

## Carolyn Hicks

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**To:** Mark Thiel  
**Subject:** RE: Eldridge Expansion Questions/Concerns

**From:** Matt Richards [<mailto:madeonmass@gmail.com>]  
**Sent:** Tuesday, September 22, 2015 12:04 PM  
**To:** Mark Thiel  
**Subject:** Eldridge Expansion Questions/Concerns

Hi Mark --

My name is Matt Richards, and my wife and I own and operate "made" at 737 Massachusetts Street. We have been provided with materials regarding the Eldridge Hotel expansion project from your office, and have a few questions for you.

We have been open for over four years, and have noted in the past that sidewalk closures (of even a short duration) on our side of the street tend to disrupt walk-by pedestrian traffic and, consequently, sales. The Eldridge project raises a couple of issues: (1) will the sidewalk be completely closed in front of the construction site, or will there be a walk-way of some sort to allow some pedestrian traffic; and (2) is the sidewalk expected to be closed during the entire period from October 2015 to December 2016?

As mentioned above, we've noted even short sidewalk closures noticeably disrupt sales activity. In the case of the Eldridge, the proposed closure encompasses both the 2015 and 2016 holiday shopping periods, which will obviously be the busiest times of the year. I would hate to have foot traffic diverted away from the west side of Massachusetts Street for such an extended period of time.

If you have any information regarding the proposed sidewalk closures, please let me know.

Thanks,

Matt & Jennifer Richards  
made  
737 Massachusetts Street  
Lawrence, KS 66044

## Carolyn Hicks

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**Subject:** FW: Eldridge Hotel Expansion

**From:** Cindy Hopper [<mailto:cindyhopper@gmail.com>]

**Sent:** Tuesday, September 22, 2015 12:13 PM

**To:** Matthew Herbert; Leslie Soden; Stuart Boley; Mike Amyx; Mark Thiel

**Subject:** Eldridge Hotel Expansion

To Whom It May Concern,

Recently we were informed of the proposal by the Eldridge Hotel for expansion. Our business, Sweet!, is located at 717 Massachusetts so we are directly affected by this expansion. We feel that there will be no way as a small business to withstand the decrease in foot traffic along Mass and the disruption and inconvenience to our regular customers. We are not in favor of the expansion impacting and disrupting two fourth quarters when the majority of our business happens during this time period.

We feel that there needs to be.....

- less parking along Mass impacted
- a protected walkway for people to get between our store and 7th street.
- A more direct way for customers to access our store from the parking garage.
- A convenient way for customers to load supplies. (Heavy buckets of frosting and large and awkward cake boxes)

In addition to the above solutions we would like to propose the project begin in January. By doing this the expansion would only impact one fourth quarter period.

The retail climate is already difficult enough for a small business. We fear there is no way that we would be able to endure this expansion without it negatively affecting our business.

Thanks for your time!

Cindy Hopper  
(785) 806-4672  
Susan Hess  
(785) 230-1723  
Owners, Sweet! LLC



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## Cindy Hopper

(785) 806-4672

My profiles: [f](#) [t](#)

My blog: Skip to my Lou



River City Holdings, L.L.C.  
Attn: Tom Carmody, Managing Member  
730 New Hampshire, Suite 5A  
Lawrence, KS 66044

715, L.L.C.  
Attn: Matt Cullen, Managing Member  
715 Massachusetts  
Lawrence, KS 66044

Eldridge Hotel, L.L.C.  
c/o Mark Andersen, Resident Agent  
1211 Massachusetts St.  
Lawrence, KS 66044

(Hand Delivered & delivered via email on 9/22/2015)

Mr. Thomas Fritzel;

River City Holdings, LLC, owns the property located at 715 Massachusetts Street. We are writing to express our concern for the harm that may occur to the building and the business operated by the tenant 715, LLC, as a result of the construction project on the adjacent vacant lot you own and are developing.

Our concern over any likelihood of harm is increasing both on account of what has been shown to us in plans and what is omitted from them. It has been our intention to use any provided information so as to help you and us mitigate the loss and harm that would be incurred by River City Holdings and 715 as a result of your project and work.

We must note that our efforts are purely and exclusively to protect the property and interests of River City Holdings and 715 and are not intended to remove or otherwise take over any control of the design, direction, or other responsibilities related to the design and construction of your project, all of which, of course, remain exclusively yours.

River City Holdings has invested significant money, time, and effort into rehabilitating and preserving a historic building in downtown Lawrence. 715 has developed an award-winning and successful restaurant employing many in our community. Any potential damage to the building or restaurant would be expensive, time consuming, and harmful to the building, business, history and community of Lawrence.

This letter and the extraordinary efforts it represents are made necessary only on account of your construction project, and is complicated on account of the as of now

incomplete nature of the design and construction documents and the lack of any identification of the means and methods by which the work would be performed – work that is by its very nature inherently dangerous and destructive.

