



MEMORANDUM

Date: June 15, 2010
To: Mayor Rose, City Council
From: Dara MacDonald, Community Development Director
RE: Unique Theater Timeline and Repair Update

After discussing the next course of action, it has become apparent that a review of past enforcement and approvals needed to be complied to determine the best course of action on the future enforcement and stabilization for theater.

The history of past enforcement actions and approvals of the Unique Theater are as follows:

2006

August 2006- Building closed for business after a determination by the City and County that the building violations created life safety hazards.

September-October 2006- Original owner, John Groy, applied for a State Historic Fund Grant for a structural assessment of the theater.

October 26, 2006- The Historic Preservation Commission recommended that the City Council designate the Unique Theater as a local landmark at the request of the owner John Groy.

November 20, 2006- The City Council passed Ordinance 2006-14 on second reading designating the Unique Theater as a local landmark.

December 2006- State funding was unavailable for the structural assessment. Groy was given until February 1, 2007 to complete a structural assessment for the structure.

2007

February 2007- Groy was unable to complete a structural assessment of the building. The City of Salida contracted with Ripple Design Studio to have the structural assessment conducted.

February 7, 2007- Groy notified of need to remove dead animals from the property and remove snow and ice from the sidewalk.

February 8, 2007- An initial determination was made by the structural engineer that there was imminent threat of collapse of the structure and a safety perimeter was established.

Barricades were set up by the City around the perimeter. Neighboring property owners and business owners were advised to close and vacate the properties within the fall zone until stabilization was completed.

February 9, 2007- Special meeting of the City Council to discuss remediation of the public nuisance at the Unique Theater.

February 12, 2007- Special meeting of the City Council to discuss cost estimates for temporary stabilization of the Unique Theater. Actions were to direct the City Attorney to file a case in District Court for a temporary injunction to demolish the theater portion of the structure and to propose a financing agreement to the owners.

February 14, 2007- Special meeting of the City Council to discuss the Unique Theater. Council was informed that Groy has declined to enter into a financing agreement with the City. Salcat Properties, LLC, represented by Bobby Hartslief, has contracted to purchase the building from Groy. The contract is contingent upon the City accepting Hartslief's proposal to resolve the immediate threat of public danger.

February 20, 2007- SGM issues temporary shoring ideas for Hartslief.

February 21, 2007- *Unique Theatre Structural Assessment* issued by Paul Irwin, P.E. of Ripple Design Studio

February 22, 2007- Salcat receives a Major Certificate of Appropriateness for the demolition of the rear of the theater. No action was taken on the approval.

February 23, 2007- Salcat takes ownership of the building. Financing and Remediation Agreement is signed between Salcat (Hartslief) and City of Salida. The amount financed was \$125,000 with full amount to be repaid by March 5, 2009.

March 5, 2007- City of Salida passes Resolution 2007-21 ratifying the Financing and Remediation Agreement with Salcat Properties, LLC.

March 2007- Stabilization of the theater commences. Building permit was never completed due to lack of payment. Holes were cut into roof and steel posts were put in place. There were no follow-up determinations that the structure is safe to occupy. There are no inspection reports in the building file for stabilization efforts.

July 6, 2007- Roofing permit issued for roof system above the Masonic Lodge portion of the structure (closest to First Street). Multiple inspection reports in the file. Last inspection was Dec. 19, 2007 with a note that the project was 95% complete and they needed to cap the parapet walls and counter flash.

October 1, 2007- Dan Ogden Consulting submitted a report detailing his testing and findings of asbestos at the Unique Theater.

October 3, 2007- Salcat receives approval for a Minor Certificate of Appropriateness to begin exploration of the best course of action to repair the front façade. The removal was specified to include exposing one window on the second floor and the arch above the theater entrance. The work was permitted to affect no more than 5% of the area of the façade.

2008

January 12, 2008- Hartsliel is cited for working on the front façade without approval from the Historic Preservation Commission. The sentence was deferred.

January 30, 2008- City staff received a schematic design package from Bucher Design Studio illustrating Hartsliel's vision for the Unique Theater.

March 27, 2008- The Historic Preservation Commission heard preliminary ideas about stucco removal and plans for façade restoration from Hartsliel.

April 24, 2008- Salcat receives approval for two Major Certificates of Appropriateness. The first was to create a new entry and exit from the rear courtyard and the second was to complete the removal of the remaining stucco, cleaning of brick and tiles, replacement of missing or severely damaged bricks or tiles and repair the cornice on the front façade. No action was taken to complete the entries to the courtyard. An amendment to the Financing and Remediation Agreement was also executed on this date.

October 9, 2008- Leavenworth and Karp send Notice of Default to Salcat Properties due to repeated failure to make payments in a timely manner.

December, 2008- Outstanding amount of the loan to Salcat Properties from the City was repaid with interest and penalties in the amount of approximately \$107,000.

2009

January 22, 2009- Salcat is sent "Notice of Violation of the Property Maintenance Code" outlining the existing violations of the Unique Theater. A compliance deadline of July 31, 2009 was set for the completion of the repairs.

April 6, 2009- City and County development staff met with Sarah Whittington, architect representing Salcat Properties, to discuss renovation of the eastern first floor retail space at the Unique Theater. Following that meeting City staff sent a letter to Whittington summarizing the discussion and outlining some items to consider in developing a building permit application.

