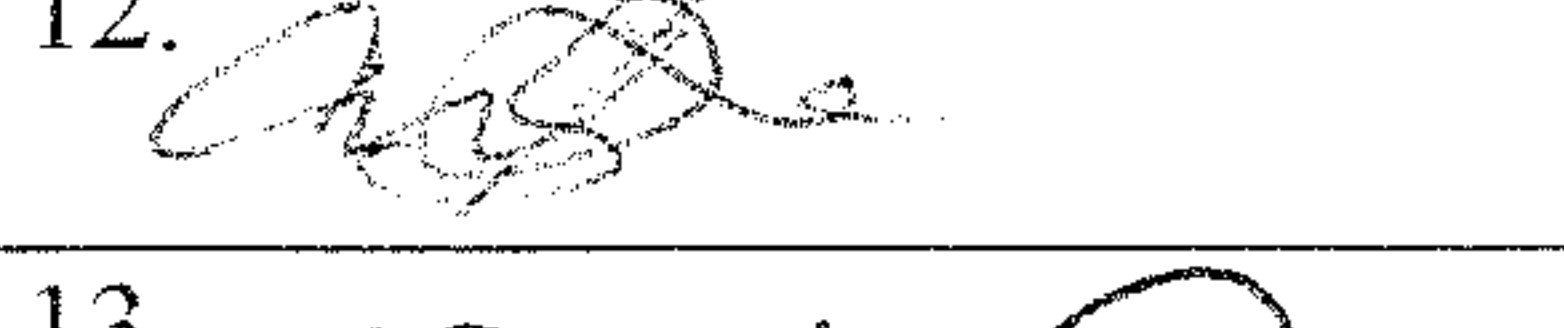

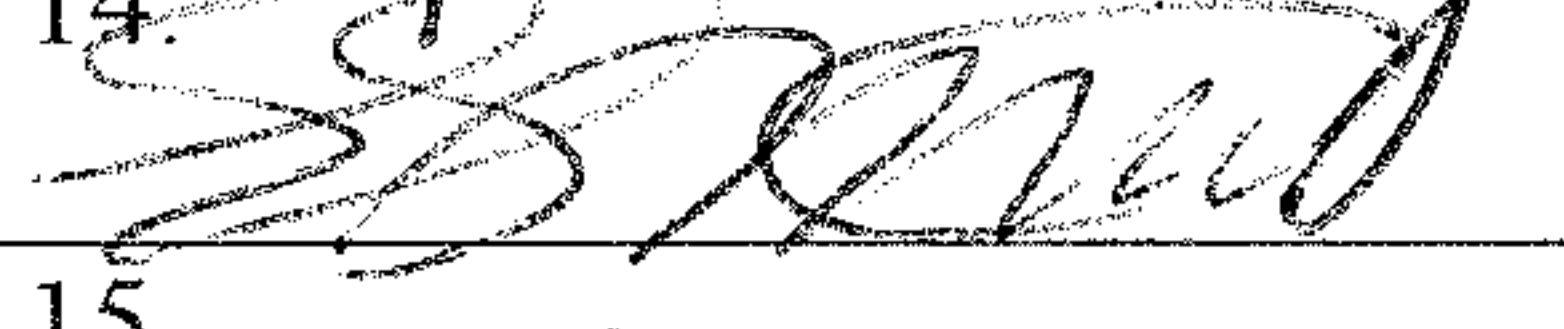
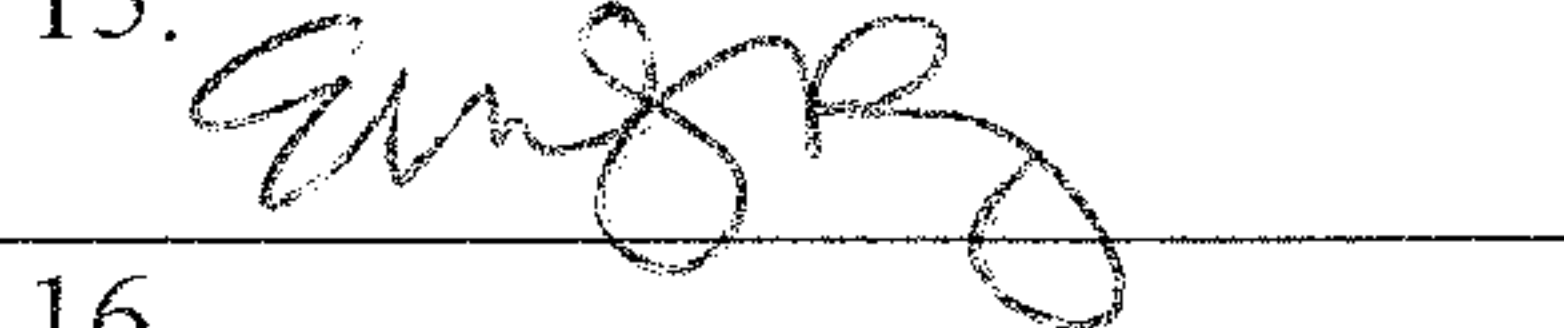
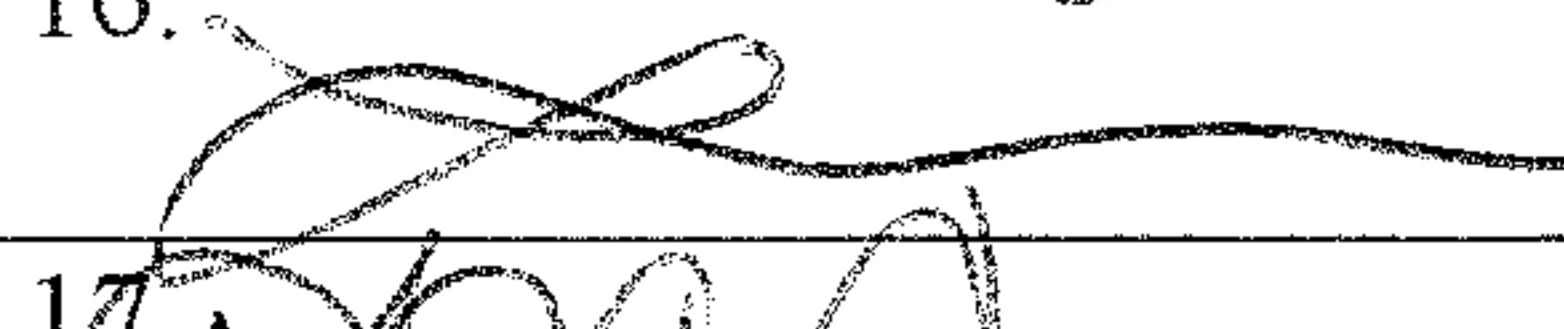
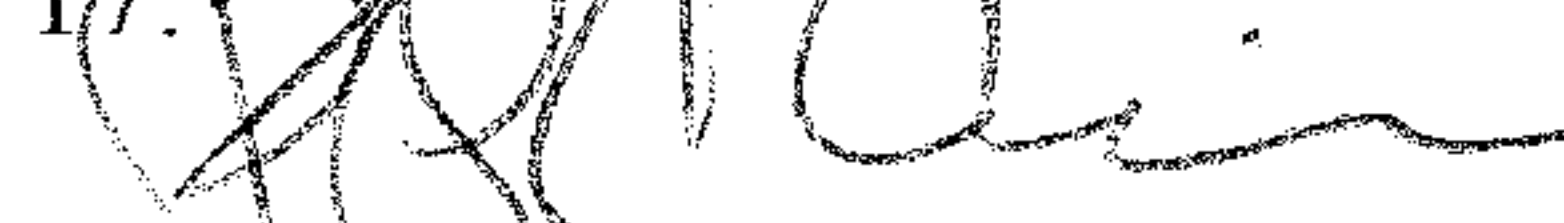
Again, I want to thank you for your service to our community, and for your continued patience on such a contentious project.

Sincerely,

Leslie Soden, President
East Lawrence Neighborhood Association


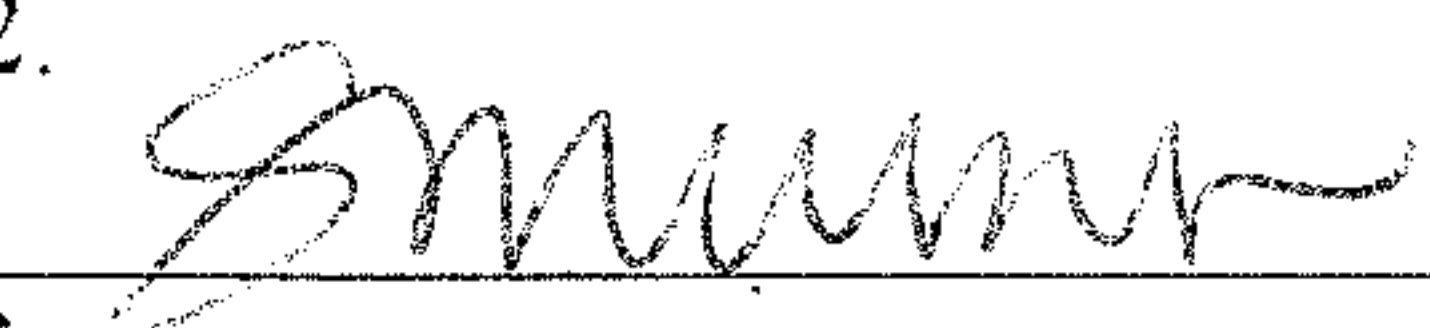
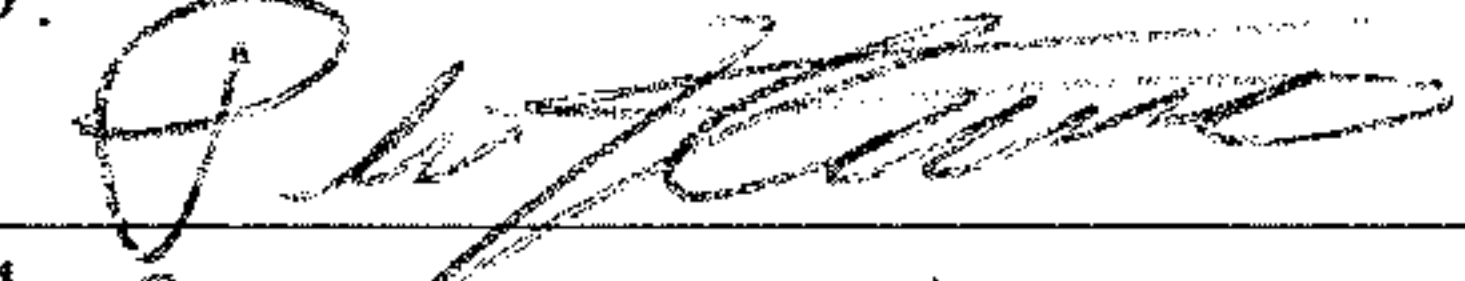
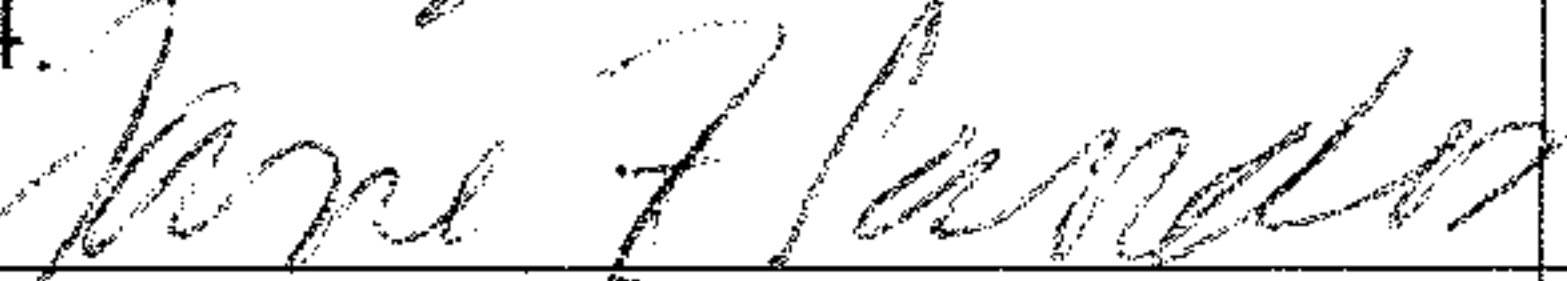
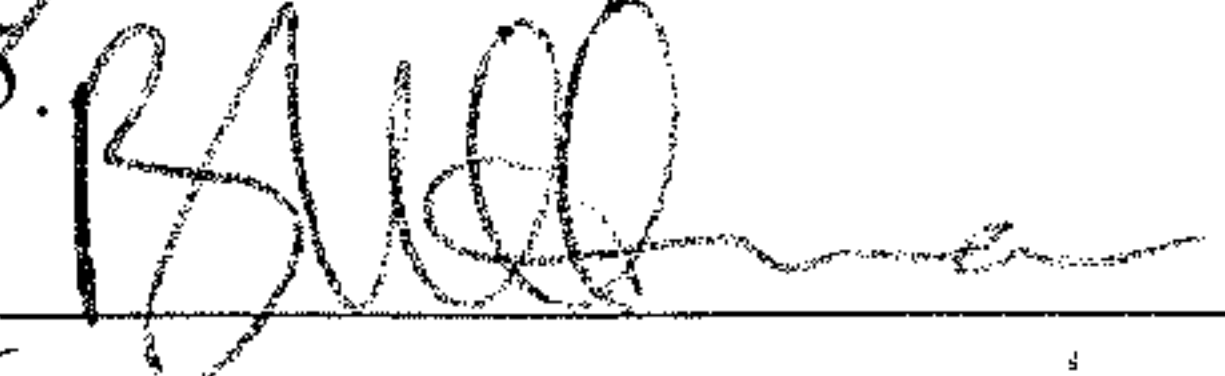
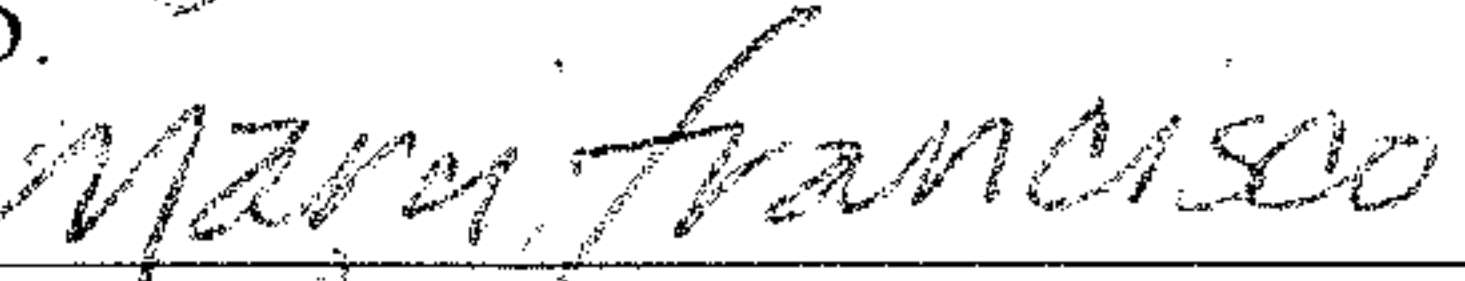
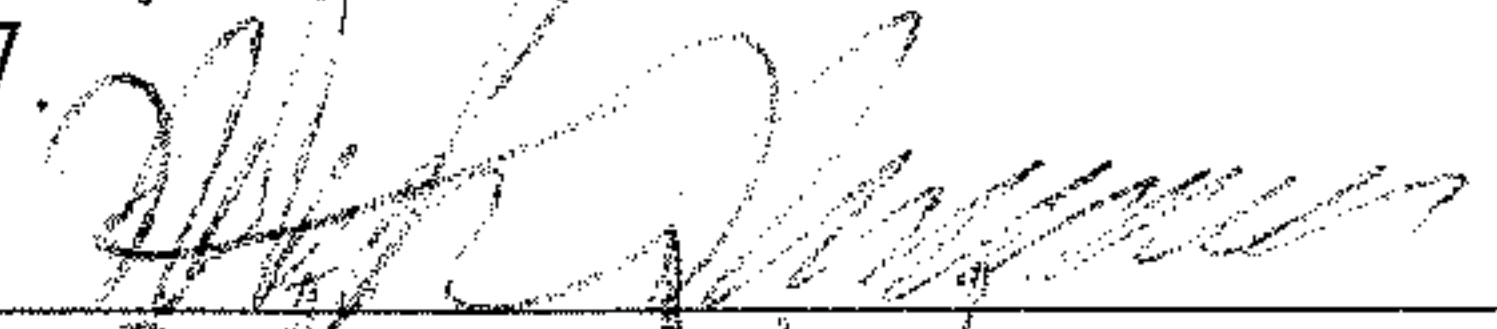
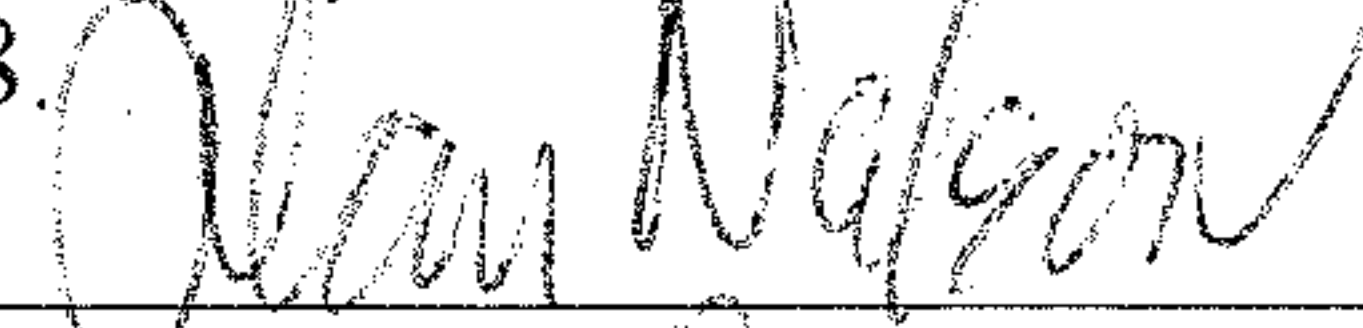

