

Variance sought by Hammes Company for Edgewater would make the most critical provision of Landmarks Ordinance irrelevant

The Hammes Company is asking for variance approval from the Landmarks Commission which would allow them to violate the requirement that the “gross volume” of their massive proposed building “be visually compatible with the buildings and environment with which it is visually related”. They are also asking that the Landmarks Commission allow them to violate the requirement that “the proportion between the width and the height in the facade(s) ... be visually compatible with the buildings and the environment with which it is visually related.” (Sec. 33.19(10)(e)1 and 2)

Granting a variance such as Hammes is requesting makes no logical sense nor does it make legal sense under the terms of the Historic District ordinance for the following reasons:

1. **“The Landmarks Commission may vary the criteria for...new construction** in any Historic District in harmony with the general purpose and intent to preserve the historic character of landmarks, landmark sites and of each Historic District only in the specific instances hereinafter set forth and **only if the proposed project will be visually compatible with the historic character of all buildings directly affected by the project and of all buildings within the visually related area.**” (Emphasis added.) Sec. 33.19(15)(a)

The ordinance is targeted to variances from things other than visual compatibility and other than the “visually related area” test as shown in the above quote from the ordinance. And yet it is the visual compatibility test within the visually related area that the Hammes Company is seeking the variance to avoid.

2. The Hammes Company says they should be exempt from the historic district requirements for complying with the visually related area even though this request lacks validity under the ordinance. They claim it would be a “substantial hardship” (Sec. 33.19(15)(c)1) for them to comply but have not said why compliance would be a hardship. The Landmarks Commission and the taxpayers have no obligation to assure that a new hotel can be shoehorned into a historic district to the benefit of a private company.

The Hammes Company also claims that this massive new hotel would have a “beneficial effect on the historic character of the visually related area”! (Sec. 33.19(15)(c)3) And yet it is the visually related area test they are seeking to obliterate for their massive hotel through the variance.

The Mansion Hill Historic District ordinance was the first historic district ordinance passed and is restricted to only five criteria...all vitally significant in maintaining the integrity of the district. The variance ordinance is focused on the more specific requirements that are found in the later historic district ordinances. It does not and is

not intended to obliterate the fundamental requirement in **all** historic districts of visual compatibility in terms of height and mass.

3. While item number one above is alone sufficient reason to deny the variance, additionally the **new** Edgewater Hotel does not fall under any of the specific instances under which a variance may be allowed under the ordinance. And while in some instances Hammes claims that their new hotel is an addition, they do so only when it suits their purpose. The massive new tower is identified as a new building in Hammes literature; it is identified by Hammes as a new building by virtue of their claim to fall under sec. 33.19(15)(c)3; and clearly on its face, is a **new** hotel. The Hammes Company claims that this massive **new** building would fall under the provision in the ordinance wherein the Landmarks Commission could “allow additions visible from the street or alterations to street facades which are not compatible with the existing building in design, scale, color, texture, proportion of solids to voids or proportion of widths to heights of doors and windows.” (Emphasis added.) Sec. 33.19(15)(d)

The only authorized variances under the ordinance applicable to new construction are under section 33.19(15)(d)5 or 6. These two provisions are not applicable for massive new buildings which are not “visually compatible with the buildings and environment with which it is visually related”. The variances allowed for new buildings cover only “the use of roofing materials otherwise prohibited” and the “use of materials for new construction which use would be otherwise prohibited.”

To grant the Hammes Company’s variance request would be to render impotent the most important criteria applicable to all Madison historic districts. To grant this variance request would cripple all Madison historic districts. To grant this variance request would send a message that anything goes in our historic districts for massive new buildings proposed by deep pocket developers.

To grant this variance request would be saying that building an out-of-scale massive new building in such cases is fine...but be sure those flower boxes comply with the ordinance. PUDs have made zoning downtown irrelevant. Don’t make the Landmarks ordinance irrelevant too. Don’t marginalize the Landmarks Commission. Don’t make Madison’s historic district ordinances meaningless when it really matters.