May 2009- Erection of scaffolding in the public right-of-way along First Street.

May 6, 2009- A building permit was submitted by Sarah Whittington on behalf of Salcat including the retail spaces at 127-179 First Street.

May 18, 2009- Following review by City development review staff a letter was sent to Whittington outlining additional information that would be required prior to forwarding the permit to Chaffee County for review by the building department. Additional information required included utility plans and the correct address. Whittington was also advised that the City has concerns about the private sewer line serving the property and that repairs associated with the property maintenance code would need to be completed prior to any occupancy of the retail space.

May 22, 2009- The City requested a schedule of work to be conducted as scaffolding was installed on the First Street sidewalk in front of the Unique Theater and then left for several weeks with no activity.

May 28, 2009- Received email from William Boddy on behalf of Salcat outlining proposed schedule of work on the façade of the Unique Theater. Email stated that all work would be completed by June 12th.

June 1, 2009 – City staff sent a letter to Salcat accepting the proposed schedule of work and requiring the scaffolding to be removed by June 15th to accommodate Ride the Rockies and FIBArk.

June 4, 2009- Received email from William Boddy on behalf of Salcat outlining proposed continued schedule of work on the façade of the Unique Theater. The new completion date is scheduled for August 14th.

July 9, 2009- Salcat is notified by City staff that a schedule of work is needed for the remaining repairs to the Unique Theater following the work that is currently being undertaken.

July 16, 2009- Salcat submitted a schedule for completion of the necessary repairs to bring the structure into compliance with the Property Maintenance Code.

July 20, 2009- City staff sent a letter to Salcat suggesting a meeting to discuss the steps and timeline for compliance with outstanding property maintenance issues.

July 30, 2009- Hartsliel was unable to make the scheduled meeting. Attempts to reschedule were hampered until late September.

October 1, 2009- City staff met with Hartsliel to discuss outstanding property maintenance issues and extension of compliance deadline to May 31, 2010.

October 6, 2009- Letter issued by City staff granting an extension until May 31, 2010 due to significant progress being made on repairs to the front façade helping with bringing the structure into compliance with the Property Maintenance Code.

October 19, 2009- Received memo from William Boddy on behalf of Salcat requesting an extension until October 23rd for removal of scaffolding associated with work on the façade of the Unique Theater.

October 20, 2009- City staff sent a letter granting an extension of scaffolding on the right of way until October 23rd.

November 3, 2009- Received letter via email from Salcat dated October 25, 2009 indicating the intent to complete improvements on storefronts and allow tenants to occupy those spaces. Simultaneous with completion of the storefronts Salcat will proceed with planning for three residential apartments above the storefronts. The letter requested direction from the City on the approval process for this plan.

November 10, 2009- Letter issued by City staff detailing the development process to complete the project outlined in the letter from Salcat received Nov 3rd.

October- December 2009- The remaining missing windows in the front façade were reinstalled and the scaffolding was removed from the public right-of-way.

2010

March 23, 2010- A site inspection was conducted by the Salida Fire, Police and Community Development Departments and the Chaffee County Building Department. The intent of the inspection was to determine any remaining violations that need to be completed by the May 31, 2010 deadline. Immediate concerns were raised after the inspection identified the weathering and deterioration of the southwest and southeast corners of the theater.

March 26, 2010- Exterior inspection of roof revealed that the holes in the roof have been open for over three years and the collection of construction materials and rubbish on the roof has been forcing water into the masonry walls of the theater. Concerns were also raised about pigeons in the building and debris piled in and around the structure.

March 29, 2010- It was brought to the attention of City staff that the building permit for stabilization of the rear of the structure had never been paid for or issued in 2007.

March 31, 2010- City staff sent letter to Salcat requesting information on plans for compliance with property maintenance code by May 31st. In addition, the letter identified additional concerns identified by the building and fire departments during their exterior inspections. Letter requested entry to the structure for additional inspection and that the owner respond by April 21st with additional information about the stability of the structure.

April 1, 2010- Received email response from Mr. Hartslied stating that Salcat would pursue demolition of the structure. Staff advised Mr. Hartslied that the HPC approval for such demolition had expired and they would need to make a new application with the HPC as well as obtain a demolition permit from Chaffee County.

April 26, 2010- Received letter dated April 21st from Salcat via email. Letter does not address information requested in City's March 31st letter or providing access to the structure for further investigation.

April 29, 2010- Letter sent to Salcat by City Attorney to confirm that Salcat will not grant access to the building. The letter requested a response by May 7th at 12:00 p.m.

May 7, 2010- Police Chief submitted an affidavit of probable cause and search warrant to the Municipal Judge. The search warrant was granted allowing access for City and County personnel and structural engineers from SGM.

May 13, 2010- The City executed the search warrant and entered the Unique Theater to investigate possible life safety concerns.

May 19, 2010- Building Official notified Salcat that the structure is considered a dangerous building under the 2006 International Existing Building Code. Salcat was given until August 30, 2010 to correct the problems and was advised of their right to appeal.

May 20, 2010- City staff received an email from Mr. Hartsliel stating “I hereby register my appeal!” City staff responded by emailing Mr. Hartsliel the appeal application. To date, no appeal application has been submitted.

May 31, 2010- Property Maintenance compliance deadline established on October 6, 2009 passes with no additional progress made towards compliance.