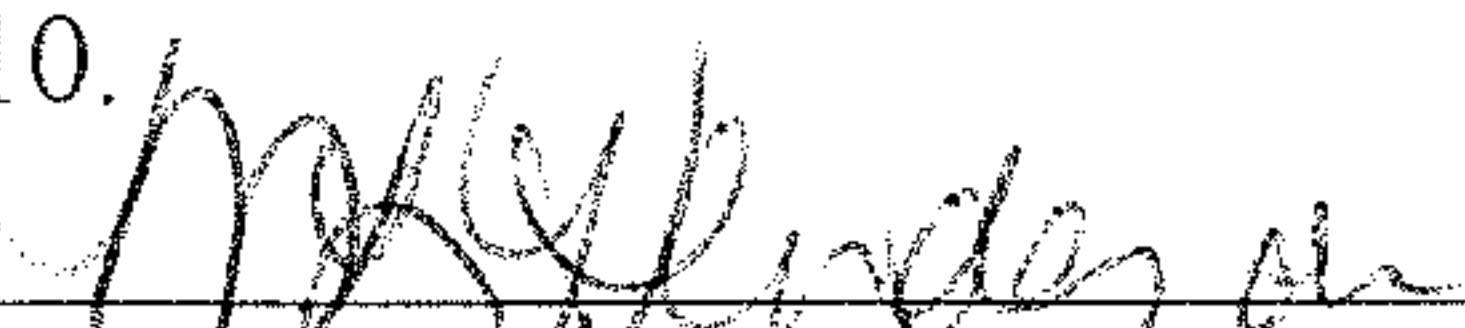

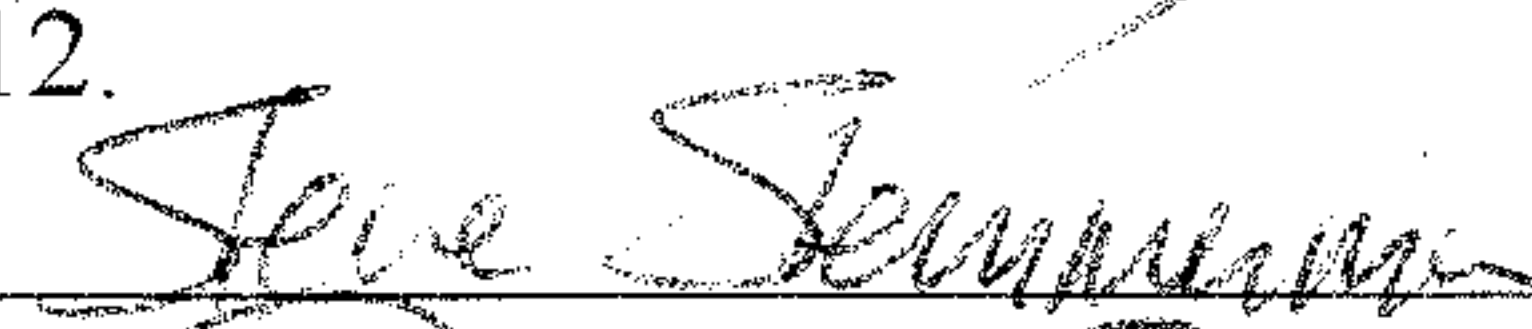
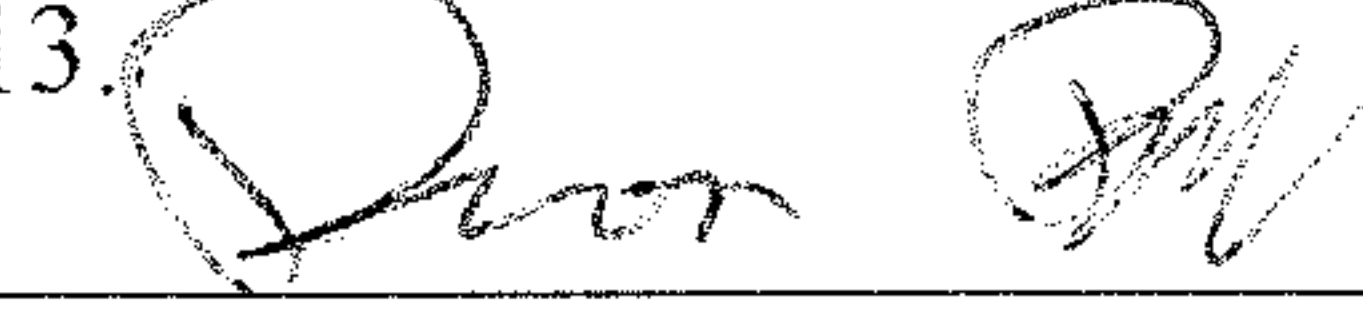




900 NEW HAMPSHIRE PETITION

We the undersigned ask the City Commission to NOT over-rule the Historic Resources Commission in their twice unanimous decision to deny the project proposed for 900 New Hampshire. Please uphold the HRC's ruling and vote AGAINST this monstrous development that will dwarf the historic district surrounding it. Thank you!

SIGNATURE	PRINT NAME	ADDRESS
1. 	Shannon Bengtson	1138 New York
2. 	Heather MacLaren	1931 Clare Gloucester
3. 	WALT BABBITT	812 N.Y.
4. 	KT Walsh	732 R.I.
5. 	Sarah Rooney	820 NY
6. 	Charlotte Pesson	1241 Delaware
7. 	Stan Trekel	1301 New York
8. 	Cynthia Crews	1990 Emerald Dr.
9. 	Charles Calhoun	1000 Rhode Island
10. 	Katy Clagett	1000 Rhode Island
11. 	Ben Jefferies	1533 Rhode Island
12. 	Andrea Stek	1301 Louisiana St.
13. 	Marilyn Roy	1041 Rhode Island
14. 	Ellen Lammont	1000 Mississippi St
15. 	Emily Ryan	1715 Vermont St.
16. 	Lilly Mason	1208 Delaware St.
17. 	Phyllis C. Couson	933 Pennsylvania St

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SIGNATURE	PRINT NAME	ADDRESS
1. 	Mick Palmer	901 Penn St.
2. 	Susie Munn	633 Connecticut
3. 	Philip Flanders	1023 New Jersey
4. 	Jane Flanders	"
5. 	Bonnie Uffman	408 Johnson - Lane.
6. 	marci-francisco	1101 Ohio
7. 	Natasha Nalmore	121339 Phyllis Ln
8. 	ALAN Nelson	740 R.I.
9. 	Cari Davis	1024 PENN.
10. 	Melinda Henderson	1202 Almira Ave
11. 	Thomas Cennedy	1202 Almira Ave
12. 	Steve Stemmerman	315 Maiden Lane
13. 	Dean Peet	817 E 11th ST
14. 	LISA Pool	811 E 11TH ST.
15. 	Joan Davis	1024 Pennsylvania
16. 	Nan Renberger	501 Colorado
17. 	Dawn Hawkins	1219 New York

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SIGNATURE	PRINT NAME	ADDRESS
1. <i>Dennis J Brown</i>	Dennis J Brown	806 Ohio
2. <i>Chris Snipes</i>	Chris Snipes	1951 Miller
3. <i>Gene Day</i>	Gene Day	1140 Rhode St
4. <i>Pat Kehde</i>	PAT KETUDE	1636 LEARNARD
5. <i>Julian Dryden</i>	JILLIAN DRYDEN	1021 RHODE ISLAND
6. <i>Jackie Hargett</i>	JACKIE HARGETT	Box 242 Two.
7. <i>Staci Ahlvers</i>	Staci Ahlvers	1226 Almira
8. <i>CL Haladay</i>	CL HALADAY	1224 Delaware St. #11
9. <i>Cole Coltin</i>	Cole Coltin	1041 Delaware St.
10. <i>Kelli Koberlein</i>	Kelli Koberlein	4700 Battusol Ct
11. <i>Jean Shannon</i>	Jean Shannon	28006 S St R+D Cleveland, Mo 64734
12. <i>Myka Smutz</i>	MYKA SMUTZ	1132 PENNSYLVANIA
13. <i>Chelsea Scawland</i>	CHELSEY SCAWLAND	645 Connecticut
14. <i>Daniel Whitcomb</i>	Daniel Whitcomb	1228 Delaware
15. <i>John Lomas</i>	John LOMAS	1228 Chadwick Ct
16. <i>Abby Hess</i>	Abby Hess	1828 Almira
17. <i>Amy Fischer</i>	Amy Fischer	1828 Almira


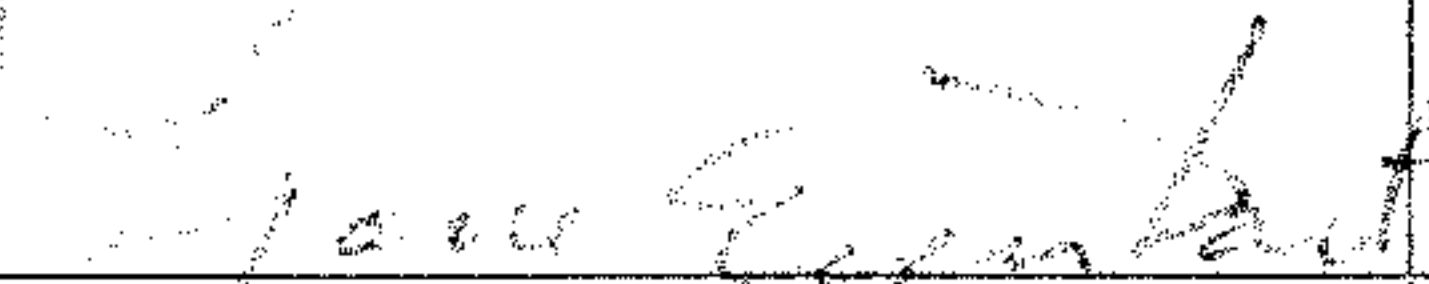
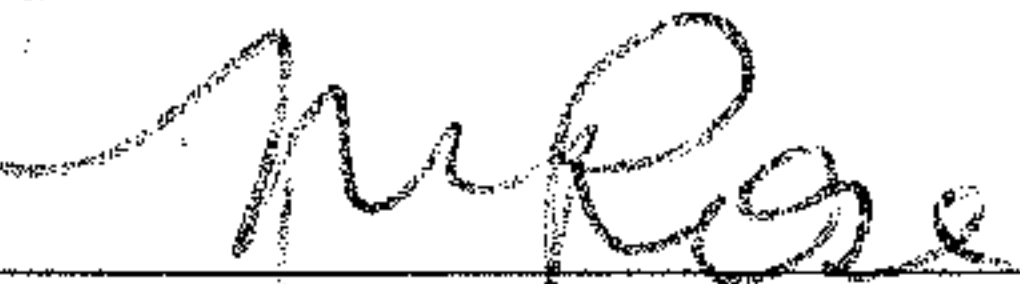
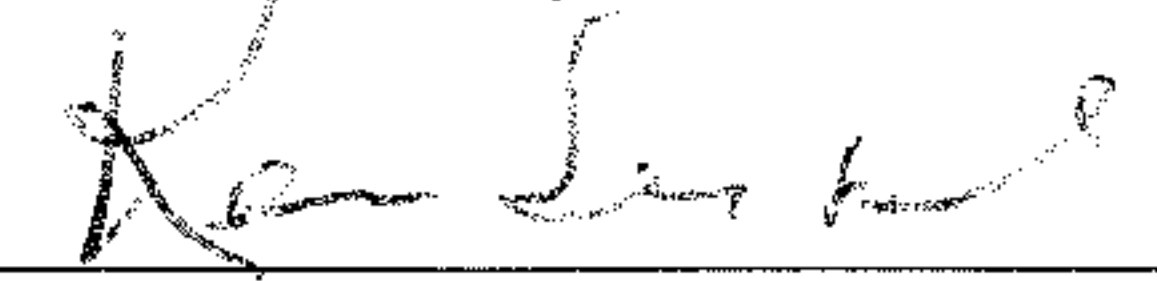
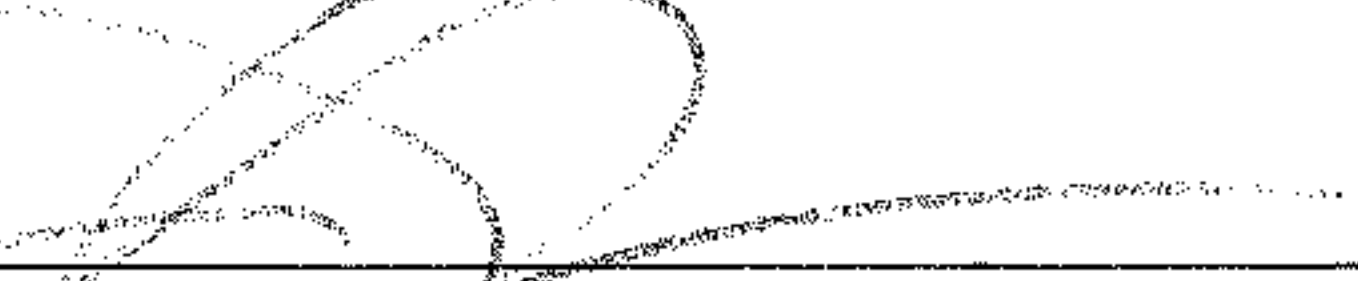
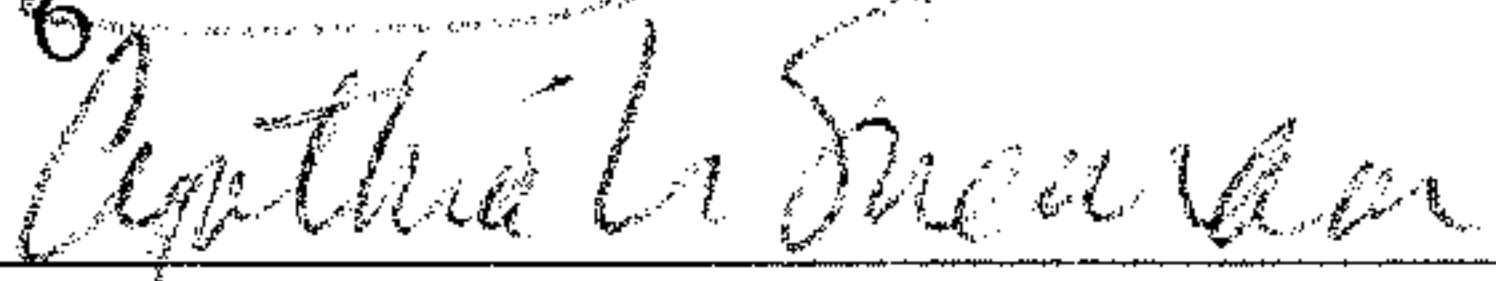
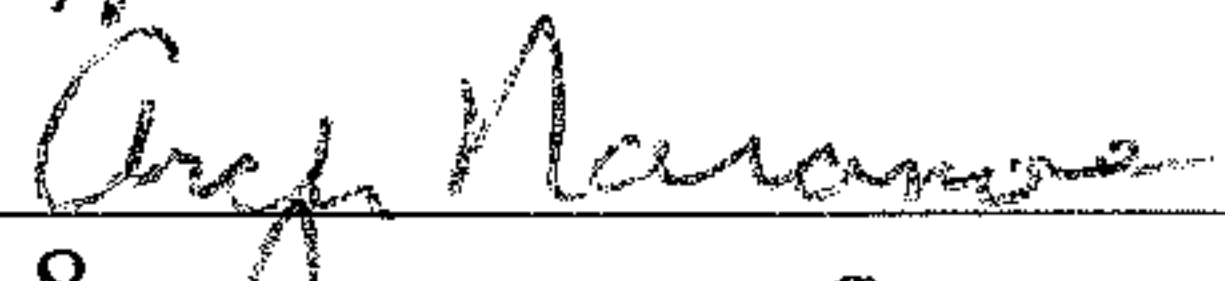


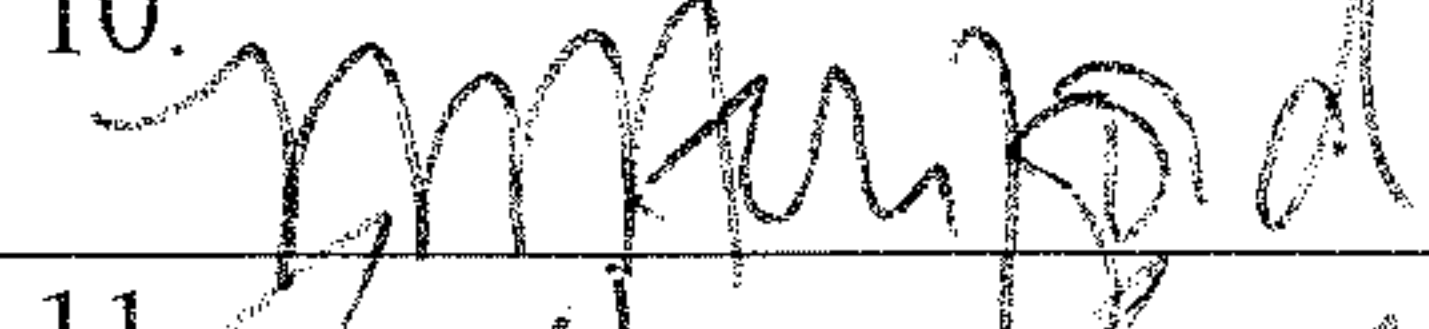

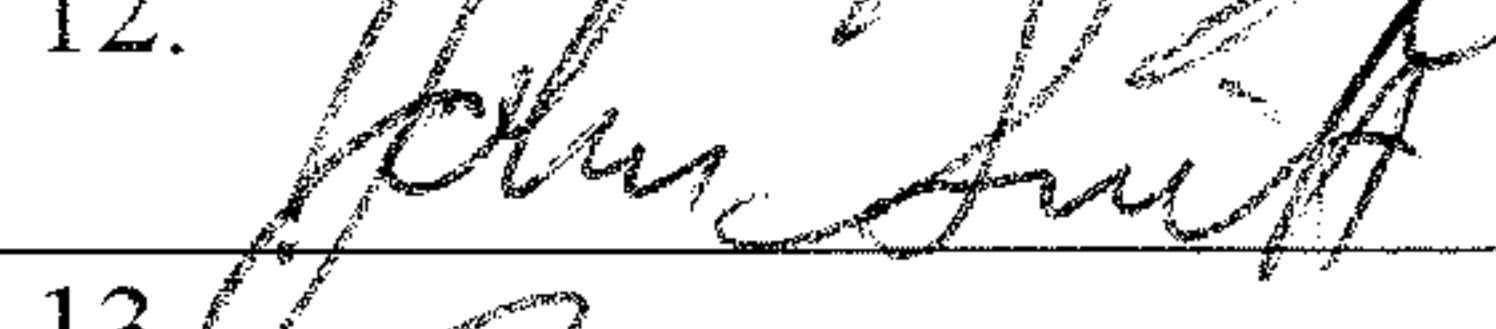
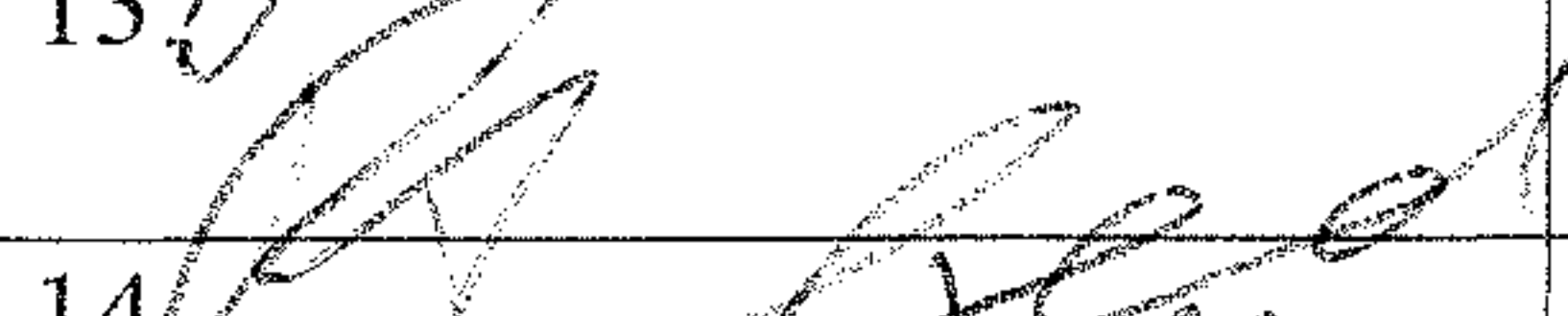
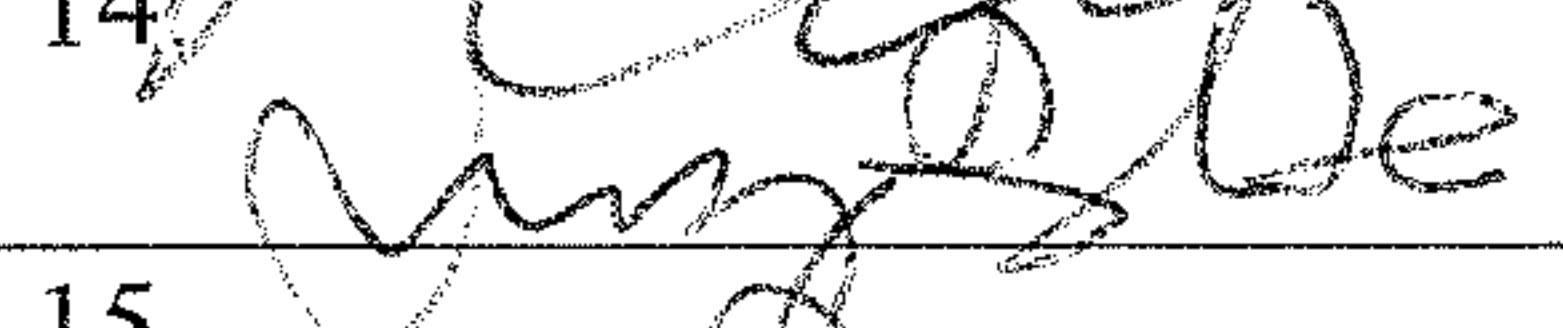