Ledell Zellers
11/22/09

Cnare, Rebecca

From: Paul Buhle [Paul_Buhle@brown.edu]
Sent: Tuesday, November 24, 2009 10:12 AM
To: Cnare, Rebecca
Subject: one more citizen upset at Edgewater plans

Follow Up Flag: Follow up
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Hello, and thanks for the good work of the Commission, too often thankless in tasks.

What is quite frightening to myself and to my wife, history professors/teachers at Brown University recently retired to Madison (I am also somewhat of a Wisconsin history scholar, and a scholar of the endangered built environment of Providence, RI) is the dreadful precedent that this variance suggests. No historic building or landscape will be secure if any proposal badly wanted enough by the current mayor and civil council evade existing standards. It would, in short, be the end of a functioning Landmark Commission faced with any major decision. We hope and pray for a reconsideration.

Thanks for your attention.

Paul and Mari Jo Buhle
2341 Keyes Ave
53711

Cnare, Rebecca

From: Lawrence Jacobsen [lawrencejacobsen@att.net]
Sent: Tuesday, November 24, 2009 1:41 PM
To: Cnare, Rebecca; Bidar-Sielaff, Shiva
Subject: Edgewater Hotel

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Ms. Rebecca Cnare
Landmarks Commission

I live in the University Heights Historic District.

I am opposed to the large scale development of the Edgewater property and fully concur with the following position of the Madison Trust:

The Madison Trust has taken an official position opposing the current proposal for the addition to the Edgewater Hotel because of its inappropriate scale for the Mansion Hill Historic District. We would like to be able to support an addition to the Edgewater Hotel that restores the original 1947 hotel building, improves the failed public space of the 1974 addition, and respects the guidelines for new construction in the Mansion Hill Historic District.

Our historic districts must be protected. The Landmarks Commission must not bow to the clout, money and tactics of developers who have already robbed Madison of much of its past.

Nor to the Mayor who never met a developer's TIF project that he did not like.

Larry Jacobsen
208 N. Breese Terrace
Madison, WI 53726

Cnare, Rebecca

From: Ledell Zellers [ledell.zellers@gmail.com]
Sent: Monday, November 23, 2009 9:18 PM
To: Cnare, Rebecca
Subject: FW: Madison Trust: Edgewater Gambit Threatens Historic Districts

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[Per my other email...](#)

From: madisontrust tds.net [mailto:madisontrust@tds.net]
Sent: Monday, November 23, 2009 7:29 PM
To: madisontrust@tds.net
Subject: Madison Trust: Edgewater Gambit Threatens Historic Districts

Member Update

MADISON TRUST FOR HISTORIC PRESERVATION
Nov. 23, 2009

Do not use this e-mail address for return messages. To contact the Madison Trust, use thetrust@madisontrust.org

LATEST EDGEWATER MANEUVER THREATENS MANSION HILL
AND ALL LOCAL HISTORIC DISTRICTS IN MADISON

Dear Madison Trust Member -

In their latest maneuver to shoehorn a large-scale development into the Mansion Hill Historic District, the Hammes Co. is requesting a variance — and they can do so pursuant to 33.19(15) — from the language in the Landmarks Ordinance that provides guidance for new construction in Historic Districts (language at 33.19(10)e).

They are requesting that their proposed addition to the Hotel (considered "new construction") be exempted from the requirement that it be "visually compatible with the buildings and environment with which it visually relates." This requirement was included in the ordinance to prevent new construction that is out of scale with the rest of the District, i.e. much larger, taller or otherwise imposing on the streetscape in the district. Language like this is included in the ordinances for all five of our Historic Districts to prevent out-of-scale construction.

This language is important because features like size, scale, setback, etc. are often the characteristics that tell the story of that period of Madison's development. If we allow those features to be eroded by new construction that interrupts and degrades the character of the District, then it will slowly lose its integrity, its cohesiveness and its appeal to potential residents and heritage tourists.

This move is essentially an admission by the Hammes Co. that their proposal would violate the Mansion Hill Historic District ordinance. Requesting this variance is an attempt to get around the intent of the Historic

District ordinance to maintain the scale of the District.

