

Notes for Planning Commission meeting on CHAP guidelines 12/17/2009
By Laura Perkins

- I. CHAP interior guidelines for The Senator Theatre had unfortunate timing that served to affect the private property auction of the theatre. This action inhibited the bidding and undermined the sale price of the theatre at auction. In fact, some key prospective bidders that were present later cited this action and other factors as reasons why they did not bid.
 - a. They were put through CHAP immediately before the auction.
 - b. Kim Clark of the BDC wisely noted they were “unnecessary and ill-timed” in a public meeting.
 - c. I agree that the timing of the initial CHAP interior controls action, which is unprecedented in the State of Maryland, served to alarm and confuse potential bidders and suppress bidding at the auction, which was a concern that Tom Kiefaber also expressed at the various CHAP commission hearings.
 - d. At the auction, they started the bidding well below the minimum bid of \$1 million that had been publicly stated by city officials. There was one anonymous bid other than the city’s and the theatre sold to the city for \$810K.
 - e. Immediately after the auction, the estimated value of the theatre was stated in the press as \$1.4 million.
 - f. It’s my opinion that the timing of the CHAP interior controls over The Senator Theatre, while the historic theatre was Tom Kiefaber’s private property, supported the city’s intention to acquire ownership

of The Senator Theatre. The resulting low auction sale price further allowed for the seizure of Mr. Kiefaber's residential property located on Orkney Road.

- g. The rushed and unprecedented CHAP action championed and pushed forward by CHAP commission members who had a personal stake in the outcome of the Senator's auction, had an obvious negative impact on Mr. Kiefaber by undermining the sale of his private property and leading to the forfeiture of his Orkney Road property.
- h. So from that viewpoint, the proposed legislation has seemingly done its job already. Quite effectively, I may add.

II. So is there really another valid purpose to this legislation? Now that it is moving forward, is it good legislation or bad legislation?

III. Does the legislation really protect The Senator?

- a. Tom Kiefaber and his family had been working for over two years with the community and historic theatre redevelopment consultants to transition ownership of the National Historic Landmark property to non-profit ownership. In town hall meetings and round table discussions, the now former owner and his colleagues in that effort made very clear to our extended community that when historic theatre buildings reach the age of 70 to 75 years, they need much more extensive restoration and significant financial investment beyond day to day maintenance, and that he and his family could

no longer afford what their beloved theatre required. We learned through these public meetings that irreplaceable landmark theatres like The Senator ultimately need to be owned by a bona fide not-for-profit entity, hopefully a community-oriented non-profit. It will take a non-profit to effectively raise the tax deductible funds and apply for the grants required to effectively restore and preserve The Senator Theatre in perpetuity.

- b. Does this legislation mandate that the new owner must commit sufficient funds to maintain the building to objective, established standards that will preserve it, or does the legislation allow for the neglect of the historic facility and failure to proceed with restoration that is needed now and other restorations and will be needed in the future?

IV. We should keep mind that we have all been fortunate to have had an award-winning, committed owner like Tom Kiefaber, who has consistently given his all for many years to protect The Senator, by investing so much of his life, and his personal financial resources, into this wonderful structure, which his family branded as "The People's Theatre."

V. Does the legislation protect the artistic integrity of the design of "The People's Theatre?"

- a. John Zink was a native Baltimore architect who is famous for his theatres, yet The Senator is the last example of his work in Baltimore with both the exterior and interior largely intact.

- b. Building uses change over time and so reasonable flexibility for evolving use must be allowed.
- c. The best designs will preserve the artistic integrity of the design while allowing some flexibility, but changes to the basic function of existing spaces must not be made without a good reason.
- d. For example, we don't usually think of a building's restroom design as key elements, yet John Zink designed The Senator in the classical configuration with the circular art-deco ladies' lounge and curved ladies lavatory on the left and he located the square and angular men's lounge and the men's lavatory on the right. The symbolism representing traditional gender roles is a classic element of the design that is itself historic in nature. While we might criticize the encoding of gender assumptions in this design from a modern standpoint of gender politics with women directed to left side, or the sinister side in Latin, yet it is a key historic aspect of the building's design symmetry. In fact, The Senator's ladies room was cited by the City Paper as "Best Women's Room" in 1996. Should the function of such elements of the original design be kept? I'm not certain that this legislation protects these unique classical aspects of The Senator's design.

VI. Finally, to the extent that the building's use will evolve over time, does this legislation allow for this evolution without putting an undue bureaucratic burden on a responsible new owner?