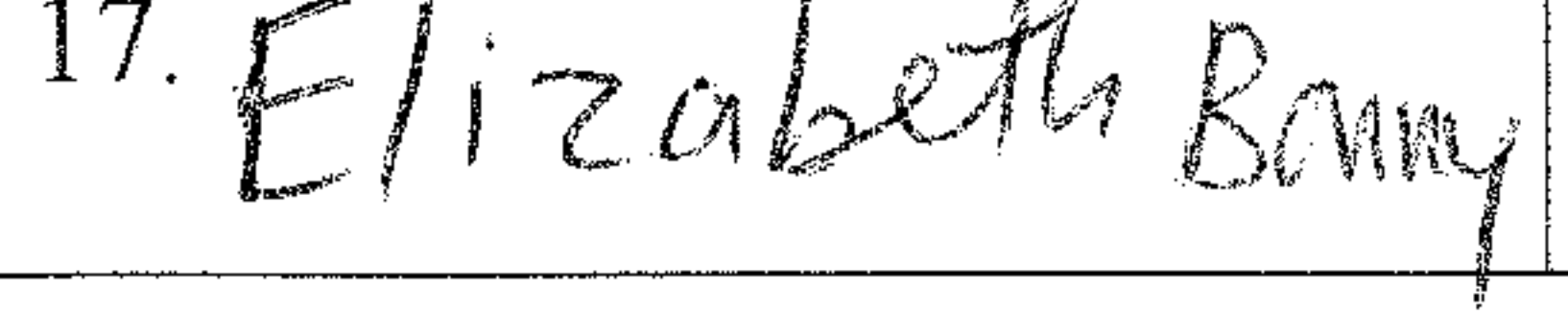
900 NEW HAMPSHIRE PETITION

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SIGNATURE	PRINT NAME	ADDRESS
1. <i>Helen Davis</i>	HELEN DAVIS	<i>formerly</i> 1332 Strong Ave
2. <i>Gail Daniels</i>	Gail Daniels	1239 New Jersey
3. <i>John R. Daniels</i>	John R. Daniels	1239 New Jersey
4. <i>Sarah Birmingham</i>	Sarah Birmingham	Lawrence, KS
5. <i>Carol Klinkner</i>	Carol Klinkner	Lawrence, KS
6. <i>Jane Live</i>	Jane Live	1701 Bulker, Law 66044
7. <i>Kristen Barlow</i>	KRISTEN BARLOW	813 Elm Lawrence KS
8. <i>Jennifer Distelhorst</i>	Jennifer Distelhorst	1228 Delaware #18 Lawrence
9. <i>Byron Wiley</i>	Byron Wiley	1200 Alvin Lawrence
10. <i>Theresa Martin</i>	Theresa Martin	645 Main St. Lawrence
11. <i>Linda Clark</i>	LINDA CLARK	913 NY #7 66044
12. <i>Chris Lempa</i>	Chris Lempa	1215 Delaware 66044
13. <i>Derald Carlson</i>	DERALD CARLSON	1336 VERMONT
14. <i>Shana Talley</i>	Shana Talley	2116 prairie terrace 66046
15. <i>Marilyn Idol</i>	Marilyn Idol	1602 Liveries, Rd.
16. <i>EO Callahan</i>	EO CALLAHAN	925 MADELINE
17. <i>Booz Highberger</i>	Booz Highberger	1024 New York

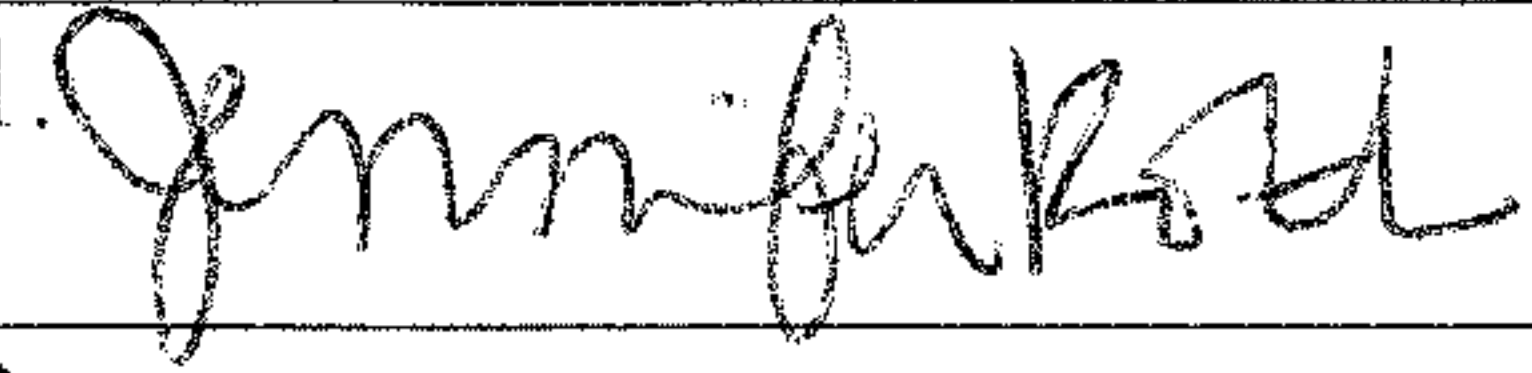
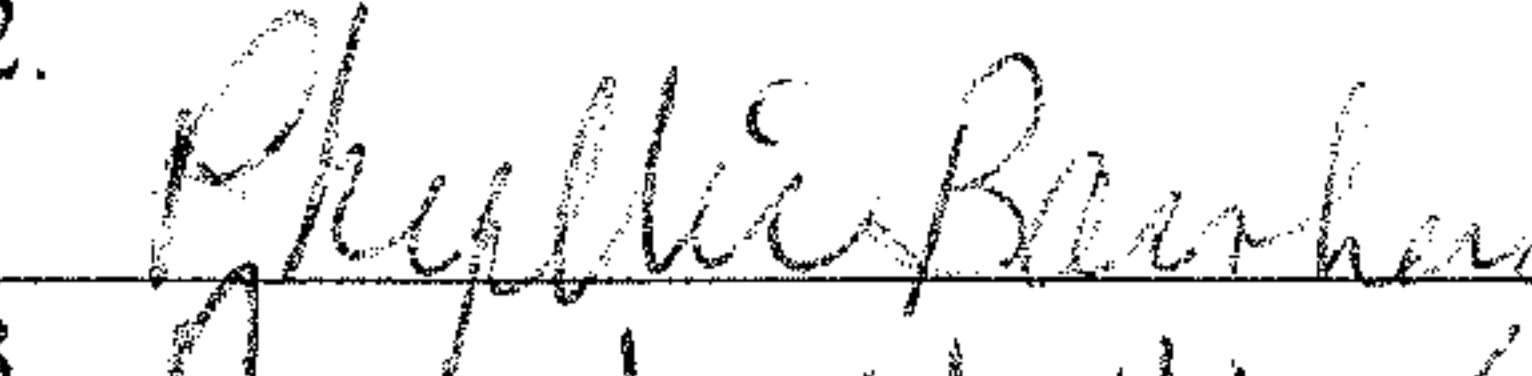



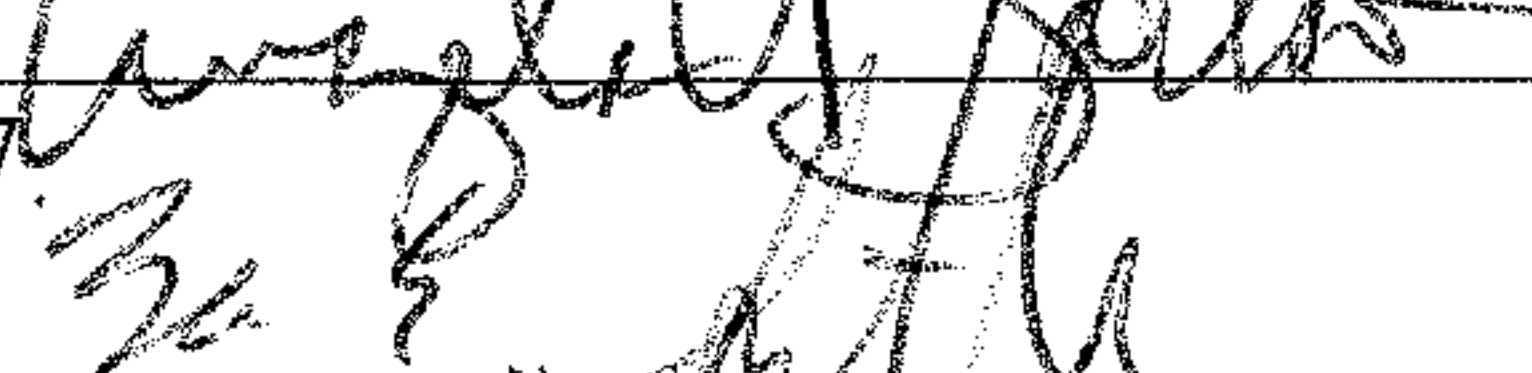
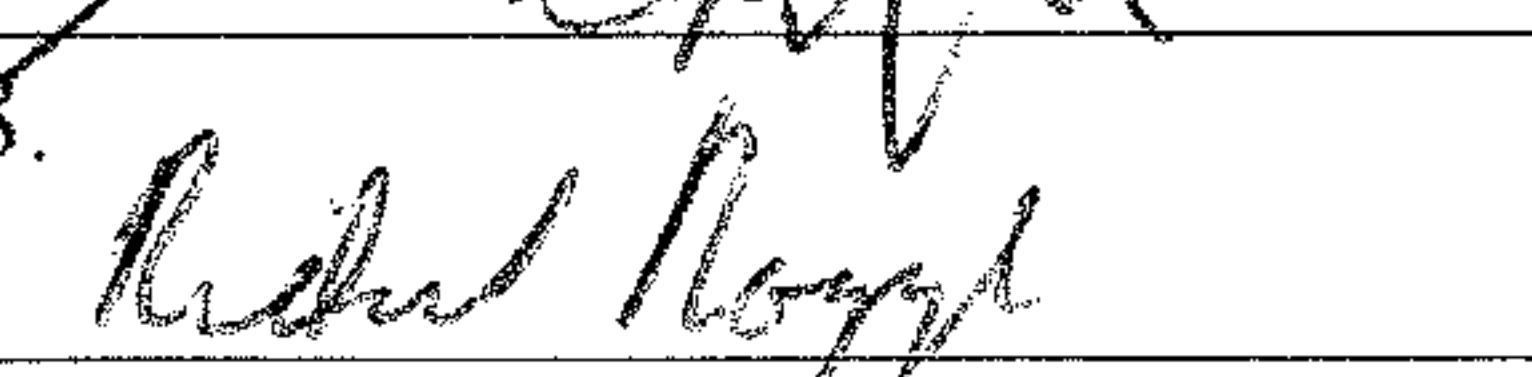
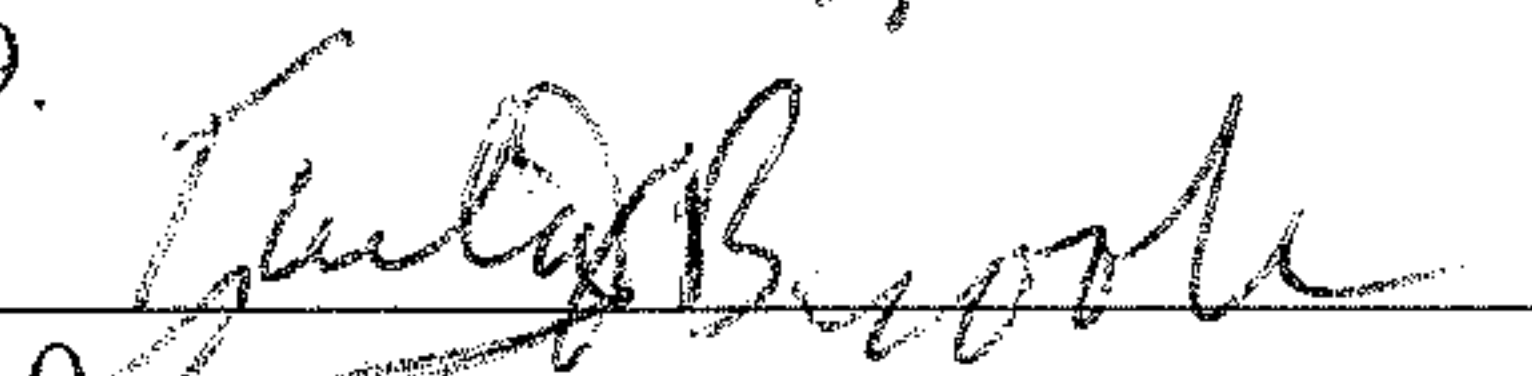
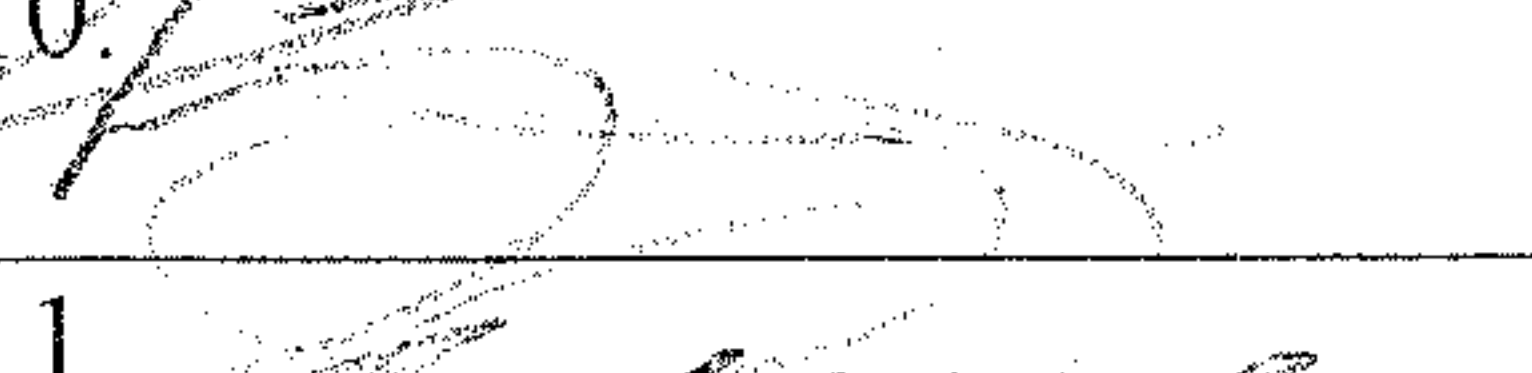
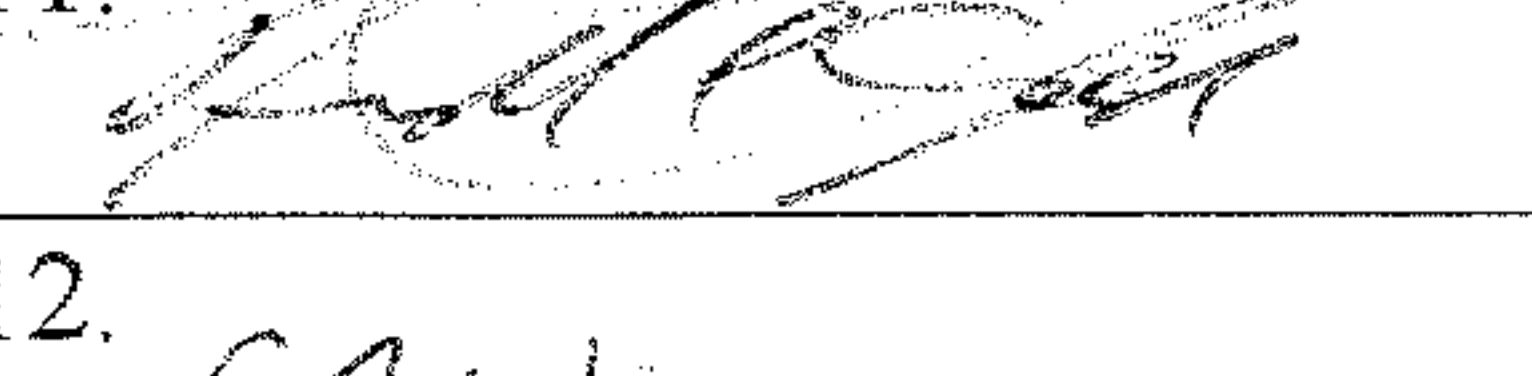
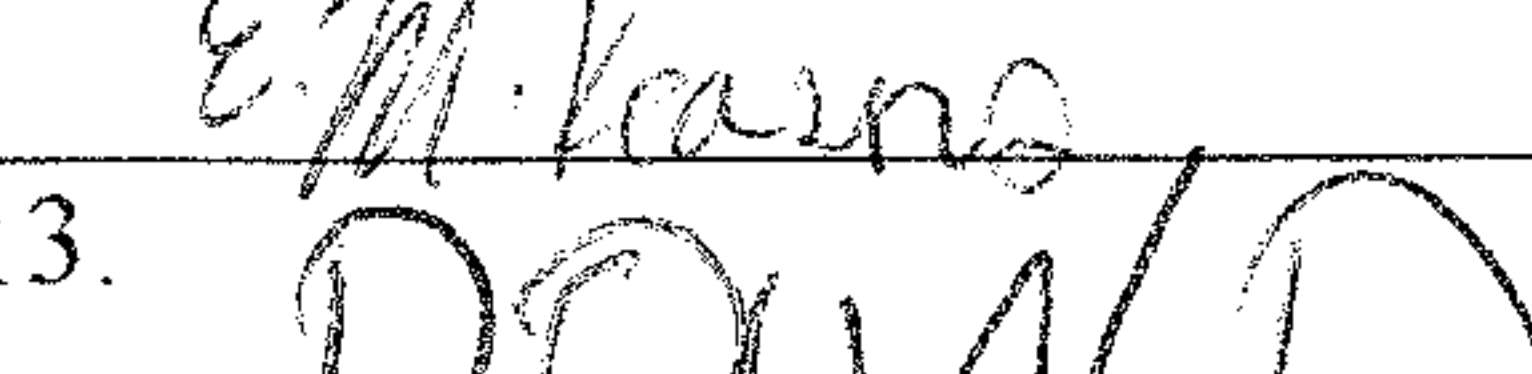
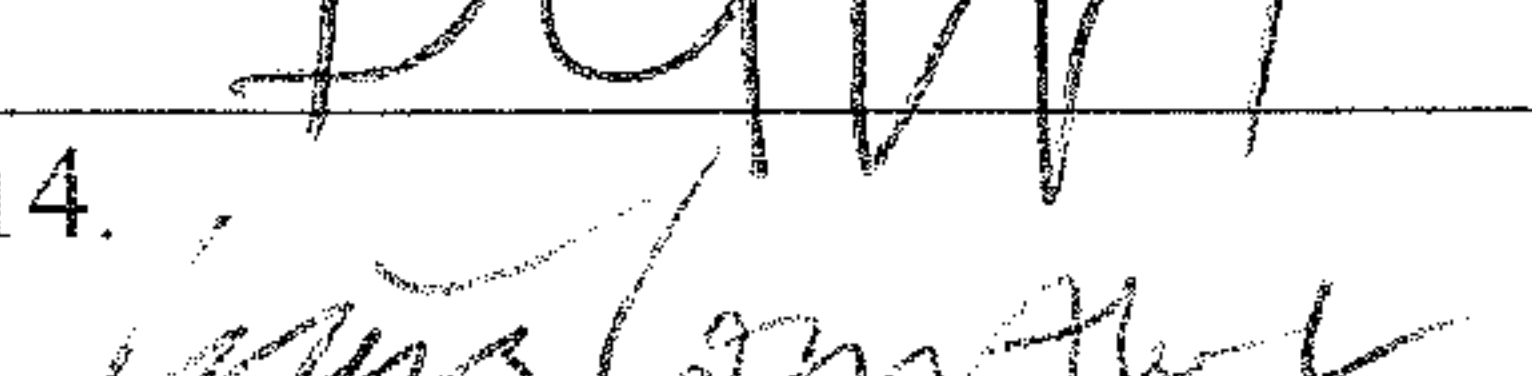
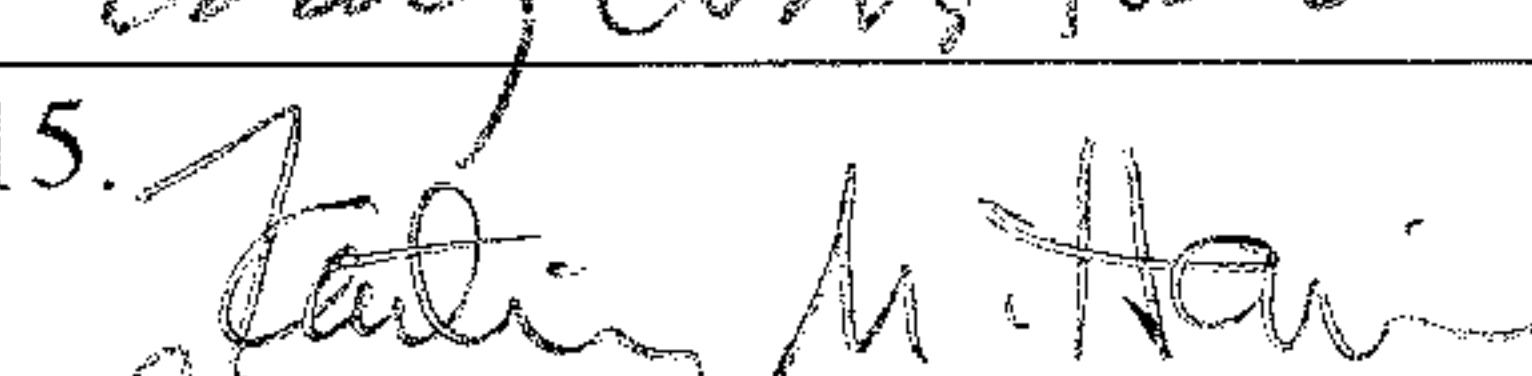
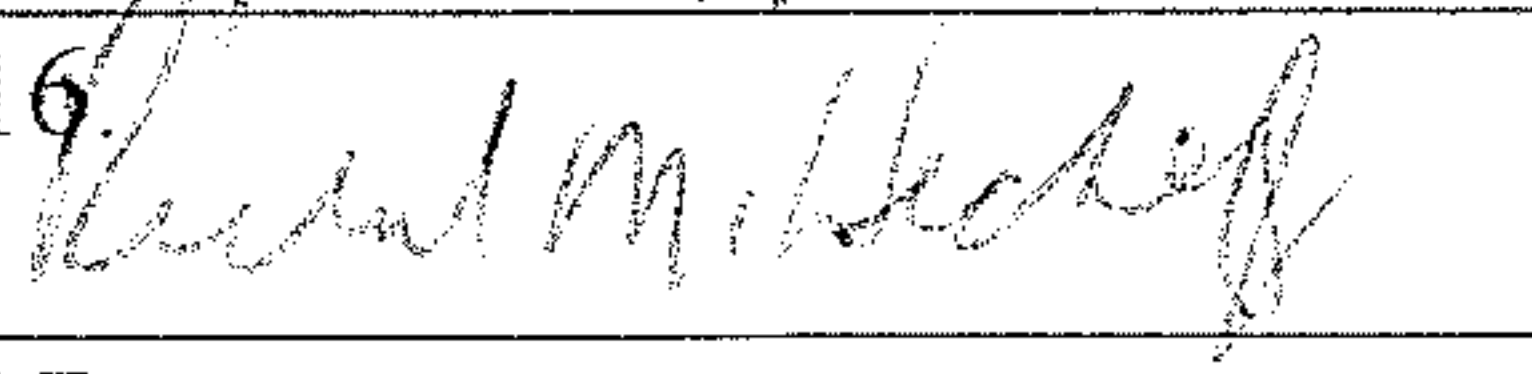