The request is absurd, however, because the authority for considering variances, set forth in 33.19(15)a, maintains the requirement for compatibility with the visually related area — the very requirement from which Hammes is requesting a variance. The ordinance language reads, "The Landmarks Commission may vary the criteria for new construction in any Historic District in harmony with the general purpose and intent to preserve the historic character of [the District]... only if the proposed project will be visually compatible with the historic character of all buildings directly affected by the project and of all buildings within the visually related area." In other words, you can only get a variance if your project passes the "visually-related area" test.

The Madison Trust has taken an official position opposing the current proposal for the addition to the Edgewater Hotel because of its inappropriate scale for the Mansion Hill Historic District. We would like to be able to support an addition to the Edgewater Hotel that restores the original 1947 hotel building, improves the failed public space of the 1974 addition, and respects the guidelines for new construction in the Mansion Hill Historic District.

This request for a variance will be considered by the Landmarks Commission at their meeting on at 4:45 p.m. on Monday, Nov. 30 in room 300 of the Madison Municipal Building at 215 Martin Luther King, Jr. Blvd.

If you share the concern for the integrity of our historic district ordinances and for the Mansion Hill Historic District itself, please come and register your opinion. Call, write, or e-mail the Landmarks Commission and your alder.

Direct communications to the Landmarks Commission to Ms. Rebecca Cnare at rcnare@cityofmadison.com or 608-266-4635. Her mailing address is 215 Martin Luther King Jr. Blvd., Rm. LL100, Madison, WI, 53703

To follow the Edgewater in city planning meetings go to: <http://legistar.cityofmadison.com/calendar/search.aspx> Enter "Edgewater" in the "Search Term" box and you'll results for all planning meetings where the Issue will be discussed.

For agendas and minutes of specific Commissions use the pull-down menu to select the Commission.

Also, feel free to call our office at 608-441-8864 for ways you can get involved.

- Jason

Jason Tish
Executive Director - Madison Trust for Historic Preservation
Local Field Representative - National Trust for Historic Preservation
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www.madisontrust.org
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ABOUT THE MADISON TRUST

The Madison Trust for Historic Preservation is a non-profit organization that helps preserve the architectural and historical heritage of the greater Madison area through advocacy and education. Visit the Web at <http://www.madisontrust.org> Preservation field services provided by the Madison Trust are assisted by a Partners in the Field challenge grant from the National Trust for Historic Preservation.

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end

From: Jason Tish [mailto:madisontrusted@gmail.com]
Sent: Friday, November 20, 2009 4:38 PM
To: Cnare, Rebecca; Martin, Al
Subject: Joint meeting of UDC and Landmarks Commission

Ms. Cnare and Mr. Martin-

Below is the text of my 3-minute (OK, 5-minute) talk at the joint UDC / Landmarks Commission on Nov. 18. This is not a full statement of the Madison Trust's official position on the Edgewater proposal, but rather the ideas that I wanted to get across to the joint session at this stage of the proposal. I'd appreciate it if you could make this available to all Commissioners.

Thanks,

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Jason Tish
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We are not out to stop development in Madison. We are not out to stop this project. We understand that to be a livable, viable city there needs to be growth. And that's why all of us are here tonight – because we want to affect growth that is good for us and for our city.

We would like to be able to support a proposal for a revitalized Edgewater Hotel, with a substantial addition. We all agree that the public space that we got from the 1970s addition is a dramatic failure, and that the addition itself does not enhance the hotel.

We would be supportive of a project here that respects the scale of the Historic District, that respects what was stipulated for new construction in the Mansion Hill Historic District ordinance without trying to shoehorn something far out-of-scale with the District just because there are planning and zoning mechanisms that allow it to be approved. In reality, if a project were proposed here that had to conform to all applicable zoning requirements and ordinances it would be dramatically different than the current proposal and likely would fit into the mansion Hill District nicely.