From the limited construction information that has been shared with us and reviewed by our Structural Engineering firm, Bob D. Campbell & Co. Inc, (see attached Opinion Letter), we have the following concerns that need to be addressed. They include:

1. The available detail requires the stone basement wall of the building to be excavated completely to its basement floor level, down to an existing slab that likely does not exist. The mortar of the 100 year old wall is surely deteriorated as typical mortars of this era were primarily sand, cement and lime and very soft. Such an excavation would damage the stone wall and even cause localized collapse due to the deteriorated condition of the mortar. There is nothing that shows any consideration or protective efforts for River City Holdings' property.
2. That detail also shows a continuous wall footing that most likely does not exist as most old stone foundation walls do not have footings but are built right on the soil about a foot below the basement floor. There is nothing that shows any consideration or protective efforts for River City Holdings' property.
3. The location of the earth-formed shoring wall is too close to the building, and the soil pressure bulb from the gravity load on the stone wall extends into the excavation area, putting the excavation and wall at risk. There is nothing that shows any consideration or protective efforts for River City Holdings' property.
4. The excavation for the grade beams behind the earth-formed shoring wall extends to the base of the shoring wall leaving the bottom of the freshly placed shoring wall temporarily unsupported until the grade beam is placed. There is nothing that shows any consideration or protective efforts for River City Holdings' property.
5. The excavation of the earth-formed shoring wall requires a 12 ft. deep vertical cut and the soil report does not address the feasibility of a vertical cut in this type of soil. We doubt the Geotech would recommend such an excavation. There is nothing that shows any consideration or protective efforts for River City Holdings' property.
6. The drawings suggest the use of the building's exterior wall as part of the dimensions to your work without any study of the wall and without River City Holdings' permission.



7. A pier 18 inches from the northeast corner of the property is identified without any effort to show how River City Holdings' property will be protected.
8. The soils report fails to identify the existence let alone protection of River City Holdings' property and north wall.
9. No means and methods for excavation or other work are disclosed.
10. No efforts are shown as to how the lean and fat expansive clay soils will be addressed so that the new, smaller soil pocket beside the wall will not now cause issues with the wall.

Since the wall on the north side of the building is exclusively River City Holdings' property as a result of the vacant lot owner long ago having abandoned it and any party wall status it may have held, we are especially sensitive to any damage that might occur to any portion of that wall, not to mention the obvious negative impact its compromise would have on the building as a whole. All damage to the wall must be immediately addressed and compensated exclusively by you. A substantive response to these issues is therefore both urgent and necessary and a failure to have them addressed timely and appropriately will naturally give rise to genuine and legitimate concerns over the safety and integrity of the building.

In addition, we must express the equally genuine and legitimate concern that the unidentified and otherwise unmitigated design issues and construction means and methods will affect not only River City Holdings' property, but also the business operated within it by 715. The decision to construct a new hotel on a vacant lot adjoining the building and its occupant business was yours, and you were aware of both when you started the acquisition process, design and now construction project.

You therefore must compensate for the physical and economic harm caused by the nuisance and trespass initiated by your construction project. Rather than have our potential economic loss as an unknown cost to your construction project we would like to determine an agreed manner of calculation from our copious and well-recorded business history. In addition we would like the calculation to be created in a way so that you are encouraged to mitigate the loss by continuing to work with 715 and make it so that 715's losses are minimized. For example we suggest a moratorium on construction from 11 AM to 1:30 p.m., any time after 4 p.m., and any time on Saturday and Sunday. This will not prevent all loss but will help mitigate it.

Finally, it is established and certain that your work will result in vibration, dust, and debris that will affect River City Holdings' property and the business within it. As an expected and certain result of your project, you must protect against them. No plan for

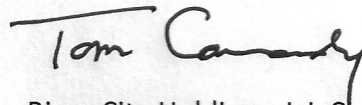
that has been identified or otherwise how you will protect the business from the economic harm it may suffer as a result of your project.

Even with the above issues addressed, a prudent requirement will be for you and any of your contractors to not have an earth-movement exclusion. We must respectfully insist that you and every contractor have insurance for earth movement.

To reiterate an important point, the efforts we are taking are purely to protect ourselves and any coordination with you does not assume any of your responsibilities – to yourself, your workers, the general public, or anyone else. At most they are suggestions that remain under your exclusive control and decision making process.

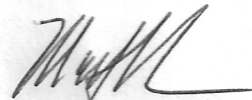
These are reasonable requirements by your neighbors, which need a meaningful and substantive response on or before September 25<sup>th</sup>. If not, we will need to begin to become involved in the process with the City, perhaps in regard to conditioning the building permit to our reasonable satisfaction that you are addressing the issues we have raised and honoring the agreements we reach or that are otherwise required of you.

Very truly yours,



River City Holdings, L.L.C.