900 NEW HAMPSHIRE PETITION

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SIGNATURE	PRINT NAME	ADDRESS
1. 	Leslie Soden	2411 Louisiana, Lawrence
2. 	Lane Eisenbart	1229 Pennsylvania St.
3. 	Margaret Rose	217 Arizona Pl
4. 	Karen Jacob	1320 New Jersey
5. 	Jack Becker	1026 NJ
6. 	Cynthia L. Suenram	1204 New York
7. 	Arch Naramore	1204 New York / 900 New Jersey
8. 	Aaron Proden	1208 Delaware
9. 	ERIC FARNSWORTH	1022 NEW JERSEY
10. 	Meghan Ford	806 Pennsylvania
11. 	Arthur Dodge	806 Pennsylvania
12. 	John Swift	818 New York St.
13. 	PHILLIP GIACCHINO	615 OHIO
14. 	Anna Luna	910 Louisiana
15. 	Andrea Repinsky	1272 ALMIRA. LAWR.
16. 	Anne Grothe	450 E. Lockwood ST LOUIS, MO 63119
17. 	Elizabeth Bonny	618 W 25th St + Apt C

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SIGNATURE	PRINT NAME	ADDRESS
1. 	Jennifer Roth	505 Tennessee Lawrence, KS 66044
2. 	Phyllis Barnhart	329 th E 19 th St 66046
3. 	Amanda Hellberg	633 Connecticut Lawrence KS 66044
4. 	Matt Armstrong	1413 Prospect Ave. Lawrence, KS 66044
5. 	MATT PRYOR	1015 NEW YORK
6. 	Ansa Barlow	853 Elm
7. 	Zoe E. Smith	100 Arkansas #9
8. 	Richard Noyse	1500 W. 8th Terrace D-5
9. 	Twila J. Brooks	4023 E.R. 43rd Indy KS 67341
10. 	TJ Campbell	1145 Penn
11. 	RONALD E. CLOCK	415 Michigan St
12. 	Ellen M. Kearns	1300 New Jersey St
13. 	Dawn DOWIS	
14. 	Craig Comstock	1315 Haskell Ave
15. 	Katherine "KH" Harris	916 Rhode Island 66044
16. 	Richard M. Harker Jr	1217 Prospect Ave
17.		

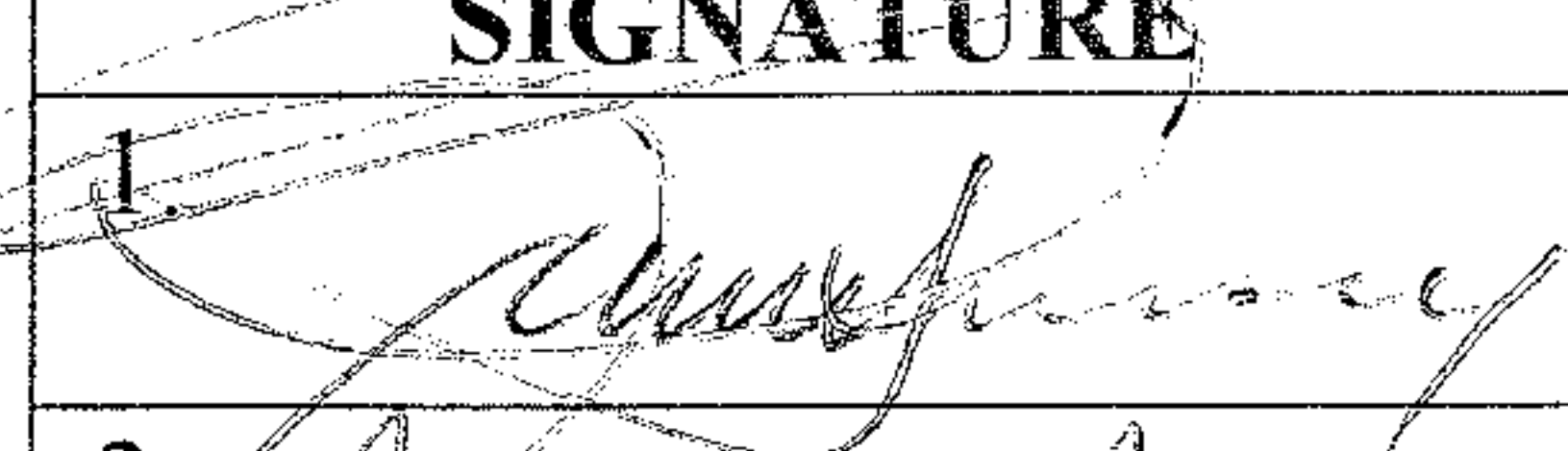
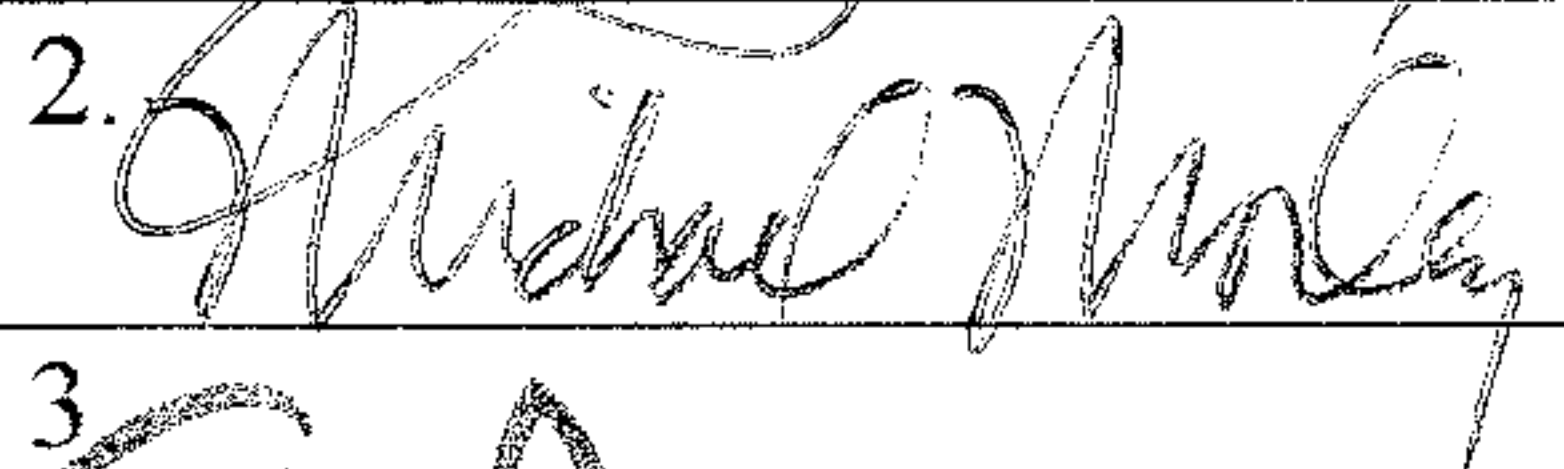
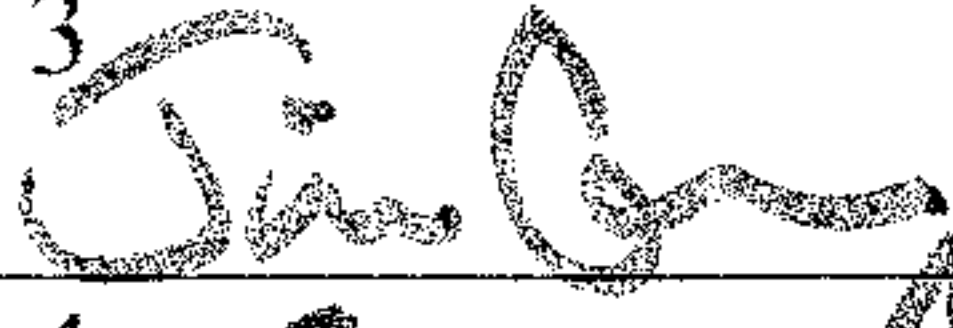
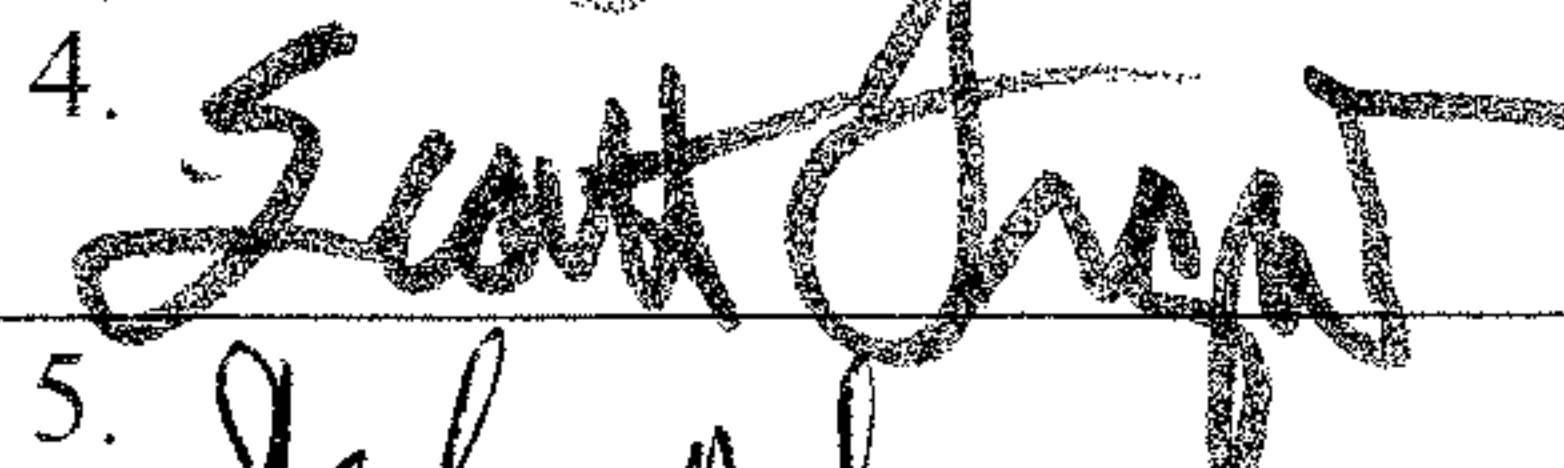


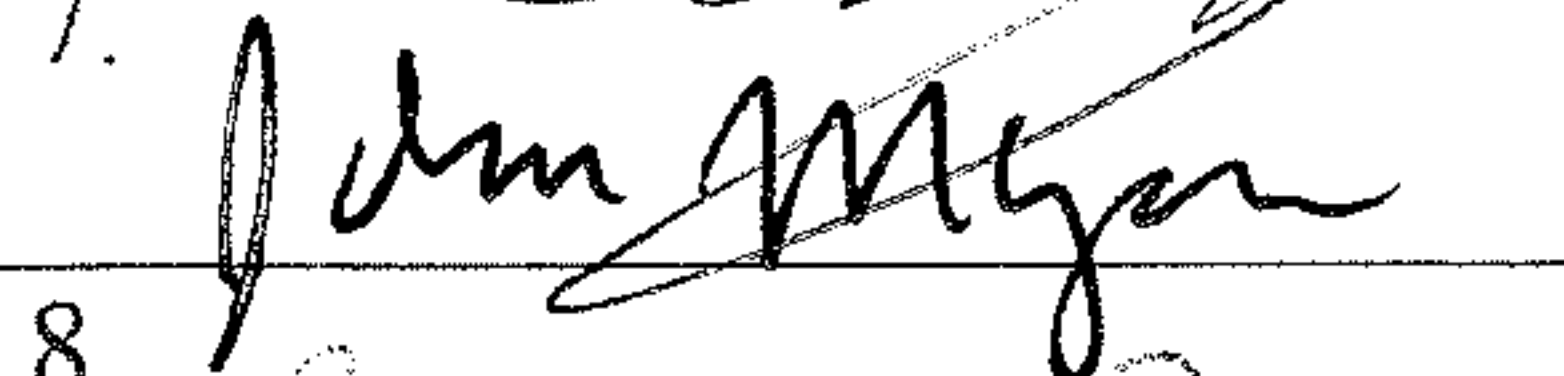
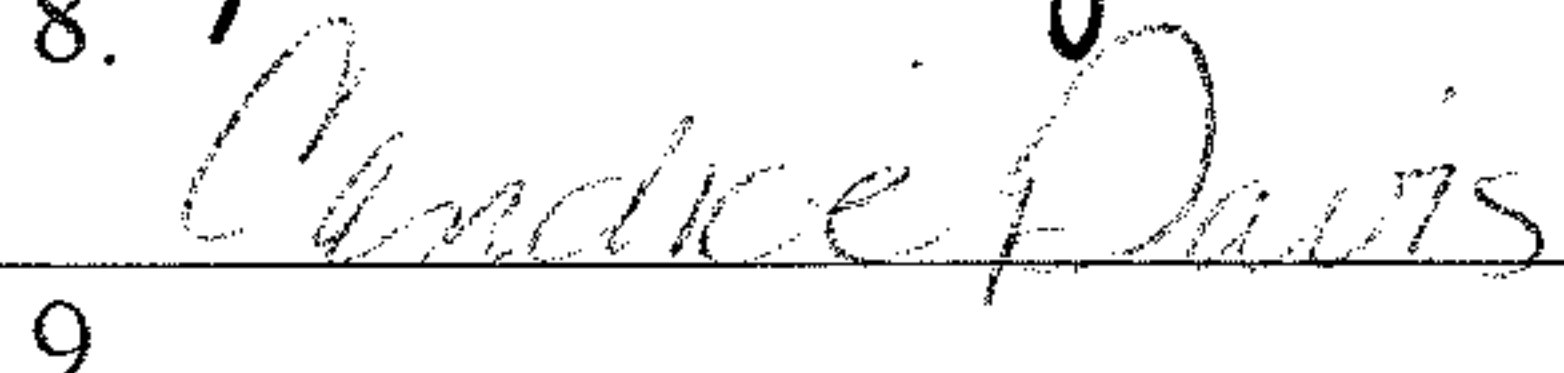
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SIGNATURE	PRINT NAME	ADDRESS
1. <i>MARTHA FRYDMAN</i>	LAURIE MARTHA-FRYDMAN	645 MISSISSIPPI STREET
2. <i>Linda</i>	LINDA G. REEDING	1029 New York
3. <i>Linda Lowden</i>	Linda Lowden	1316 Summit
4. <i>Gwen Breeches</i>	Gwen Breeches	1655 Kingman Rd Ottawa KS
5. <i>Ardys Ramberg</i>	Ardys Ramberg	812 New York St.
6. <i>Anna McCoy</i>	Anna McCoy	1504 Oak Hill Ave
7. <i>William R. Dodd</i>	William R. Dodd	1303 Rhode Island
8. <i>Rebecca McAnulla</i>	Rebecca McAnulla	814 E. 13th
9. <i>Carol E. Whalen</i>	Carol E. Whalen	1874 1/2 1st St. Lawrence KS.
10. <i>Tom KRAUSE</i>	Tom KRAUSE	1327 NEW JERSEY
11. <i>MJ Hill</i>	MJ Hill	110 N Michigan #75 PO Box 4 Lawrence, KS.
12. <i>Jennifer Brown</i>	Jennifer Brown	1004 Connecticut Lawrence
13. <i>Philip Kimbak</i>	Philip Kimbak	" " "
14. <i>Frank Janzen</i>	FRANK JANZEN	1344 MASSACHUSETTS ST #3 66044
15. <i>Dave Lewenstein</i>	DAVE LEWENSTEIN	740 Rhode Island, Lawrence KS 66044
16. <i>Brenda Nunez</i>	Brenda Nunez	815 New Jersey
17. <i>Karen Cook</i>	Karen Cook	831 Connecticut St.

