

Lawrence Preservation Alliance

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July 13, 2022

Re: Demolition of the historic University of Kansas Facilities Administration Building

Dear Chancellor Girod, Provost Bichelmeyer and President
Flanders,

This letter is written on behalf of the Lawrence Preservation Alliance (LPA) to express our organization's grave concern with the decision-making process that has led to the demolition of the KU Facilities Administration Building.

The LPA includes many members with strong ties and a deep affection for the University of Kansas. It is thus deeply disappointing to us to witness the demolition of this historic structure with no evidence that the University engaged in the careful planning process required by state law.

Make no mistake, we believe that the process the University undertook certainly failed to comply with the spirit (and, quite likely, the specific requirements) of the Kansas Historic Preservation Act (KHPA).

Our purpose here is to point out deficiencies in the current process and to encourage the University to entirely revamp the process it uses to make demolition decisions and to submit any demolition decisions that have already been made or are under consideration to the revised procedures that we outline below.

Kansas law provides that it is the “state's policy that the historical, architectural, archeological, and cultural heritage of Kansas is an important asset of the state and that its preservation and maintenance should be among the highest priorities of government.” Far from demonstrating that care for its historic buildings is among its highest priorities, KU’s decision-making process in this case suggests that its administration was either ignorant of its obligations or, more troubling, was aware but chose to ignore them.

For starters, Kansas law unequivocally requires that any state entity that proposes to demolish a protected structure must give notice to the state historic preservation officer (SHPO) and seek approval before proceeding. Instead, University administrators determined to demolish the building and sought approval and funding from the Board of Regents without notifying SHPO at all (and, apparently, without even informing the regents that the building was a protected historic structure). SHPO discovered that KU was planning to demolish a contributing structure in its historic district upon reviewing the Board of Regents’ list of projects slated for demolition. Only after SHPO reached out to KU to point out that the project required approval by SHPO did KU submit the required notification.

The statute and accompanying regulations also contemplate that the proponent of a project that might harm a protected building will engage in careful planning, seeking to identify and evaluate any alternatives that might mitigate the harm to determine if they are “feasible and prudent.” By contrast, the decision to demolish the Facilities Administration Building appears to have been made without evidence of any meaningful planning to seek alternatives or minimize harm.

As a result, when KU eventually asked SHPO to approve the demolition, it was not seeking approval for a decision carefully made after providing public notice

of a possible demolition, soliciting a range of views from interested parties, giving suggested alternatives and mitigation strategies a fair evaluation and, only then, making a final determination. Instead, KU's submission to SHPO and later appeal to the Governor clearly sought simply to justify the initial demolition decision made without such input.

Compounding the University's disregard of its obligations under the KHPA, KU failed to include the Campus Historic Preservation Board in the decision-making process before submitting KU's demolition request to the Board of Regents or to SHPO — even after SHPO issued its determination that the project should not go forward. The CHPB is the KU entity specifically created for the purpose of insuring compliance with the KHPA. The CHPB clearly should have been asked for its views on SHPO's decision disapproving the project and for its input on SHPO's suggested remedies. Instead, CHPB was not consulted at all.

Decisions concerning the University's "highest priorities" should not be made like this — entrusted solely to accountants or facilities analysts charged with keeping an eye on the short-term bottom line. The KU community is filled with world-class scholars in architecture, design, engineering, and sustainability who should have been invited into the process at its outset to explore and make recommendations concerning possible alternatives to demolition and their feasibility and prudence.

Instead, it appears clear that the University did what it could to keep the project out of public view to avoid any bothersome input it might receive and be forced to consider. Indeed, the University seems to have embarked on a plan to seek forgiveness if it was called to account, rather than to seek permission (and input) before proceeding with the demolition plan.

KU has demonstrated its ability to take full advantage of Kansas law relating to historic preservation when it serves its purpose. The University has earned state historic tax credits exceeding \$3.5 million for repairs to historic campus buildings. This demolition decision, however, raises troubling doubts about whether KU can be trusted to embrace its obligations to place the protection of its historic structures among its highest priorities when doing so might involve the slightest inconvenience.

To restore the community's trust in the University in this regard, KU must entirely revamp the procedure it uses to consider demolition of any historic property in its care, whether or not the property is listed on the National or State Register of

Historic Places or identified as a contributing structure in a historic district. LPA strongly believes that buildings such as Smith Hall and the Military Science Building that are not presently listed in an historic district nevertheless constitute a part of the “historical [and] architectural... heritage of Kansas” referred to in Kansas law and deserve special consideration before any action is taken that would damage or destroy them — even if they may lack the full protection of the KHPA.

Accordingly, as a first step, the CHPB should conduct a survey of all property owned by the University and its related entities, including the KU Endowment Association, to determine whether any such properties not presently on a historic register or part of an historic district are potentially eligible to be listed.

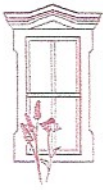
Secondly, a revamped procedure to make decisions concerning demolition of any such structure in the future (including the previously announced plan to demolish Smith Hall), must at a minimum:

(a) provide early notice to the community identifying surplus properties that might be considered for demolition;

(b) ensure that the CHPB and other interested parties are invited to participate in an early, thorough, and documented planning process that attempts to minimize harm and considers alternatives that would avoid demolition; and

(c) fairly assess any such mitigation strategies or alternatives to evaluate their feasibility and prudence.

Unfortunately, is too late to save the Facilities Administration Building. Only by restarting the decision-making process for Smith Hall and adopting an approach such as the one outlined above can the community regain its trust that the University fully embraces its statutory obligation to carefully preserve its historic and architectural heritage.



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The results reached through such a transparent process may not please everyone, and demolition may indeed be the only feasible and prudent course of action in particular cases. But by following this new process, the University will be seen to be taking its statutory preservation obligations seriously rather than simply ignoring them.

Respectfully,

Lawrence Preservation Alliance, by

Dennis Brown, President

Handwritten signature of Dennis Brown in black ink.

Michael F. Delaney, Secretary

Handwritten signature of Michael F. Delaney in blue ink.