Tom Carmody, Managing Member

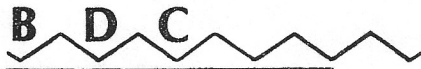


715 L.L.C.

Matt Cullen, Managing Member

Attachment

CC: Gene Fritzel Construction  
Scott McCullough, City of Lawrence  
Matt Hoy & Chris Burger, Stevens & Brand LLP



**Structural Engineers – Since 1957**

4338 Bellevue  
Kansas City, MO 64111  
(816) 531-4144 FAX (816) 531-8572

September 16, 2015

Mr. Scott Trettle  
Trettle Design & Build  
846 Pennsylvania Street  
Lawrence, KS 66044

RE: 715 Massachusetts  
Lawrence, KS

Dear Sir:

As requested I have reviewed the basement shoring plan, shoring details and the soil report for the expansion of the Eldridge Hotel adjacent and to the north of the 715 Massachusetts property. The basement wall of 715 is stone and approximately 100 years old. The wall is presently covered with soil from the vacant lot and extends approximately 9 feet below finish grade. In recent years the top 3 feet (plus or minus) of the wall was excavated and covered with a parge coat to address water infiltration and deterioration of the stone mortar.

The current Eldridge Hotel expansion drawings show a new basement that extends approximately 12 feet below the basement of 715 and is located approximately 4 feet away from the face of the 715 wall. The shoring detail (1/S5.3) shows a 16" wide earth-formed shoring wall that we assume would have to be dug with a trench excavator, reinforced and then filled with concrete. The detail also shows perpendicular grade beams at 15 ft. on center placed at the base of the earth-formed shoring wall immediately after placement of the shoring wall.

We have several concerns with this detail and shoring method as follows:

1. The detail requires the stone basement wall of 715 to be excavated completely to its basement floor level, down to an existing slab that likely does not exist. The mortar of the 100 year old wall is surely deteriorated as typical mortars of this era were primarily sand, cement and lime and very soft. We believe the excavation could damage the stone wall and even cause localized collapse due to the deteriorated condition of the mortar. The detail shows a continuous wall footing that most likely does not exist as most old stone foundation walls do not have footings but, are built right on the soil about a foot below the basement floor.
2. The location of the earth-formed shoring wall is too close to the 715 wall and the soil pressure bulb from the gravity load on the stone wall extends into the excavation area, putting the excavation at risk.
3. The excavation for the grade beams behind the earth-formed shoring wall extends to the base of the shoring wall leaving the bottom of the freshly placed shoring wall temporarily unsupported until the grade beam is placed.
4. The excavation of the earth-formed shoring wall requires a 12 ft. deep vertical cut and the soil report does not address the feasibility of a vertical cut in this type of soil and doubt the Geotech would recommend such an excavation.

**BOB D. CAMPBELL & CO., INC.**

*President*

Michael J. Falbe, P.E.

Lee S. Johnson, P.E.

Steven R. Carroll, P.E.

Richard C. Crabtree, P.E.

Wayne E. Davis, P.E.

Jeffrey L. Wright, P.E.

Christopher W. Boos, P.E.

*Administrative Manager*

Paul M. Spena



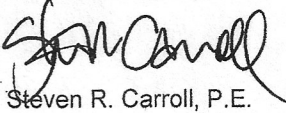
Mr. Scott Trettle/Trettle Design & Build  
Re: 715 Massachusetts  
Lawrence, KS  
September 16, 2015  
Page 2

In summary, we believe the proposed shoring and excavation scheme does not adequately protect the existing 715 foundation wall. Excavation of the soil to the face of the existing wall will undoubtedly cause damage to the fragile wall and could cause partial collapse. The earth-formed shoring wall is, in our opinion, a risky shoring method and, if the deep trench excavation collapses the 715 wall may also collapse. Unless the shoring wall can be moved to the north, we recommend alternative shoring methods be used that can be installed with less excavation risks and without the vibration.

Please feel free to call if you have any questions.

Sincerely,

**BOB D. CAMPBELL & CO., INC.**  
Structural Engineers

  
Steven R. Carroll, P.E.

SRC/kd

cc: File/TDB1504



## Carolyn Hicks

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**Subject:** FW: Eldridge Expansion Concerns

**From:** Ruff House Art [<mailto:hello@ruffhouseart.com>]

**Sent:** Monday, September 28, 2015 11:22 AM

**To:** Mark Thiel

**Subject:** Eldridge Expansion Concerns

Hello Mark,

I am the owner and operator of Ruff House Art, located at 729 Massachusetts Street. I received materials outlining the Eldridge Hotel expansion and have some concerns.

I am concerned that pedestrian foot traffic along the sidewalk will be diverted away from our side of the street if there is no walk-thru available within the construction. Will there be some sort of covered walkway that doesn't divert foot traffic to the other side of the street? With the construction lasting through two holiday seasons (our busiest time of the year) it poses a big concern that our sales will suffer due to the detoured pedestrians.

If you have any information on this, I would love to be informed. I see that there is a city meeting regarding the Eldridge Expansion tomorrow night. I am unable to attend, as I just had a baby, but I do want my voice to be heard and noted about my concerns for closing the entire sidewalk.

Thanks,

Jill Shephard  
Ruff House Art | Owner

729 Massachusetts Street, Lawrence, Kansas 66044  
[www.ruffhouseart.com](http://www.ruffhouseart.com) • 785.856.2117

**\*\*Please note :** I will be on maternity leave from September 14 - September 28 with no access to email. I will remain on maternity leave from September 28 - October 12 with limited access to email. In my leave, please email Store Manager, Emily Decker at [emily@ruffhouseart.com](mailto:emily@ruffhouseart.com) with any questions, correspondence or needs.