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SIGNATURE	PRINT NAME	ADDRESS
1. 	JIM TRANSUE	633 New York
2. 	MICHAEL MORLEY	700 MISSISSIPPI
3. 	JIM GARNER	1246 Delaware St
4. 	Scott Frazier	1246 Delaware St.
5. 	SKYLER ADAMSON	1036 New York st.
6. 	Ellen Galloway	714 New York SE.
7. 	JOHN MYERS	1029 DEL
8. 	Candice Davis	947 Louisiana St.
9.		
10.		
11.		
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900 NEW HAMPSHIRE PETITION

April 24th

We the undersigned ask the City Commission to NOT over-rule the Historic Resources Commission in their twice unanimous decision to deny the project proposed for 900 New Hampshire. Please uphold the HRC's ruling and vote AGAINST this monstrous development that will dwarf the historic district surrounding it. Thank you! Leslie 913-890-3647

SIGNATURE	PRINT NAME	ADDRESS
1. Robert L. Lewis	Robert W Lewis	1105 West Hills Plenum
2. Ted Boyle	TED Boyle	NHIA 3108 Overbrook
3. Kirk McCuire	KIRK MCCUIRE	707 TENNESSEE ST.
4. Tom Harper	Tom Harper	2152 Owens Lane
5. Gwen Klingenberg	Gwen Klingenberg	4900 Colonial Way
6. Dan Dannenberg	Dan Dannenberg	2702 University Drive
7. Steve Braswell	Steve Braswell	427 Michigan St. Lawrence
8. Carol Jean Brune	Carol Jean Brune	612 W. 17th St.
9. David Longhurst	DAVID LONGHURST	2904 WESTDALE RD
10. Michael Almon	Michael Almon	1311 Prairie Ave.
11. Lisa Harris	LISA HARRIS	1540 NEW HAMPSHIRE
12.		
13.		
14.		
15.		
16.		
17.		

Bobbie Walthall

To: David L. Corliss
Subject: RE: DLI statement on hotel project, 9th & NH

From: Downtown Lawrence [mailto:director@downtownlawrence.com]
Sent: Tuesday, April 10, 2012 10:29 AM
To: schummfoods@gmail.com; 'Mike Amyx'; 'Aron Cromwell'; 'Hugh Carter'; mdever@sunflower.com
Cc: David L. Corliss; Jonathan Douglass
Subject: DLI statement on hotel project, 9th & NH

Dear Mayor Schumm and Commissioners Amyx, Cromwell, Carter and Dever:

The Downtown Lawrence, Inc. Board of Directors support the development of a hotel on the SE corner of 9th & New Hampshire. We do, however, understand the concerns of the neighborhood and the developers regarding the height of the building, but defer to the judgment of the City Commission on this issue.

Respectfully,

David Johanning
President, DLI Board

4 April 2012

Dear Commissioners,

I write with information regarding the appeal submitted by Treanor Architects to overturn Historic Resource Commission (HRC) findings for 900 New Hampshire Street.

The project was designed in violation of Secretary of the Interior guidelines from the start. It was twice rejected by the City's Historic Resource Commission as encroaching on the Historic North Rhode Island Street District, and City Landmarks. By not responding to their responsibility to reduce the mass, height and scale, the developers have provided no basis for appeal. State law states *that it is the burden of proof of those appealing to show no feasible and prudent alternatives exist*. State law also holds that the developers must demonstrate *they have made ALL efforts to minimize harm and impact on historic properties*. By not responding to HRC guidelines, and not bothering with their burdens, the appeal is frivolous, and insidious. It asks the City to set aside its own principles and code for the profit of speculation. The appeal asks you Commissioners to carry the burden of proof, and complete the tasks of those appealing, which you cannot possibly do. You must reject.

Here's factual information for the record:

- * The applicant is Treanor Architects, not the landowner. At a meeting at the Art Center November 17, 2011, the prime investor Michael Treanor told citizens he had not signed a contract with Mariott to build anything. You are being asked to violate law for the purpose of speculation prior to investment. That is not a precedent the City can tolerate.
- * There is no documentation by the applicants on impact on the environs, which it has been the speculator's duty to provide. There's no documentation on

shadow studies, light pollution from a massive 6 story building, heat pollution of an estimated million watts of radiated heat energy, noise pollution from air conditioners - except mention that the units most quiet “inside the rooms” are promised. Renderings consistently misrepresent the size, as everyone has recognized, and why is misrepresentation needed? There’s a factual basis for rejecting because the burden of proof held by the architects was abandoned.

*It is your duty to fully consider all relevant factors. You may get faulty advice to disregard citizen input, or non-development considerations, but that will not change your responsibility. The legal term ALL relevant factors includes every consideration of historic preservation - so nicely ignored by applicants – so that either they make the case they’ve done the work, or you need to make the case for them. The ungainly, ignorant appearance of a gigantic complex encroaching on a historic neighborhood held intact for 150 years is a relevant factor, and ignorance is bad for business. The fate of the existing Springhill Marriott is a relevant factor. Moving its 105 “extended stay” units to 80 “extended stay” units to the location may improve occupancy rates, while abandoning the Springhill property will not make a net increase in rooms, jobs or quality of the City.

* There are always alternatives. The developer’s tactic to restrict presentations to three versions of the same monster does not take responsibility for evaluating all alternatives. It shows contempt for alternatives. The developers themselves have shown the project does not need a restaurant on the roof, by presenting designs without one. A hotel does not need a swimming pool on the roof, as proven by the Boulder Colorado Marriott of similar design, and innumerable others. Eliminating these alone eliminates the entire top floor. Lawrence already has a glut of retail space, and any citizen would find it feasible and prudent not to build more in this location. Eliminating retail space and consolidating eliminates another floor. A hotel can be built without additional apartments, which make redundant add-ons of extra floors. A hotel can be built without a space-wasting courtyard leering into neighborhood backyards 15 feet

away. The full length of the land up to the Art Center can be used, recovering 20,000 square feet wasted in the Treanor design. When the hotel exhausts its short term profiteering and fails a few years from now, the city will minimize its exposure to public bail-outs by limiting the size now.

* Citizens have no obligation to perform the task of providing alternatives. Kansas Court of Appeals Judge Greene has written: *"Indeed, the proponent of the project has the burden to prove no acceptable alternative exists, and the governing body has the duty to determine whether alternatives presented are feasible and prudent."* For your consideration an alternative design is attached anyway. Consistent with HRC review recommendations, the design has three (3) stories. It has no courtyard, which frees up space for a third wing. The design uses the full lot up to the Art Center, increasing the space for rooms. It has no retail space, and no rooftop restaurant or swimming pool. Underground parking is retained but not shown. The design has 34% more rooms per floor, which itself eliminates one of three floors: it has 137 rooms, of the same dimensions as those proposed. If more space is needed, it can be built underground.

* Eliminating the unnecessary restaurant and retail space eliminates the need for public subsidies or extra parking. This strongly suggests that a redundant restaurant and retail space have been added for the purpose of demanding subsidies. The plan given here gives an example where an informed citizen would find that many feasible and prudent alternatives exist, by exhibiting one.

Respectfully,

A handwritten signature in black ink, appearing to read "John Ralston". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Ralston".

John Ralston

940 Rhode Island Street



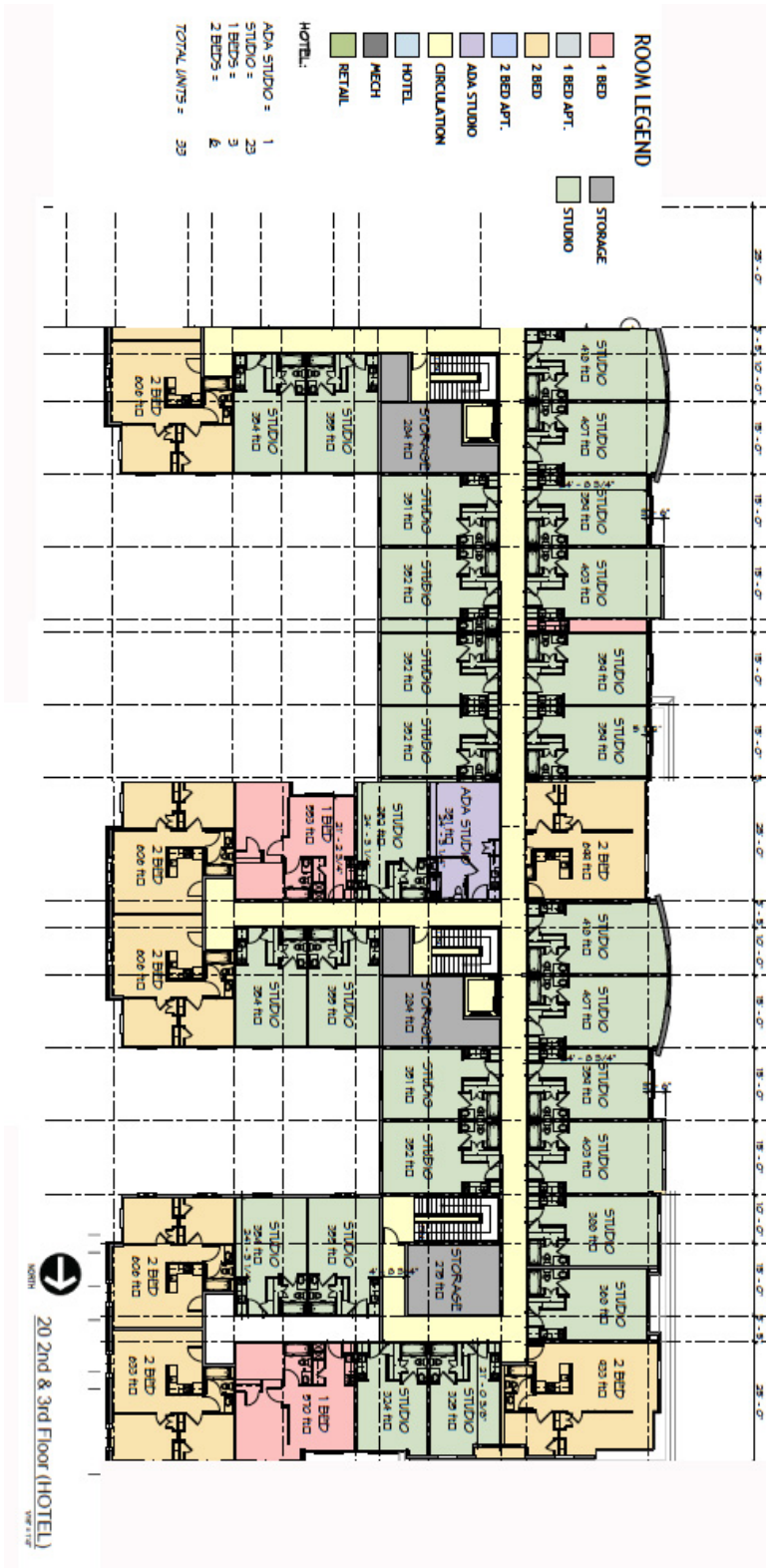
Rooftop structures of Treanor design are redundant and can be eliminated. Eliminating redundant elements decreases height, as required by HRC, and eliminates need for public subsidies.



True scale view of new three-story design alternative presented in this document. Eliminating unnecessary rooftop structures, unfeasible retail space, reclaiming space wasted by courtyard and filling the lot makes a structure in harmony with the district.



First floor of new design eliminates redundant retail space and courtyard, uses third wing and the full length of the lot.



Second and third floors of total three (3) story structure uses full space of lot, adds as entire wing in place of unnecessary courtyard, and increases the number of rooms per floor by about 34%

Bobbie Walthall

From: Cherie Ralston [cherieralston@sunflower.com]
Sent: Thursday, April 05, 2012 10:06 AM
To: Bobbie Walthall
Subject: 900 New Hampshire

Dear Ms Walthall ,

Please distribute to all of the Commissioners. ~ Thanks!

I am writing to protest against the 9th and New Hampshire (Doug Compton/Treanor Architects) project.

We (the neighbors) are not against any and all development on that corner, we are just against this **monstrously huge** development that would dwarf the neighborhood and block light. I am also concerned about the added traffic thru the neighborhood.

Please look at the drawings and the scale model and see that this development is out of scale, not only with the neighborhood, but also the entire downtown.

Imagine this hotel/apartment in your backyard!

Please, reject the appeal!

Sincerely,
Cherie Ralston
940 Rhode Island St.

RECEIVED
APR 03 2012
CITY MANAGERS OFFICE
LAWRENCE, KS

April 2, 2012

900 New Hampshire

City Commissioners:

Having provided testimony for the Lawrence Preservation Alliance at several Historic Resources Commission (HRC), meetings, and one at City Commission, regarding this issue, I wish to recap my comments during this long process. Essentially, although HRC must eventually make an up or down ruling, it does provide the one avenue in the process where changes to the proposed project can be made. An appeal of a negative HRC outcome to City Commission only focuses on whether there are realistic alternatives, and if the applicant has thoroughly investigated those alternatives and all possible mitigating actions.

My comments at the first HRC meeting basically expressed my shock and dismay at what I felt was one of the most inappropriate proposals I'd ever seen brought to the HRC.

At City Commission, I cautioned applicants against a "going through the motions" effort at the HRC level in hopes of getting to the City Commission appeal process faster. In some cases, I believe it would be easier to win HRC approval than have to prove that no feasible alternative exists. I stated that this was one such case, and I still feel that way. My reasoning is that if the hotel portion of this mixed-use development is causing expensive amenities (restaurant, swimming pool, underground parking), that in turn are driving up the project cost and requiring more mass to pay for it, then any discussion of feasible alternatives must center on whether it is necessary to build a hotel on this site. The hotel use is causing this project to be too big for its site.

At subsequent HRC meetings, I identified specific ways in which the proposal would damage the North Rhode Island Historic District, and I identified several ways the applicant could work to mitigate those damages as their discussions with the Architectural Review Committee (ARC), began.

The proposal that came back to the HRC after several ARC meetings had been improved in several ways, although the main issue of height and mass was still objectionable. While many project opponents chose to ignore these improvements and focused instead on continuing recriminations regarding the bigger picture, I felt it was important to delineate these improvements, both because this is an important step in the overall process, and because I was hoping that process regarding improvements could be taken at least one step further.

Improvements made included traffic patterns, building height on the alley side, vertical rather than horizontal expression on the New Hampshire façade, swimming pool relocation, and lowering of the

courtyard to an at-grade level. I expressed the hope that if the applicant and the ARC could work further to reduce the building's height by one story on its south side, nearest the Arts Center, and provide a ten foot setback on the southeast corner at the alley, the project would, and I quote, "complete the number of changes necessary to take this project's Certified Local Government Review from being totally unacceptable to one that at least would have to be considered." I then stated that if another round of ARC changes was not possible, that LPA would recommend that the HRC rule that the project does damage, encroach upon and destroy.

During ensuing HRC discussion, no mention was made of my suggestion for further ARC discussion with the applicant. Commissioners either knew from previous discussions that no further substantive changes were possible, or they felt that, even with a reduction in height and mass next to the Arts Center, in their view the project would still be too big for its site.

So here we are...an HRC damage ruling has been rendered, and neighbors are certainly upset. Can the applicant actually show that the only possible solution for infill at 900 New Hampshire must include a hotel? Using basic common sense, can you comfortably rule that a three-story commercial/residential mixed use would not be feasible on this site?

Sincerely,

A handwritten signature in black ink that reads "Dennis J. Brown". The signature is written in a cursive, flowing style.

Dennis J Brown 806 Ohio

RECEIVED

MAR 27 2012

CITY MANAGERS OFFICE
LAWRENCE, KS

RONALD SCHNEIDER
ATTORNEY AT LAW, P.A.
900 MASSACHUSETTS ST., SUITE 600
LAWRENCE, KANSAS 66044
TELEPHONE: (785) 841-2040
FACSIMILE: (785) 856-0243

RONALD SCHNEIDER

OF COUNSEL:
CURTIS BARNHILL
MARGARET FARLEY

March 27, 2012

City Commission
City Hall
Lawrence, Kansas 66044
VIA FAX: 832-3405

RE: 900 New Hampshire Appeal from HRC,
Case # DR-12-185-11

Dear Commissioners:

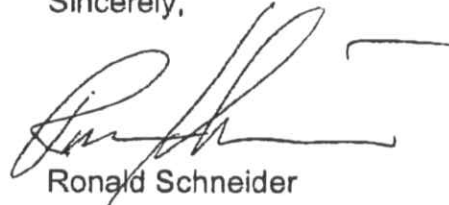
I represent a number of individuals who oppose the proposed construction of a hotel at 900 New Hampshire Street.

Manager David Corliss has advised that the applicant's appeal of the decision rendered by the Historic Resources Commission is on the agenda for tonight's Commission meeting, but will be continued until April 10, 2012.

Accordingly, my clients and I will not attend the Commission meeting tonight. I wish to emphasize, however, that our non-appearance tonight should not be interpreted as any suggestion that my client's strong and deliberate opposition to this proposal has changed in any way.

I look forward to your hearing on April 10, 2012.

