

December 15, 2019

To Members of the Historic Landmark Commission

Re: Agenda Item C.3 - 1401 W. 9th Street

Hearing December 16, 2019

To Members of the Commission:

You will be considering the appropriateness of new construction at 1401 W. 9th. I have no opinion about the merits of the proposed construction, but believe you should understand the back-story of why this project is subject only to your advisory opinion re appropriateness instead of a mandatory review & Design Standards of the Smoot-Terrace Park Local Historic District, to which it is adjacent. Since this new construction is next to the historic Ben Pillow House, the juxtaposition is significant.

You might recall if you were on the Commission a couple of years ago, the Smoot-Terrace Park LHD application was opposed by many property owners effected by it. As the application moved forward, those opposed submitted a Valid Petition Against of 38%, well over the threshold of 20% required to trigger the super-majority vote by the City Council. In order to defeat this Valid Petition Against, the "lay" (non-staff) people pushing the LHD worked furiously the days leading up to the Council vote to reduce the Petition Against. One of their tactics was to redraw the boundaries of the LHD to remove properties where owners had signed the Petition. They stripped out 21 of the 103 parcels, 18 of those 21 being Contributing properties.

[For background information: As a result, the newly drawn district was substantially changed from the one which owners had voted on at the outset. The original Gerrymandered map, which contained the entire non-contributing west side of Pressler St. and was a rectangle, became a ragged reduction with 3 random houses on Highland Ave removed (all Petition signers), all of the very-Contributing iconic bungalows on W 6th, plus on 2 on Oakland, also Contributing and also Petition-signers, and 8 houses on Pressler including the ONLY 4 Contributing houses on the east side of the street, and signers on the Petition.]

Here is the part of this re-Gerrymandering and deal-making which effects 1401 W. 9th: When the historic survey was done for this application, there was no 1401 W 9th... not in the survey and not on the tax rolls. Joe Hart owned 2 parcels at that location—1403 W. 9th (.3127 ac with improvements of the Ben Pillow House and a second building containing a compatible garage and housing above it, the 2 buildings separated by the driveway.) Again, on the survey by HHM and even today in the tax records, there is no 1401 W 9th.

The 2nd Hart parcel, behind the pillow house, at 811 Pressler contained a Contributing house— built in 1931, possibly in original condition, and occupied by a long-term tenant. You might recall that when the owner of 802 Pressler almost directly across the street, applied (in 2017, I believe) for a demolition permit for a similar (in age, size, style & condition) bungalow, the owners nearby (including Denise Younger) fought the demotion vociferously. Yet when a demolition application was filed for 811 Pressler, the neighbors not only did not complain, they came before you and endorsed the demolition application!

I watched (live, on ATXN) as activist after activist, including LHD applicant Younger, stepped up and said it was fine with them that the Contributing house be demolished. I recall some of your jaws dropped visibly...and Terri Myers defended the iconic nature of the structure at 811. The reason for the

inconsistency was this: Joe Hart had sold his properties (1403 W 9th [which included 1401] and 811 Pressler to Les Canter in May, 2018. Mr. Canter reached out to me and signed the Petition Against and registered his objection as to the 2 parcels.

But in the last-minute boundary redrawing & deal-making, Mr. Canter had something the applicants for the LHD desperately wanted, and Mr. Canter had something he wanted from the applicants. Mr. Canter intended to demolish 811 Pressler, remove the house and build a garage. The applicants therefore agreed to NOT object to his demolition application (again, of a Contributing 1931 house) if he would remove his signature from the Petition... which he did gladly, since he got his demolition without opposition & in time to "delete" his property at 811 Pressler from the LHD (which would have prevented the demolition of the Contributing house, not just make it subject to a 6-month hold) AND it would exempt the construction of his new garage from the new Design Standards, because his permit application just squeaked in before the LHD was approved. In short, they threw a Contributing house under the bus to reduce the opposition level of the Valid Petition Against.

And finally, here is why this effects "1401" : In taking his signature 'off', Mr. Canter removed his objection for 1403 W 9th being included in the LHD . He didn't care about the LHD being imposed on that property because it was already subject to Landmark restrictions (for which he enjoyed a generous tax exemption.) But he had a plan to subdivide the Ben Pillow lot, and sell off half (where the old garage/apartment stood). He could get much more, no doubt, for a lot NOT subject to Design Standards for an LHD. The applicants agreed to further reduce the boundaries and draw a line THROUGH THE MIDDLE of the single lot known as 1403 W 9th, which lot-dividing (even if all the boundary changes at the last minute are 'legal', which I doubt) should definitely be illegitimate... but it was done. Half of 1403 was in the LHD, half was free & clear of it.

Now you are being asked to look at the appropriateness of a very contemporary structure very close to the iconic, gracious 1878 Ben Pillow House, as close as the family garage stood until just a few month ago. Instead of having control via Design Standards, you can only weigh in and hope for the best. And it was because of these last-minute deals—omitting half of a legal lot, part of a Landmark property, at the corner/entryway of the historic district—which leads to this point.

I don't think these are good practices, especially the changing of the boundaries after the affected properties have voted. (My neighbor voted in favor of the LHD because of concern about what could be built next to him, but the adopted LHD removed 3 of the 4 properties touching his, so he lost most of his 'protection' yet subjected himself to the restrictions. His was not the only case like this.) I doubt you think these are good practices or a good look for historical integrity. And I'm pretty sure you would like to have something (more than advisory) to say about what goes next to the Ben Pillow House, especially since it is ON THE SAME LOT. Nothing can be done about this now, but I wanted you to know how this came about.

Respectfully,

Linda Cangelosi

606 Oakland Ave

512/422-5957

linda.cangelosi@gmail.com

