

MEMBER OF FEDERATION COUNCIL

**OF THE RUSSIAN FEDERATION
FEDERAL ASSEMBLY**

26 Bolshaya Dmitrovka St., Moscow, 103426

**To: Yuri Yu. Semin,
State Counselor of Justice 3rd Grade,
Moscow City Public Prosecutor**

27 Novokuznetskaya St., Moscow, 113184

953-79-38

April 28, 2007 г.
Ref. 85-69/SG

Dear Mr. Semin,

At present it has become necessary to turn to you in order to protect public interests of the Russian Federation capital residents and the interests of the Russian citizens regarding cultural heritage in general.

Several historical and cultural monuments – Architect Konstantin S. Melnikov's House (10 Krivoarbatsky Lane, Moscow) and Residential House – Alferovs' Gymnasium – D.E. Schlesinger's *Empire-Style* Electrical Theater (39 Arbat Street, Bldg. 1, Moscow) are located within conservation zone 017 for cultural heritage properties in Moscow approved by the Moscow City Government Resolution No. 881 of December 16, 1997. The status of said properties is confirmed by Federal law dated June 25, 2002 No. 73-FZ "On Cultural Heritage Properties (Historical and Cultural Monuments) of the Russian Federation Peoples".

At the same time, in the said protected historical territory of Arbat, the most ancient Moscow street, within unified conservation zone 017 for cultural heritage properties renovation and new construction is going on of a building complex located at 24, 26/2/3 Bldg. 1, 39 Bldgs. 1 and 2, 41 Bldgs. 1 and 2 Arbat Street, 4 Bldgs. 2 and 5 Bolshoi Nikolopeskovsky Lane (the Central Administrative District). The construction work is performed pursuant to the Moscow City Government Resolution of August 13, 2002 No. 637-PP, adopted with flagrant violations of the Federal laws and the laws of the City of Moscow as a constituent entity of the Russian Federation.

Thus, according to Articles 40-45 of Federal law dated June 25, 2002 No. 73-FZ "On Cultural Heritage Properties (Historical and Cultural Monuments) of the Russian Federation Peoples", it is forbidden to renovate cultural heritage properties. In addition, Clause 3 of Article 8 of the Moscow City Law No. 40 of June 9, 2004 "On Special Procedures for Regulating Urban Planning Activities in Historical Territories of Moscow and within Territories of Conservation Zones for Cultural Heritage Properties in Moscow" prohibits any construction and renovation of development properties in the territory of conservation zones in general.

The Moscow City Government Resolution of August 13, 2002 No. 637-

PP has not been implemented within the specified period of up to 2006. But on March 13, 2007 a new Resolution No. 152-PP was approved extending the construction deadline up to August 31, 2008. The Moscow City Government permits a certain private joint-stock company named Trust-oil to build on the site of the historically significant property a multi-purpose shopping and entertainment center with underground parking lots at several levels. And this happens notwithstanding the explicit ban on such actions by the laws of the City of Moscow and the Russian Federation which are in the legal force!

In addition to infringements of the current laws by the Moscow City Government in permitting construction within the conservation territory and extending its deadlines, unavoidable consequences of such construction are a matter of concern. Architect Konstantin S. Melnikov's House is located right next to the shopping mall construction site. According to results of the survey conducted by specialists of Engineering Geology and Geoecology Chair at the Moscow State Construction University in 2006, should the planned construction work commence, due to the karst hazards in the area and structural specifics of the foundation and the building itself... caving-in will occur that can cause the destruction of Melnikov's House! Besides, according to the 1998 findings by Mosgorgeotrest organization, the area of the building at 43 Arbat Street is classified as a potentially hazardous one in the karst and suffosion respects.

Architect Konstantin S. Melnikov's heirs and residents of Block 176 in the Arbat area have appealed to various authorities concerning the threat of losing the historical and cultural monuments. Mikhail E. Shvydkoi, Head of the Federal Agency for Culture and Cinematography, has supported appeals of the Arbat area residents regarding violations of their rights.

In this connection I deem it to be my direct duty to draw the attention of the Moscow City Public Prosecutor's Office to the breach of interests affecting numerous citizens which has a special public significance, and to apply the measures of procuracy supervision, namely:

- 1. Checking the conformity of the Moscow City Government Resolution of March 13, 2002 No. 637-PP and the Moscow City Government Resolution of March 13, 2007 No. 152-PP with the City of Moscow laws and Federal laws;**
- 2. Should any breaches of the laws be discovered, turning to courts with the request to declare the Moscow City Government Resolutions null and void;**
- 3. Making a representation on remedying the law infringements by reviewing the zoning purpose for that section of the Arbat conservation zone with account for the location there of Melnikov's House.**

Enclosed please find copies of:

- Petition of the Architect Melnikov's heirs to Rosokhrankultura;

- Petition of the Arbat area Block 176 residents to Roskultura;
- Letter by Mikhail E. Shvydkoi, Roskultura Head;
- Report by MGSU *On Survey of Soil Footing Condition for House – Monument to Architect Melnikov* dated December 31, 2006;
- Letter by Chief Engineer of Mosgorgeotrest on irregularities in constructing a building at 43 Arbat Street, dated August 7, 1998.

Respectfully Yours,

*Federation Council Member,
Russian Avantgarde Foundation President*

Sergey E. Gordeyev