Sincerely,


Ronald Schneider

RS:cw

cc: David Corliss via Fax: 832-3405
Clients

From: [Jonathan Douglass](#)
To: [Jonathan Douglass](#)
Subject: FW: Proposed 9th and New Hampshire development (SE corner)
Date: Tuesday, March 27, 2012 3:19:46 PM

From: George[SMTP:KSCCHGUY@YAHOO.COM]
Sent: Tuesday, March 27, 2012 11:26:12 AM
To: aroncromwell@gmail.com; schummfoods@gmail.com; mdever@sunflower.com;
hughcarter@sunflower.com; mikeamyx515@hotmail.com; Bobbie Walthall
Subject: Proposed 9th and New Hampshire development (SE corner)
Auto forwarded by a Rule

Good morning Commisioners,
Despite the maneuverings of the development group (and the contrived support of the J-W editor!), I feel the proposed building still is too tall for that side of the street. And so I wanted to register my objection to it. Beyond height, frankly, looking at the drawings, its style can best be called neo-ugly and totally contrary to the theme of the established neighborhood east of the site. The HRC has twice voted unanimously that this project would damage historic elements in East Lawrence.

As in an earlier note to the Historic Resources Commission, my feeling is that its height should be no more than that of the Art Center. If the developer really WANTS a tall edifice, I suggest they secure the property across the street from Hobbs-Taylor Lofts (which itself remains mostly empty years after construction), or the former (also empty!) Borders property, and build something there.

If the Commission does not value the considered input of the HRC, I see no reason why Lawrence needs to continue to have HRC.

Sincerely,
George Pisani
809 Connecticut

Bobbie Walthall

From: joane@sunflower.com
Sent: Sunday, March 25, 2012 8:14 PM
To: aroncromwell@gmail.com; schummfoods@gmail.com; mdever@sunflower.com; hughcarter@sunflower.com; mikeamyx515@hotmail.com; Bobbie Walthall
Subject: Please do not overturn the Historic Resources Commission decision

Dear City Commission:

We would like to add our voices to the chorus of opposition to the proposed 900 New Hampshire Street hotel project. We believe this project will damage Lawrence's important historic heritage, especially in an area in which many homeowners have made major lifetime investments at significant personal cost. Please deny the developers' appeal.

Lawrence has a small town ambiance, fun downtown shopping, the state's flagship university, and a rich history that includes East Lawrence. East Lawrence and downtown Lawrence were central to the Civil War period, the Civil rights period, and the contemporary diversity and vibrancy of Lawrence.

We understand that Lawrence's Historic Resources Commission has certified that the 900 New Hampshire hotel project as it is currently designed will negatively impact the North Rhode Island Street National Historic District and that the HRC voted unanimously against the project twice.

We support the HRC decisions. If the City Commission reverses the HRC's decision, the hotel project will overpower the neighborhood and divide East Lawrence from the downtown. It will be the equivalent of a 50+ foot border fence separating the historical East Lawrence area from downtown.

If this project were planned on the West side, we do not believe it would be approved. Please protect East Lawrence from this kind of apartheid development project. Thank you for your work on the Commission and for reading our letter.

Sincerely,

Joane Nagel & Mike Penner
1651 Hillcrest Road, Lawrence, KS

Bobbie Walthall

From: Becky [plainjanewright@peoplepc.com]
Sent: Tuesday, March 20, 2012 6:16 PM
To: schummfoods@gmail.com; mdever@sunflower.com; mikeamyx515@hotmail.com
Cc: Bobbie Walthall; hughcarter@sunflower.com; aroncromwell@gmail.com

To the City Commission:

I write to you to deny approval for the proposed building of a 60 foot tall building at 900 New Hampshire Street. I strongly protest the idea of allowing such a building in downtown Lawrence, based on my firm belief that the project will harm Lawrence's downtown charm, and the businesses currently there. Lawrence has no need for another downtown hotel. I don't believe Lawrence residents want to help foot another out of town developer's idea how to make money for themselves at our expense and ambiance of our town. Landscape in downtown is part of the charm and reasons folks enjoy the walk through our downtown, more outlandishly tall buildings certainly will not improve the sights.

I urge you to deny the developer's proposal, and not allow this project to go forward.

Sincerely,

Becky Wright

I am not a fluent writer but am a long time Lawrence resident, who cares and votes.

PeoplePC Online

A better way to Internet

<http://www.peoplepc.com>

Bobbie Walthall

From: Jennifer Lattimore [jlattimor@swbell.net] on behalf of jlattimore@dblhouse.us
Sent: Tuesday, March 20, 2012 11:07 AM
To: aroncromwell@gmail.com; schummfoods@gmail.com; mdever@sunflower.com; hughcarter@sunflower.com; mikeamyx515@hotmail.com; Bobbie Walthall
Subject: Opposition to 900 NH Hotel Project

To the City Commission:

This letter serves to express to you my strongest opposition to the proposed 900 New Hampshire Street hotel project that is before you. My opposition to this project centers on the demonstrated and documented damage that it would do to Lawrence's rich historic heritage. I urge you to deny the appeal that the developers have lodged with the City Commission.

Lawrence attracts visitors because of its excellent university, small town charm, downtown shopping, and rich historic heritage. The latter began prior to the Civil War, when the city was founded, and continued through the Civil War with Quantrill's Raid. Old East Lawrence and Downtown Lawrence were the epicenters of these early events, as they were the home of Lawrence's early business owners and residents.

The Historic Resources Commission (HRC) has certified that this project would do considerable damage to the nearby Shalor Eldridge Residence, Social Service League, and North Rhode Island Street National Historic District. Indeed, after extensive and detailed consideration, the HRC voted unanimously TWICE that this project would damage those three historic elements.

I concur with the HRC. Quite simply, if you overturn the HRC's unanimous decision, the hotel project will go forward. Its hulking presence will literally divide East Lawrence from Downtown Lawrence with a 60 foot brick wall, and much of the historic integrity of the city will be lost. Rather, I urge you to consider a major economic driver of Lawrence's vibrancy—its historic legacy. Please do not grant the appeal that the developers are making, for the good of Lawrence.

Thank you for your time,

Jennifer Lattimore

Jennifer Lattimore, Ph.D.
Behavior Analyst
704 New York St.
Lawrence, KS 66044
Email: jlattimore@dblhouse.us
Cell Phone: (785) 550-5369

Home Phone: (785) 813-1325

To the City Commission:

The portion of the letter below, as you will notice, is from stock; however you should know that, although I was too busy to write my own version, the one below represents my opinions and interests.

This letter serves to express to you my strongest opposition to the proposed 900 New Hampshire Street hotel project that is before you. My opposition to this project centers on the demonstrated and documented damage that it would do to Lawrence's rich historic heritage. I urge you to deny the appeal that the developers have lodged with the City Commission.

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The Historic Resources Commission (HRC) has certified that this project would do considerable damage to the nearby Shalor Eldridge Residence, Social Service League, and North Rhode Island Street National Historic District. Indeed, after extensive and detailed consideration, the HRC voted unanimously TWICE that this project would damage those three historic elements.

I concur with the HRC. Quite simply, if you overturn the HRC's unanimous decision, the hotel project will go forward. Its hulking presence will literally divide East Lawrence from Downtown Lawrence with a 60 foot brick wall, and much of the historic integrity of the city will be lost. Rather, I urge you to consider a major economic driver of Lawrence's vibrancy—its historic legacy. Please do not grant the appeal that the developers are making, for the good of Lawrence.

Thank you for your time,

L. Lynnette Dornak

1038 Pennsylvania st
Lawrence, KS 66044

Bobbie Walthall

From: gina darrow [gina.darrow@gmail.com]
Sent: Thursday, March 08, 2012 8:13 AM
To: aroncromwell@gmail.com; schummfoods@gmail.com; mdever@sunflower.com; hughcarter@sunflower.com; mikeamx515@hotmail.com; Bobbie Walthall
Subject: 900 New Hampshire

To the City Commission:

You are being presented with a request to overturn the TWICE unanimous decision of the Historic Resources Commission to deny approval for 900 New Hampshire Street. I write to you in strong protest, based on my firm belief that the project would actually harm Lawrence's economy irreparably more than it will add.

The project you are considering has four uses: hotel, apartments, restaurant, and retail. Each of these uses will add to Lawrence's short-term economic infrastructure, it is true, but I fear that it will also detract in ways that would actually harm Lawrence in the long run.

Our family chose to move from Portland, OR to Lawrence specifically because of the charm, history, and 'Main St.' feeling of downtown. I fear that this development will be a step in the wrong direction of preserving the uniqueness that makes Lawrence so appealing. Our family loves living in Lawrence precisely for the historical buildings and the small town feel.

1. For the hotel, Lawrence already has two major downtown hotels, plus the new Oread Hotel on the Hill, and a hotel under construction to the south of Hallmark. Lawrence hotel occupancy rates are known to be on the low side (estimated at about 51%), and projects such as Eldridge Extended, Springhill Suites and Halcyon House are already in trouble. The public has \$11 million in public financing sunk into the Oread Hotel, and undoubtedly there will be requests for more public financing for 900 New Hampshire. The publicly financed parking garage still is not paid for. Stop leaving the public on the hook and protect our current investments!

2. As for the restaurant, Lawrence has seen the arrival of numerous new restaurants in recent years, especially the past year, so the competition will be more than stiff. New restaurants will not add to the tax base, but will actually spread current entertainment dollars more thinly. And more part-time, low wage service jobs are not what the city should be striving for.

3. For the retail areas, 31 retail properties are currently NOT occupied or rented in the downtown area, including six large-scale buildings along the New Hampshire Street corridor alone. The need for

more retail space is not at all a given, and would in fact point to a serious issue with the health of retail downtown. Our downtown is slowly turning into a tourist district — downtown needs services targeted to permanent residents with families to create a solid economic foundation for downtown, not more tourist services!

4. And for apartments, affordable family housing is in sore supply. Lawrence doesn't need more luxury, one-bedroom apartments! I note for you that the Hobbs-Taylor Lofts Building took 6 years to achieve full occupancy, and that the development group has just finished a very similarly designed apartment project at 901 New Hampshire Street. Our city already has way too many apartment complexes geared towards single occupants (how many complexes like this have been developed in the past few years, 31st & ousdahl, 23rd & crossgate, and now gaslight village). And considering that the parking below this building is for the hotel, it will push more parked cars onto the neighboring streets and into the already full parking garage.

Frankly speaking, I have explored the four components of the 900 Rhode Island Street hotel project, and I see very little in the way of positive long-term economic prospects for any of them. I fear that this project will, in the end, create a 60 foot tall building that will not improve Lawrence's tax base, nor create a more vibrant downtown area for the city. Rather, it will create short-term profit for the developers, and detract from the small town charm that Lawrence is known for

As a Lawrence resident, I urge you to deny the developer's appeal, and not allow this project to go forward.

Thank you for your time,

Gina Darrow

March 6, 2012

To the City Commission:

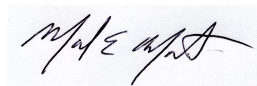
This letter serves to express to you my strongest opposition to the proposed 900 New Hampshire Street hotel project that is before you. Lawrence has a rich historic heritage and the proposed project has been demonstrated and documented to cause significant damage that historic heritage. I urge you to deny the appeal that the developers have lodged with the City Commission.

Lawrence attracts visitors because of its excellent university, small town charm, downtown shopping, and rich historic heritage. The latter began prior to the Civil War, when the city was founded, and continued through the Civil War with Quantrill's Raid. Old East Lawrence and Downtown Lawrence were the epicenters of these early events, as they were the home of Lawrence's early business owners and residents.

The Historic Resources Commission (HRC) has certified that this project would do considerable damage to the nearby Shalor Eldridge Residence, Social Service League, and North Rhode Island Street National Historic District. Indeed, after extensive and detailed consideration, the HRC voted unanimously TWICE that this project would damage those three historic elements.

I concur with the HRC. Quite simply, if you overturn the HRC's unanimous decision, the hotel project will go forward. Its hulking presence will literally divide East Lawrence from Downtown Lawrence with a 60 foot brick wall, and much of the historic integrity of the city will be lost. Rather, I urge you to consider a major economic driver of Lawrence's vibrancy—its historic legacy. Please do not grant the appeal that the developers are making, for the good of Lawrence.

Thank you for your time,

A handwritten signature in black ink, appearing to read 'M/E Mort', is written on a light blue rectangular background.

Mark E. Mort

RECEIVED

MAR 05 2012

CITY MANAGERS OFFICE
LAWRENCE, KS

Mr. David Corliss
6 East 6th Street
PO Box 708
Lawrence, Kansas 66044

RE: 900 New Hampshire Cost Reimbursement Request

Dear David:

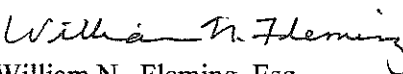
Pursuant to our previous discussions, on behalf of 900 New Hampshire, L.C, we would like to request consideration of our request for cost reimbursement assistance for our Project to be built at Ninth & New Hampshire on the lot just north of the Art Center. The current plans are to build an eighty-one unit extended stay hotel and twenty-one residential units. The Project would also include some retail uses on the ground floor. We anticipate an investment of approximately \$18 million in this Project.

The hotel is required by its franchisor to have parking available to its guests. We intend to build approximately 119 parking spaces as part of the Project. As you know, we are not required by current City zoning district to provide any off-street parking. Because of the difficulty in recovering the cost of the parking facility and because of the expense of providing underground parking, we are requesting that the City consider using a combination of the following tools to assist us in recovering the cost of the parking facility and the related public infrastructure costs associated with the Project:

- Authorize a "substantial change" to the existing Downtown 2000 Tax Increment District by amendment of the existing TIF District to remove the subject property and create a new tax increment district pursuant to the procedures outlined in K.S.A. 12-1771(e) and K.S.A. 12-1772(3)(f).
- Establishment of a Transportation Development District with 1% additional sales tax levied on retail sales including the hotel room nights;
- Approval for use of Industrial Revenue Bonds to finance construction.

Thank you in advance for your consideration of these various tools for cost reimbursement for the public infrastructure costs associated with this Project.

Very Truly Yours,


William N. Fleming, Esq.
General Counsel

Lawrence Preservation Alliance

P.O. BOX 1073 • LAWRENCE, KANSAS 66044

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MAR 05 2012

CITY MANAGERS OFFICE
LAWRENCE, KS

DIRECTORS

ANDRÉ BOLLAERT
VICE-PRESIDENT

DENNIS BROWN
PRESIDENT

BRENNIA BUCHANAN

JOSH DAVIS

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KATE DINNEEN

ERNIE ECK
CO-TREASURER

MIKE GOANS

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DALE NIMZ

MICHAEL SHAW

DALE SLUSSER
CO-TREASURER

MARY LYNN STUART

REV. VERDELL TAYLOR JR.

CAROL VON TERSCH

DENNIS DOMER
EMERITUS

MARCI FRANCISCO
EMERITUS

3-3-12

900 New Hampshire
City Commissioners:

The Lawrence Preservation Alliance agrees with the ruling of the Historic Resources Commission (HRC) that the proposed project at 900 New Hampshire will damage and encroach upon the North Rhode Island National Historic District that borders the east property line of the project. We do believe the extra time the design team spent working with staff and the Architectural Review Committee (ARC), of the HRC produced very beneficial design changes, which we acknowledged at the last HRC public hearing. However, the changes still fall short of rectifying the mass and scale issues as they relate to the standards and guidelines of state law review.

As one ARC member commented to me after the public hearing, "the building is just too big for the site." We would suggest that this comment rings true whether the platform for discussion is state law review or just competent city planning.

While the developer has dropped the number of apartment units to reduce mass to get the design to this point, we have been mystified as to why a hotel use needs apartment uses added to it to make it profitable in the first place. We must conclude that expensive spatial requirements the hotel use has (underground parking, first-class restaurant and swimming pool), are driving the extra levels that are causing this project to fail state law review. It is possible that the seller's profit margin on the lot is excessive as well, but that is impossible to say because that price has not been made public.

As city commissioners sitting in judgment in a quasi-judicial hearing to determine the existence of feasible and prudent alternatives, and whether all possible planning to mitigate damages has taken place, we would advise you that you cannot make such a determination unless you 1) know the purchase price and have had staff evaluate it against other comparable lots for reasonable profit margin, 2) receive written assurance from Marriott that once the new facility is built they won't close down their Springhill Suites facility, 3) ask the developer if the project will go forward if you do not approve requested tax increment financing, and 4) receive a cost analysis from the developer and verified by staff as to why a 3-story structure, with 4-stories on the commercial corner of 9th and New Hampshire, which, all else being equal, would almost certainly pass HRC review, would not be profitable.



Lawrence
Preservation
Alliance

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www.lawrencepreservation.org

We expect that the answer to question #4, if you dig hard enough, will be that a 4-3 proposal would not be profitable for **this particular hotel mixed-use project with required swimming pool, rooftop restaurant and underground parking**. It's very likely that a 4-3 structure that is apartments/commercial/offices only, without the expensive hotel amenities, would be very profitable on this lot.

We know the city commission doesn't like to get into the business of determining how much of a service (such as hotel rooms), is too much. But we also don't believe you have stated a preference that a hotel use be placed on this lot. Your last input on planning for this lot was the Downtown 2000 plan, in which you identify 900 New Hampshire (Phase IV), as a 2 story retail/office mix that shares a party wall with the Lawrence Arts Center. **Because you have not requested a hotel use for this site, while it's reasonable for you to evaluate a hotel proposal, it is also reasonable for you to evaluate an alternative likelihood that a large yet properly-sized commercial structure could be placed here that would be profitable, pass HRC review, and receive a much more positive response from the residential neighborhood it borders.**

As the subject lot is vacant, this presents a very unusual circumstance for a 'feasible and prudent' hearing. Usually you have a historic structure in the mix with rehab costs in dispute and adaptive reuse issues at stake. But in this case, all kinds of commercial or mixed use structures could be built here. If this project is denied at 900 New Hampshire, it could likely resurface at a nearby location where the west side of Rhode Island has surface parking or smaller commercial structures currently instead of residential structures.

You have before you a project that is too big for its site; that will damage its residential neighbors, and will need tax assistance from you before it is even feasible itself. The hotel component of the proposal is driving all these square peg/ round hole issues; yet you have no planning documents that you or your predecessors have produced which suggest a hotel is needed at this site.

If in the face of all this you can make a finding that there is no feasible and prudent alternative to the current proposal, you will in essence be telling this city that 1) you think a hotel use is necessary for this lot, even though you have never planned for it before, and 2), you believe that if you deny this proposal, that this lot will forever be vacant, as any future profitable occupancy would in effect be a feasible alternative to this one. It would stretch the limits of credibility for the city commission to make these statements. You should find that there are likely alternatives to this proposal, and look forward to receiving a proposal at a future date that is more compatible with this site and acceptable to its neighbors.

Sincerely,



Dennis J Brown
President

STATE HISTORIC PRESERVATION STATUTE REGULATIONS

Article 3. REVIEW OF PROJECTS AFFECTING HISTORIC PROPERTIES AND THEIR ENVIRONS

118-3-1. Definitions. For the purposes of Article 3, these terms shall have the following meanings.

(a) "Boundaries of a historic property" means the limits or extent of a geographic area included in the state or national registers of historic places.

(b) "Character-defining features" means those physical characteristics and elements that indicate the integrity, design, and materials of the listed historic property.

(c) "Demolition" means the partial or complete removal of a building or structure, the components of a building or structure, or the man made components of the site on which the building or structure is located, including walks, driveways, retaining walls, and fences.

(d) "Environs" means the historic property's associated surroundings and the elements or conditions that serve to characterize a specific place, neighborhood, district, or area, which takes into account all relevant factors, including the following:

- (1) The use of the area;
- (2) the significance of the historical property;
- (3) the scope of the project;
- (4) surrounding buildings, structures, and foliage; and
- (5) the topography of the surrounding area. A project need not be adjacent to a historic property for it to be in the historic property's environs.