We would support a restoration of the 1947 Edgewater Hotel that is true to the historic character of the building - Overhaul the interior to make it work for new program demands, but do a true restoration of the

exterior – build the dramatic entrance in the original rendering that was never executed, pull the addition away from the northeastern elevation and restore the fenestration there. We are supportive of those plans.

We would even be able to support a project here that shows a disregard for the historical styles in the district. This is an infill project in a Historic District. Many cities' requirements for new infill construction in historic districts stipulate that it reflects current (even forward-looking) aesthetic ideals and cutting edge use of materials, but does so in a way that honors the scale of the District – and the forms of the buildings that make the District significant. So it's a form-based approach to new construction in HDs rather than a style-based approach.

Rockville, MD – “New construction should reflect the 21st century while respecting size, scale, massing and materials found within the district, rather than competing with the historic structures. In such a way, complementary new construction becomes part of the fabric of the district, marking changes in the City over time.

Michigan HP Office – Infill design should “Maintain the historic character of the area, while reflecting change with compatible new design that maintains setbacks and alignment patterns of buildings in the surrounding context and Relate to the scale of nearby historic buildings.”

This might require a paradigm shift for the Landmarks Commission, to allow something with a contemporary design rather than forcing historicism - making new designs use ideals and elements of old designs. Many new additions to old buildings (and new infill in HDs) have been dramatically successful even if they're a little hard to swallow at first. I.M. Pei's glass pyramid at the Louvre Museum in Paris, Renzo Piano's Modern addition to the Chicago Institute of Art. The new Jewish Student Center on Langdon St. – a non-contributing student center in Langdon St. HD was demolished to build it, but it's a great contemporary design, and I'll bet that in 50 years we'll be seriously considering its contribution to that District. This Commission approved the Lindsey Lee House in the Third Lake Ridge HD – clearly an example of compatibility based on form rather than style.

We would be supportive of new construction here that

A - - is low-profile with less intrusive massing - maintaining the feel of small-scale residential district.

B – reflects progressive, visionary architecture that implements forward-looking aesthetics and progressive use of materials

C – restores the 1947 Hotel to its true original design

Precedent:

A lot has been said about the potential for this project to set a precedent – a precedent for out-of-scale new construction in our historic districts – and Hammes, who is writing their own PUD language, has included a “Bulk Contingency” clause ostensibly to prevent this project from being seen as a precedent.

If the sell-job that Hammes has imposed on this city, our mayor, and our public involvement process - works, and this proposal gets all the approvals and variances it needs to get built, **that** is the precedent.

If the Landmarks Commission issues a Certificate of Appropriateness for this project in this Historic District, despite that it's gross volume is clearly not compatible with the nearby residential properties that comprise the significance of the district, which is the intent of the Historic District ordinance, despite the letter of the law invoking the "visually related area" – **that** is the precedent.

Some people have pointed to the NGL and Verex Bldgs (recent WSJ editorial referred to these) as being **allowed** in the district – I think it's been made perfectly clear at previous meetings that those buildings were built before the HD ordinance was implemented, and that the intrusion of those buildings in the neighborhood was a catalyst for the designation of the District and for the language of the HD ordinance. When crafting the ordinance we decided that we do not want large-scale development in this District.

In the 1960s and 70s virtually every medium and large city on the country enacted a historic preservation ordinance, including Madison. In 1974 we decided that "places of special character or special historical interest or value is a public necessity and is required in the interest of health, prosperity, and welfare" of Madison's residents. Then as districts were identified, we decided on guidelines that would provide a reasonable degree of stability to the scale, charm and eloquence of these districts. Since then, the most successful historic districts nationally have been those that draw a hard line on the boundaries, keep tight control of new construction within those boundaries, provide incentives (carrot or stick) for property owners within the districts to maintain the character of their properties, and benefit from promotion of them as attractions for the growing heritage tourism industry. What these two Commissions conclude about this project will be a loud statement of this city's attitude toward its Historic places. If this project is to enhance the Mansion Hill District, it will need to be dramatically modified. And I have no doubt that Hammes Co. and their architects can make it work - if these commissions require it.

Sincerely,

Jason Tish
Executive Director – Madison Trust for Historic Preservation