(e) "Feasible and prudent alternative" means an alternative solution that can be reasonably accomplished and that is sensible or realistic. Factors that shall be considered when determining whether or not a feasible and prudent alternative exists include the following:

- (1) Technical issues;
- (2) design issues;
- (3) the project's relationship to the community-wide plan, if any; and
- (4) economic issues.

(f) "Governmental entity" means the "state or any political subdivision of the state," as that term is defined by K.S.A. 75-2714, and amendments thereto.

(g) "Ground-disturbing project" means a project that changes the existing grade, shape, or contour of a property or involves drilling into or excavation of earth from a piece of property where there is the potential to disturb archeological remains.

(h) "Historic property" means any property included on "the national register of historic places" or "the register of historic Kansas places."

(i) "Program includes all possible planning" means that the written evidence and materials submitted by a governmental entity to the state historic preservation officer clearly identify all alternative solutions that have been investigated, compare the differences among the alternative solutions and their effects, and describe mitigation measures proposed by the project proponent that address an adverse effect determination of the state historic preservation officer.

(j) "Relevant factors" means pertinent information submitted by project proponents or project opponents in written form, including evidence supporting their positions.

(Authorized by K.S.A. 75-2721(b); implementing K.S.A. 75-2724; effective, T-118-5-1-98, May 1, 1998; effective Oct. 23, 1998.)

Bobbie Walthall

From: dhalexander@sunflower.com
Sent: Thursday, March 01, 2012 9:28 PM
To: mikeamyx515@hotmail.com
Cc: Bobbie Walthall
Subject: please vote no on 900 New Hampshire hotel

2905 Pebble Lane, Lawrence, KS
March 1, 2012

Dear Commissioners:

I have lived in Lawrence since 1987; I work here, raised my family here, and likely will retire here. I care deeply about this city and I enjoy its unique flavor. We are so fortunate to have a progressive community, a downtown that draws people from all over, and a high quality of life. We also have an amazing history that traces back to before the Civil War, and we are fortunate to have many historic neighborhoods and buildings. I want to maintain the high quality of Lawrence for the next generation, and thus I urge you to vote "no" for the new hotel development on New Hampshire (900 N.H.) As you well know, this proposed development was recently considered by the Historic Resources Commission. They voted "no" because of their concerns that this large structure will impact the nearby historic areas. I encourage you to follow their lead and also deny the proposed development.

I realize developers put an incredible pressure on city leaders like yourselves, but it is essential that we stop and realize why we have a Historic Resources Commission. This group is looking out for the long-term future of the city and is protecting our resources. To override their vote would be a very serious statement and an insult to the hard working city-appointed board.

It is also important to recognize that Lawrence has many hotels and restaurants and it is not at all obvious that there is the demand to fill them. In fact, adding yet another hotel and restaurant just makes it harder on the hotels and restaurants that are already here. This is not the time nor the place for another large hotel/restaurant complex. I also understand that the developers seek public financing – given, again, that the Historic Resources Commission has voted against this unit, this again simply does not make sense.

I might emphasize that I live in the southwest part of Lawrence – not close to downtown. However, I love going to the downtown area to eat and I have friends across the city. We must broadly look at the future of all of Lawrence and maintain protection of our historic resourcess.

Sincerely,
Helen M. Alexander

Bobbie Walthall

From: anne tangeman [aatangeman@gmail.com]
Sent: Monday, March 05, 2012 8:02 PM
To: aroncromwell@gmail.com; schummfoods@gmail.com; mdever@sunflower.com; hughcarter@sunflower.com; mikeamx515@hotmail.com; Bobbie Walthall
Subject: Regarding the proposed development at 9th and New Hampshire

To the City Commission:

You are being presented with a request to overturn the TWICE unanimous decision of the Historic Resources Commission to deny approval for 900 New Hampshire Street. I write to you in strong protest, based on my firm belief that the project would actually harm Lawrence's economy irreparably more than it will add.

The project you are considering has four uses: hotel, apartments, restaurant, and retail. Each of these uses will add to Lawrence's short-term economic infrastructure, it is true, but I fear that it will also detract in ways that would actually harm Lawrence in the long run.

1. For the hotel, Lawrence already has two major downtown hotels, plus the new Oread Hotel on the Hill, and a hotel under construction to the south of Hallmark. Lawrence hotel occupancy rates are known to be on the low side (estimated at about 51%), and projects such as Eldridge Extended, Springhill Suites and Halcyon House are already in trouble. The public has \$11 million in public financing sunk into the Oread Hotel, and undoubtedly there will be requests for more public financing for 900 New Hampshire. The publicly financed parking garage still is not paid for. Stop leaving the public on the hook and protect our current investments!

2. As for the restaurant, Lawrence has seen the arrival of numerous new restaurants in recent years, especially the past year, so the competition will be more than stiff. New restaurants will not add to the tax base, but will actually spread current entertainment dollars more thinly. And more part-time, low wage service jobs are not what the city should be striving for.

3. For the retail areas, 31 retail properties are currently NOT occupied or rented in the downtown area, including six large-scale buildings along the New Hampshire Street corridor alone. The need for more retail space is not at all a given, and would in fact point to a serious issue with the health of retail downtown. Our downtown is slowly turning into a tourist district — downtown needs services targeted to permanent residents with families to create a solid economic foundation for downtown, not more tourist services!

4. And for apartments, affordable family housing is in sore supply. Lawrence doesn't need more luxury, one-bedroom apartments! I note for you that the Hobbs-Taylor Lofts Building took 6 years to achieve full occupancy, and that the development group has just finished a very similarly designed apartment project at 901 New Hampshire Street. Our city already has way too many apartment complexes geared towards single occupants (how many complexes like this have been developed in the past few years, 31st & ousdahl, 23rd & crossgate, and now gaslight village). And considering that the parking below this building is for the hotel, it will push more parked cars onto the neighboring streets and into the already full parking garage.

Frankly speaking, I have explored the four components of the 900 Rhode Island Street hotel project, and I see very little in the way of positive long-term economic prospects for any of them. I fear that this project will, in the end, create a 60 foot tall building that will not improve Lawrence's tax base, nor create a more vibrant downtown area for the city. Rather, it will create short-term profit for the developers, and detract from the small town charm that Lawrence is known for. As a result, I urge you to deny the developer's appeal, and not allow this project to go forward.

Thank you for your time,

Anne Tangeman

Downtown patron and 29 year resident of Lawrence

-----Original Message-----

From: Jesse Brubacher [mailto:jesse@brubacherbuilding.com]

Sent: Thursday, February 16, 2012 11:00 AM

To: Lynne Zollner

Subject: 9th and New Hampshire

To Whom it May Concern,

I am a homeowner in East Lawrence, and am writing this letter in support of the proposed project at 900 New Hampshire.

This project promotes density, commerce and long-term investment to downtown as well as East Lawrence. Projects like the Poehler remodel, the proposal for the Santa Fe train depot and the building in question collectively create a broad vitalization in an area once prone to decay and abandonment. On a city-wide scope, these investments and developments strengthen the core of the city, rather than draw commerce and population further to the west creating sprawl. From an standpoint of urban planning, this project moves us in the right direction.

Throughout the process of design, submittals, redesigns, community forums, etc., this building has evolved to accommodate the valid concerns of the neighborhood. The traffic flow has not only stayed out of the alley, but has been changed so that headlights never shine into a nearby home and cars never cross the sidewalk near the art center where children may be walking. The alley side of the building offers a court yard, rather than a stark wall, and a height barely more than that of the nearest house. The designer and developers have listened and responded to the concerns of the community in an impressive way. Some neighbors, unfortunately, have been less than impressive during the process.

The public forums which have been held by the architects and developers were a great opportunity for information and feedback, and I applaud the HRC for their suggestion. However, the dialogues have been dominated by a small handfull of people who are willing to interrupt presentations and dominate the discussions through inconsiderate behavior and sheer

volume of voice. This small group has in effect stated that their opinions are the unanimous will of the people, simply because those with other opinions can't or won't compete on their level to speak their opinion. This is ultimately why I write this letter. I feel that the idea of public forums is fantastic and has been fruitful. I think the designers have creative solutions for the legitimate concerns that have been expressed. But the conversation has been dominated by a few who presume to represent the whole, and that does not sit well with me.

As the process has unfolded and the design has evolved, the only clear and legitimate argument left within the vocal minority seems to be, "it's simply too tall." To be left with only this subjective complaint is surely a sign of a design job well done. Height is required for density. Multiple uses are required for urbanism. This property abuts an historic neighborhood, but is part of downtown. While the two homeowners who live adjacent to the property may not approve of a building in their back yard, their proximity to downtown was surely a factor in their purchasing decision. Their issue as I see it is with the zoning designation of their neighbor, not with the building itself.

This building and other developments on the east side are a step in the right direction, and I'm concerned that this process will serve as proof that building on the western edge of Lawrence is the only feasible way to invest in our city. I appreciate the concern of the neighborhood, the involvement of the HRC, as well as the tangible design response by the development team. The process created by all players has created a responsible project that I fully support.

Thanks for your time,

Jesse Brubacher

From: csuen3@sunflower.com [mailto:csuen3@sunflower.com]
Sent: Wednesday, February 15, 2012 2:13 PM
To: Lynne Zollner
Subject: 900 N H

Dear Historic Resources Commission,

We would like to commend you for requiring the proposed project at 900 New Hampshire to be kept to the height of the Lawrence Arts Center. We hope you continue to do so.

With regards,
Arch Naramore
Cindy Suenram
1204 New York
Lawrence 66044
arch@sunflower.com
csuen3@sunflower.com

From: George [mailto:kscchguy@yahoo.com]
Sent: Thursday, February 16, 2012 10:58 AM
To: Lynne Zollner
Subject: 900 New Hampshire development proposal

Good morning Ms Zollner,
Despite the maneuverings of the development group (and the contrived support of the J-W editor!), I feel the proposed building still is too tall for that side of the street. And so I wanted to register my objection to it.

As in an earlier note to you, my feeling is that its height should be no more than that of the Art Center. If the developer really WANTS a tall edifice, I suggest they secure the property across the street from Hobbs-Taylor Lofts (which remains mostly empty years after construction), or the former (also empty!) Borders property, and build something there.

Sincerely,
George Pisani
809 Connecticut

Historic Resource Commission
City of Lawrence
City Hall 66044

14 February 2012

I urge the Historical Resource Commission (HRC) to use every power to deny a “certificate of appropriateness” and reject the development at 900 New Hampshire Street by Treanor Architects. The revised plan has not changed from being monstrously out of scale in size, mass and height compared to the historical character of the neighborhood.

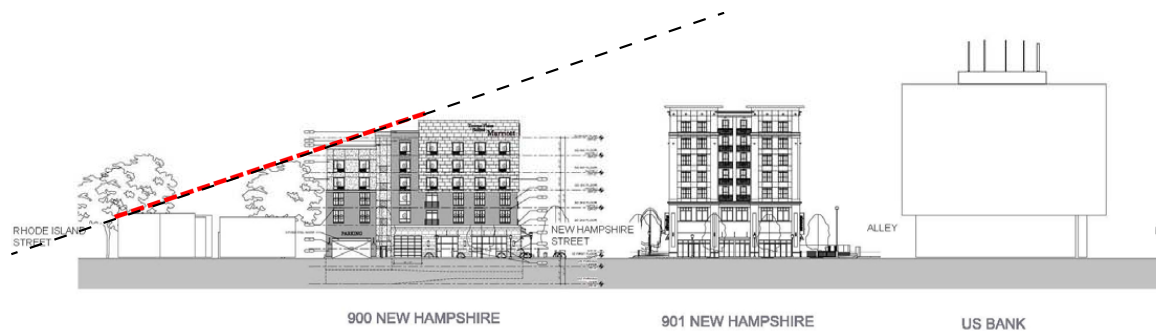
A few months ago the HRC wrote about the previous proposal that:

...the proposed project does encroach upon, damage, or destroy the environs of one or more listed historic properties and does not meet the intent of the Downtown Design Guidelines.

While well written **this is not strong enough**. There are reasons to believe that Treanor does not take the HRC or its function seriously. Treanor has not paid attention to reducing the height of the structure. It has not consulted with the neighborhood, while making presentations loaded with distractions and deceptive renderings. Treanor has consistently transferred debate and press releases to issues that confuse the general public and allow Treanor to control disinformation. Among the issues not relevant to HRC are assertions about zoning, comparisons with 901 New Hampshire, and threats that Treanor’s business partners cannot proceed without the City of Lawrence giving it unilateral power to destroy historic environs, which happens to be the issue Treanor never has addressed.

It is extremely important that the HRC write its rejection in a way to general public can understand and support. I believe that any ambiguity in language, or separation of the language from its basis in Lawrence City Code, will be used by Treanor to obscure the actual issues for the public and for the City Commissioners.

Every issue in my previous letters of December 11 and December 14 remain valid and current. This letter will limit discussion to deceptive renderings of overall height. In a presentation to neighbors at the Library on February 1, Treanor showed “exact scale views” of the proposed project as seen from Rhode Island Street. These views showed the new project as visible *well below the sight lines of rooftops*. The views were challenged by pointing out that 901 New Hampshire already *looms high above the Historic District rooftops* while being hundreds of feet further away.

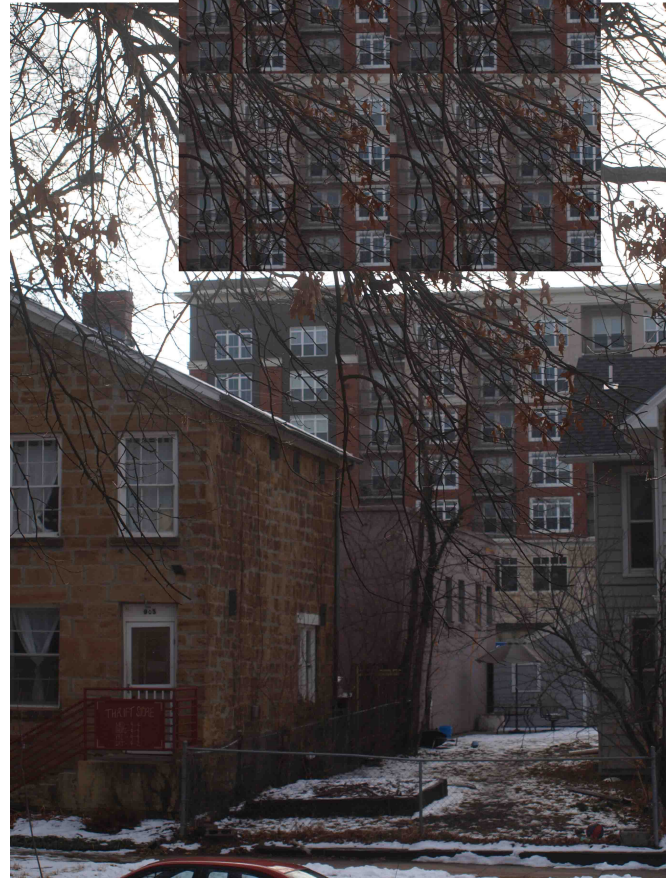


It is simple to extend one of Treanor’s sight lines (red) to show that proposed structure looms half again or more above the bulk of 901 NH. Its roof is 70 feet above ground level on the south end: a 6-story insult that includes an offensive glass ornament made with total disregard for historic context and Department of Interior guidelines. If built the structure will block the sky like a 20- story building downtown: while being 15 feet from the historic properties.

To conclude, I reiterate that the HRC must adamantly protect each and every City landmark property. Where is the mention of the landmarks? Landmarks have a higher standard of protection than “environs”: yet all are important. Once historical preservation is given away, you can’t buy it back with any amount of money.

John Ralston

John Ralston, for Rhode Island Historical District neighbors
940 Rhode Island Street



A view of 901 New Hampshire from the steps of the Turnhalle, showing the Social Service League building. The Turnhalle steps are considerably higher in elevation than the origin of the Treanor plan sight lines, *decreasing the sight angle* -- but needed to fit 901 NH in the frame. The right-hand panel has been modified to add about half the subtended angle of 901 NH to its top, leaving a gap to show the addition. That illustrates the height of the proposed structure at 900 NH. The 220' length of the structure cannot even be imagined.

East Lawrence Neighborhood Association

P.O. Box 442393
Lawrence, KS 66044
eastlawrence@yahoo.com



February 15, 2012

Historic Resources Commission
City Hall
6 E. 6th Street
Lawrence, KS 66044

Dear Commission Members,

The East Lawrence Neighborhood Association has a strong resolve to protect the historic nature of our neighborhood and its relationship to downtown. Our neighborhood is unique and irreplaceable, and in the past few years we have worked very hard to shine spotlights on our neighborhood's uniqueness, vibrancy and nearly 160 year existence. The **North Rhode Island National Historic District** is in one of these spotlights, and shines on one of the most prosperous and historic blocks in our entire neighborhood: the 900 block of Rhode Island Street.

We would like to ask you to deny the 900 New Hampshire project. This project has taken a few design changes since October, changes that have certainly been for the better. However the fact remains that it is still a 6-story building looming directly over the 2 story houses which comprise the North Rhode Island National Historic District. These homes will take even further structural damage in the 2 story excavation and construction of the building, just as they took damage in the building of the Lawrence Arts Center.

Another point to note is that I believe this building is now actually **BIGGER** in sheer volume than the one you looked at in December 2011. (see notes on page 2 for actual calculations)

Considering that the HRC tasked the ARC at their December 2011 meeting to attempt to work with the developer to bring the building **down** to the size, scale & mass of the Lawrence Arts Center, in fact, the reverse has happened. The ARC certainly had a positive impact on the building in terms of aesthetics, which we sincerely appreciate, but the project is still approximately 140% bigger than the Lawrence Arts Center.

Based on these facts, and for its obvious impact on the historic district, we sincerely feel a denial would be prudent for the commission to find.

Thank you,

Leslie Soden, President
East Lawrence Neighborhood Association

Building Volumes: (measurements taken from the plans to the best of my ability)

900 NH in December 2011, grand total = **1,177,546** cubic feet (underground parking garage excluded):

215' long x 57' wide x 70' tall = 857,850 cubic feet (6 story core)

66' long x 53' wide x 52' tall = 181,896 cubic feet (4 story, north end)

50' long x 53' wide x 52' tall = 137,800 cubic feet (4 story, south end)

900 NH in February 2012, grand total = **1,236,015** cubic feet (underground parking garage excluded):

225' x 55' x 63'h = 779,625 cubic feet (entire 5 story core)

200' x 55'w x 11'h = 121,000 cubic feet (6th story only, L long west end)

53' x 30'w x 11'h = 17,490 cubic feet (6th story only, L short north end)

(30'w x 55' x 63'h) x 2 = 207,900 cubic feet (5 story, 30'w section, in between core & shortest section)

(25'w x 55' x 40'h) x 2 = 110,000 cubic feet (shortest section, 3 story, 25'w section, next to alley)

Lawrence Arts Center = **880,000** cubic feet (measurements obtained from the planning staff)

200'long x 110' wide x 40' tall

(FYI the 40' height estimation already includes the top of the bubbles on the roof)

Mark Kaplan
1029 Delaware
Lawrence, Kansas 66044

February 16th, 2012

Historic Resources Commission
City of Lawrence
City Hall
Box 708
Lawrence, Kansas 66044

RE: Compton-Treanor hotel proposal
900 New Hampshire Street

Dear HRC members,

I'm writing to urge you all to do your duty this evening, on behalf of the historical integrity of the Original Town Site of Lawrence, Kansas – and deny approval for the redesigned structure proposed for the SE corner of the intersection of 9th and New Hampshire Streets downtown.

As duly determined with the out-sized scale, mass and height of the development firm's original proposal of late last year, I contend that the current redesign – assuming it were to be honestly followed once construction were to begin – is still irrelevant to the context of our Civil War-era downtown, and its importance as a partially-surviving symbol of the titanic political and military struggle which largely completed the formation of the modern American nation in the mid-19th century.

The Lawrence Massacre of August, 1863 resulted in the murder of more than 200 men and boys, many of them at and surrounding the very site of this proposed inappropriate structure. Combined with the absurdly massive development at 901 New Hampshire, and another structure planned for the NE corner of the intersection by the same development team, this exercise, while adding much-needed residential uses in the central business district (CBD), makes a mockery of our Downtown Design Guidelines, and the history and heritage which those regulations were intended to protect.

This series of 'high-rise' structures, already in place, and in the planning stages, beginning with the construction of the Hobbs-Taylor lofts on New Hampshire in the last decade, profoundly begs the question as to why these kinds of architectural impositions are being made ahead of the completion of a new comprehensive downtown development plan, which would govern future residential development along New Hampshire and Vermont streets, and the north and south extremities of Massachusetts street in the CBD.

While I wholeheartedly support additional residential development downtown, I decry the construction of any further structures such as the proposal for 900 New Hampshire, which completely ignores the integrity of the North Rhode Island Federal Historic District 16' across the alley to the east – and the entire historic CBD.

Please give the residents of Old East Lawrence the political and legal tools with which to force the rescaling and redesign of this latest proposal, by rejecting it, requiring elected officials to ensure the future integrity of downtown, and the Original Town Site, through the development and approval of a new comprehensive downtown plan. Until such a new plan is put in place – there should be a moratorium upon any additional development.

Sincerely,

Mark Kaplan



Old West Lawrence Association
Kirk McClure, President
mcclurefamily@sbcglobal.net

February 16, 2012

Historic Resources Commission
City Hall
6 East 6th Street
Lawrence, Kansas 66044

Re: **900 New Hampshire Proposed Development**

Dear Commission Members.

The Old West Lawrence Association is committed to the protection and enhancement of Downtown Lawrence and our historic neighborhoods. The proposed development, 900 New Hampshire, as currently configured is too large for the site, with six stories and 126,800 square feet. Its mass and scale are inappropriate to the location. The proposal does not complement the adjacent three-story civic building to the south, the Lawrence Arts Center. The proposal is incompatible to the adjacent one- and two-story properties to the east, on Rhode Island Street.

OWLA recommends that the Historic Resources Commission deny the 900 New Hampshire proposal as now configured.

Yours truly,

Kirk McClure, President
Old West Lawrence Association

A. Townsend Peterson, Ph.D.
923 Rhode Island Street
Lawrence, Kansas 66044

13 February 2012

Sean Williams, ilovelawrence@sunflower.com
Jody Meyer, jmeyer@sunflower.com
Alan Wiechert, weichert@ku.edu
Chad Foster, chad.foster@jocogov.org
Leslie Tuttle, ltuttle@ku.edu
Mike Arp, meakans@sunflower.com
Tracy Quillin, tracy.quillin@gmail.com
And cc to Lynne Braddock Zollner, lzollner@lawrenceks.org

To Members of the Historical Resources Commission:

I write to you with the strongest of urgency to ask you to vote to deny the proposal for development of a hotel, restaurant, retail, and apartment complex at 900 New Hampshire Street. As you know well, you are being asked to rule as to the appropriateness of this development in light of the historical resources that surround it.

I am a 14-year resident of Historical East Lawrence, and owner of a contributing house in the North Rhode Island Street National Historical District (the Bromelsick House, 923 Rhode Island Street). I have invested 14 years of hard labor (not to mention any and all savings that I might have had) in rescuing this house; for this reason, I was and am deeply concerned about anything that might impinge on its integrity. I have studied the various generations of plans deeply and carefully, and am completely convinced that this project would affect the National Historical District very negatively.

First and foremost, I urge you to consider how this project will affect the viewscape of the National Historical District. Viewed from Rhode Island Street, quite simply, this building will be monstrous—it will be 73.5' high at the northwest corner. Although it will slope down to 40' high at the back, this stepping down does not affect how it will loom over our houses: the proposed building is nothing short of unbelievably massive, and it will be clearly visible above and around the houses on the west side of Rhode Island Street. The step-down to "just" 40' at the alley does not change in any way the fact that the building will loom quite high over the historical buildings to its east.

A second suite of concerns focuses on the structural integrity of the buildings that make up the National Historical District. When the Lawrence Arts Center was constructed, we noted significant structural damage to our carriage house, which

remains a significant challenge for me in my ongoing efforts to stabilize and preserve our property. The proposed building is not only almost equally adjacent to our property, but is also more than double the mass of the Arts Center and will include a 2-level underground parking facility. As a consequence, we see considerable potential for actual structural damage both to our house and to several houses to the north of us along the west side of Rhode Island Street.

I am extremely concerned and distressed at the staff analysis that has now been made public regarding the proposal that you are considering. I was present the last time that your Commission considered this proposal, and I noted with considerable relief that you instructed the developers to use the Lawrence Arts Center as a size standard. Indeed, when the developers queried members of the Commission about this, members of the Commission repeated the point—I quote from the HRC December 2011 Draft Action Summary: “Commissioner Arp stated the presentation at the first Architectural Review Committee meeting should regard height and massing.” Based on this comment, I relaxed a bit, thinking that the revised proposal would either be appropriately scaled or would not proceed. Now, however, I see in the ARC 19 January meeting action summary: “Treanor Architects explained that the height was not able to be reduced and asked that the design be reviewed with that factor set aside.” Quite simply, I DON’T GET IT ... you directed them to focus exclusively on that, and they respond by saying that they do not want to focus on that!



Now, even more worrisome to me, I see the staff recommendations as patently abandoning this recommendation from the Commission. Above, I have included an image from the architects’ own presentation of their plans.... The Arts Center is the small structure at the right extreme of the diagram. Quite simply and very obviously, the structure that is proposed to you is nearly DOUBLE the height of the Arts Center, not to mention that its massing is considerable, compared with the already-imposing Arts Center structure. I am concerned that the HRC has backed off from

what was its main point—the structure as proposed originally (and as it still is) is simply too large.

To put my point in a different light, my understanding is that the purpose of the HRC (or at least the part of its purpose relevant to this issue) is simply to evaluate the historical appropriateness of proposed developments, and NOT to negotiate and compromise on getting the best deal for historical considerations. The above summary certainly APPEARS like a negotiation ... the HRC appears to be bending its originally-strongly-stated standards to accommodate the developers' needs. I would point out to you that the mechanism of appeal to the City Commission is designed to provide this negotiation mechanism... the HRC *per se* should not enter into this arena.

Finally, I will permit myself a more personal note. I have three times had to request permissions from the HRC for work on my house—a skylight, moving a door on the upstairs back porch, and a replacement of the front porch. In each case, I appeared before the commission, and made my case, and my proposals were subjected to intense scrutiny and discussion. The changes that I proposed were meticulously designed to maintain the historical character of the house and the neighborhood, and I was still put through a wringer to assure that my proposals were appropriate. In the case of this hotel proposal, the damage to the neighborhood would be orders of magnitude larger, the project is in no way being developed with an eye to keeping the historical integrity of the neighborhood, and yet the standards appear to be much looser. I would ask that you maintain the consistency of your message carefully—subject the developers of the 900 NH project to the same careful standards as you do the homeowners of the region ... otherwise you risk losing the respect of the latter.

I hope that I have not expressed myself overly strongly, or overstepped any bounds. My heart is in the same place as yours—assuring the longevity of the rich historical legacy of Lawrence. I urge you strongly to deny the proposal that is before you—this is the only appropriate path forward for your Commission.

Very sincerely,

A handwritten signature in black ink, appearing to read 'A. Townsend Peterson', written in a cursive style.

A. Townsend Peterson, Ph.D.

From: ddevans@earthlink.net [mailto:ddevans@earthlink.net]
Sent: Friday, February 10, 2012 2:09 PM
To: Lynne Zollner
Subject: HRC Feb. 16, 2011

The 900 N.H. St. project plans only formally submitted once to the city for approval, received a unanimous rejection by the Lawrence Historic Resources Commission on Oct. 27, 2011. What followed were numerous city and public presentations of the evolving plans always contrasted with older versions. Whatever plan finally emerges the process become irrelevant. The deliberative bodies hopefully will focus on the proposed building, not a slideshow of scraped ideas. Dave Evans, 2108 E. 26th Terr., Lawrence, KS.

Lawrence Historic Resources Commission
Thursday, February 16th, 6:30 pm, 2/16 -- 6:30pm @ City Hall
900 New Hampshire project is on the agenda.

Lawrence Historic Resources Commission -- Dec. 15, 2011.
DR-12-185-11 900 New Hampshire Street; New Construction; Certified Local Government Review, Certificate of Appropriateness Review and Downtown Conservation Overlay District Review. The property is located in the environs of Lawrence's Downtown Historic District and the North Rhode Island Residential Historic District, National Register of Historic Places. The property is located in the environs of the Shalor Eldridge House, Register of Historic Kansas Places and the Social Service League building, Lawrence Register of Historic Places. The property is also located in the Downtown Conservation Overlay District and subject to the Downtown Design Guidelines. Submitted by Treanor Architects for 9-10 LC, the property owner of record.

Lawrence Historic Resources Commission -- Oct. 27, 2011.
DR-9-151-11 900 New Hampshire Street; New Construction; Certified Local Government Review and Certificate of Appropriateness Review. The property is in the environs of Lawrence's Downtown Historic District and the North Rhode Island Street Historic District, National Register of Historic Places. It is also in the environs of the Shalor Eldridge Residence (945 Rhode Island), Register of Historic Kansas Places and the Social Service League (905-907 Rhode Island), Lawrence Register of Historic Places. Submitted by Micah Kimball of Treanor Architects for 9th & New Hampshire LLC, property owner of record.

City Commission Meeting Agenda -- Dec. 6, 2011.
Regular Agenda Items:

1. **APPLICATION WITHDRAWN – A PRESENTATION ON REVISIONS TO THE DESIGN WILL BE MADE AND PUBLIC COMMENT WILL BE ACCEPTED. ANTICIPATE REVISED DESIGN BEING CONSIDERED BY HISTORIC RESOURCES COMMISSION ON DECEMBER 15, 2011.** ~~Consider the following determinations by the Historic Resources Commission concerning the proposed project to be located at 900 New Hampshire Street:~~ [Staff Report](#) [Location Map](#) [Elevations](#) [Drawings](#) [Plan](#) [Shading](#) ~~[Correspondence](#)~~ ~~[Updated 12/06/11](#)~~ ~~[Appeal Request](#)~~ ~~[Appeal Memo](#)~~

REVISED DESIGNS - ADDED 12/06/11

Addendum from Applicant — Added 12/06/11

Revisions from Applicant — Added 12/06/11

ACTION: Receive presentations and public comment, and refer revised design to the December 15, 2011 meeting of the Historic Resources Commission, if appropriate.

- a) ~~Consider making a determination based on a consideration of all relevant factors that there is/is not a feasible and prudent alternative to the proposed project at 900 New Hampshire Street and the that the proposed project includes/does not include all possible planning to minimize harm to the listed properties. The Historic Resources Commission determined (6-0) on October 27, 2011 that this project will encroach upon, damage or destroy the listed historic properties and their environs.~~

ACTION: ~~Make a determination based on a consideration of all relevant factors that there is a feasible and prudent alternative to the proposed project to be located at 900 New Hampshire Street and that the proposed project does not include all possible planning to minimize harm to the listed property, if appropriate.~~

- b) ~~Consider an appeal of the HRC determination that the proposed project to be located at 900 New Hampshire Street does not meet the intent of the Downtown Design Guidelines. The HRC determined (6-0) on October 27, 2011 that this project does not meet the intent of the Downtown Design Guidelines.~~

ACTION: ~~Determine whether the proposed project meets the adopted Downtown Design Guidelines, if appropriate.~~

- c) ~~Consider an appeal of the HRC determination to deny a Certificate of Appropriateness for the proposed project to be located at 900 New Hampshire Street. The HRC determined (6-0) on October 27, 2011 that this project will encroach upon, damage or destroy the listed historic properties and their environs.~~

ACTION: ~~Uphold the determination of the HRC or issue a Certificate of Appropriateness for the project, if appropriate.~~

February 15, 2012

City of Lawrence Historic Resources Commission
City Hall
Lawrence, KS 66044
c/o Lynne Zollner, Historic Resources Administrator

Dear Historic Resource Commissioners,

I am writing on behalf of the Barker Neighborhood Association about the development proposal for 1846 Massachusetts Street – Kwik Shop.

We have discussed the project on our neighborhood's email list and at a neighborhood meeting this past Monday night. Some of the neighbors have significant safety and operational concerns; these concerns speak more to the site review process than the HRC review and will not be detailed in this letter.

Regarding the aspects of the project considered by the HRC, below are comments expressed by neighborhood residents about building and canopy materials, general character, and spatial relationships.

We see the general character of the environs of the two named properties as a neighborhood commercial area serving a walkable residential neighborhood on one of the main routes to downtown.

We agree with staff's finding that: "the demolition of the existing structure will not encroach upon, damage, or destroy the environs of one or more listed historic properties. However, the replacement structure should have some design changes to make it compatible with the environs."

Our specific comments about the design changes, bulleted below, are based on the following guidelines for HRC review:

6. New additions, exterior alterations, infill construction, or related new construction should not destroy character-defining features or spatial relationships that characterize the environs of a property. The new work shall be compatible with the historic materials, character-defining features, size, scale and proportion, and massing of the environs.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alteration and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environs.

The staff report contains this recommendation for revisions to the plan:

1. The applicant work with the Architecture Review Committee to improve the overall compatibility of the building and gas canopy, in regards to spatial relationships, roofline, and materials, with the environs of the listed properties.

We agree that this is needed, and we agree with staff's recommendations for design changes. Here are more specific comments:

- We would like to see the store facing Mass Street. The orientation toward 19th Street is out of character with the rest of the commercial development in the area. Generally, other businesses in the vicinity have areas of their businesses that have very low activity and commercial presence across from residences. It would compromise the character of the

neighborhood and environs to change the orientation of the building.

- We would like day-to-day activity not located so far east on the lot, close to single-family residences. Moving the building east also creates a wider gap between the Cottins building and Kwik Shop -- a spatial relationship between the two buildings uncharacteristic of the area as well as resulting traffic- and pedestrian-safety issues.
- We believe that tripling the number of gas pumps and canopies will create a design that is not compatible with the size, scale and character of the property, neighborhood and environs. Given the mass of the canopies, we were surprised this element was omitted from the drawings submitted to the HRC. This intersection has long been home to a gas station—sometimes more than one—but none have been on the scale of what is proposed. We would like to see fewer gas pumps and canopies in the design—and those that are included to have design features in the supports and canopies (and lighting) compatible with the environs and neighborhood.
- If any fencing should be added to the plan, we ask that the design of the fence be reviewed by the HRC.
- We agree with staff's comments about enhancing the design of the building and building materials on all four sides.

Overall, we believe the proposed plan attempts to place more structures and activity on the property than is compatible with the area. The area was designed for more moderate commercial activity.

Thank you for considering our concerns. We hope to see a revised plan that helps Kwikshop meet its goals while being more compatible with the historic environs and the character of our neighborhood.

Thank you for your service to the City.

Lisa Harris
Acting President
Barker Neighborhood Association
1540 New Hampshire Street
Lawrence, KS 66044

Kirk McClure
707 Tennessee Street
Lawrence, Kansas 66044

February 28, 2012

Mayor Aron E. Comwell	aroncromwell@gmail.com
Vice Mayor Bob Schumm	schummfoods@gmail.com
Commissioner Michael Dever	mdever@sunflower.com
Commissioner Hugh Carter	hughcarter@sunflower.com
Commissioner Mike Amyx	mikeamyx515@hotmail.com

Re: **Repeating Past Mistakes Through a Lack of Development Controls**

Commissioners,

The community is confronting two development proposals that affect our Downtown. Both are moving ahead without any meaningful analysis of their impact upon our historic Downtown.

900 New Hampshire Building

This is a six story hotel. The site was zoned for this use over one decade ago as part of the failed Downtown 2000 project. Because of this prior zoning and the lack of development controls, this project is allowed to go forward without review by the Planning Commission. The City Commission will review it only as an appellate body to the Historic Resources Commission.

The Director of Planning states that, "Staff will not consider the impact of additional hotel space on existing hotels as the review of a site plan ensures compliance with the zoning standards that address physical development of the site. Market impact is not an element that we can analyze in a site plan review . . ." (Email communication 2/23/2012.)

North Lawrence Development

The Planning Commission rezoned properties along the levee in North Lawrence without any analysis of the City's capacity to absorb the proposed hotel space. The Planning Commission rezoned the properties with only very flawed analysis of the retail market conditions citywide and with virtually no analysis of the impact of additional retail space upon the Downtown.

Past Mistakes

The City of Lawrence has a very poor record of executing proper development controls:

The Riverfront Mall: The City invested land and a \$3.5 million parking garage. The mall failed and the City lost control over the use of the property because it did not adopt development controls that would allow the City to retain control over future use of the property if the retail mall failed.

The Downtown 2000 project: The City developed a \$8 million parking garage. The project failed after building only one building. Over a decade later, the project is finally building out. However, the City failed to adopt development controls which would return the project to the Planning Commission and the City Commission as new projects were formed.

The Bauer Farms: The City was promised new urbanism, but it has changed to a set of drive-thru buildings worthy only of a commercial strip. The developer even tried to place a home improvement center that would threaten the existing Home Depot at 31st and Iowa Streets. Note that the Home Depot cost the taxpayers over \$1.5 million and has yet to fill out.

The City of Lawrence also has a poor record of guiding the pace of growth. The City allowed a retail bubble to be built from 1997 to 2005. During this time, retail space grew by 34 percent, adding 1.2 million square feet more than the City could absorb. From 2005 to the present, the City has been able to absorb about 700,000 square feet of this surplus, leaving about 500,000 surplus square feet. At current rates of absorption, it will take about another 6 years to bring the market back into equilibrium.

Repeating the Past Mistakes

As a City, we continue to hurt ourselves by thinking that we can trust developers to do what they say they will do and thinking that developers will strive to help the City.

The record is clear. Developers will always follow the path of least resistance and fastest profit, even if that path contradicts past promises and is not in the interest of the city

Recommendation: Conduct Market Analysis and Impose Development Controls

At the moment, the City is repeating past mistakes by failing to conduct the careful market analysis that is essential to good planning. We need to answer the questions:

What is the pace at which the City can absorb retail space?
Will the Downtown be hurt by expansion into North Lawrence?

What is the pace at which the City can absorb new hotel rooms?
Will the existing hotels be hurt by the additional hotels proposed?

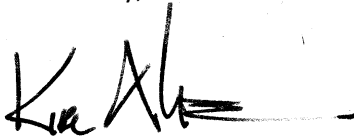
If the market analysis finds that the City can and should move forward, the City needs to impose development controls so that it can:

Dictate the timing of adding new retail and hotel space so as to ensure that this incremental growth will no harm the existing market.

Retain development control over projects, especially if they fail to produce the promised product within the promised timeframe.

Market analysis and development controls are simply smart growth. We have tried developer drive growth for too long. Please take steps to bring good planning into a chaotic development process that will not, on its own, be beneficial to our City and especially to our historic Downtown.

Yours truly,

A handwritten signature in black ink, appearing to read "Kirk McClure", with a horizontal line extending to the right.

Kirk McClure