

From: [Jacob A](#)
To: [All Alders](#)
Subject: My support for Item 82802 - more homes on State St
Date: Saturday, May 4, 2024 10:55:09 AM

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Hi Alders,

I'm writing to ask you to support Agenda Item 82802. Granting this appeal to demolish 428-444 State St. is the right choice for three reasons.

1. Reversing Plan Commission avoids setting a bad precedent:

- o There is a process for limiting demolitions of historic areas – local historic districts. Making State St a local historic district has been discussed for 30 years but hasn't moved forward. Neither are any of these buildings in the National Register of Historic Places.
- o A comment at Plan Commission worried that allowing demolition would incentivize other State Street owners to drive their buildings into disrepair.. But a Local Historic District is the correct way to prevent that. They should advocate for that Local Historic District and in the meantime we should not make decisions as though it exists or that it “potentially” may in the future.
- o Not following our standard processes also leads to confusion and increases development costs. Commissioner Solheim said that “part of buying a historic building is to invest in ... (upkeep and repairs)”. But that is not actually required of property buyers in the City of Madison unless the property in question is protected by landmark status. The owner bought the site in its present condition 6 years ago with the goal of redeveloping the site according to their testimony to the Plan Commission hearing on March 25th. The owner bought a lot outside of a historic district that was not in the National Register. Do we expect that owner to know/prepare for the possibility that Landmarks could 6 years later issue a finding of historic significance? It certainly seems that the upkeep was not something they signed up for when they bought it. I'd be more inclined to agree with Commissioner Soldheim if the owner bought into a Local Historic District knowing what came along with that.
- o In partially explaining his vote, Commissioner Heck said “State Street is a unique place”. In the absence of objective landmark or historic criteria, this is totally subjective and could set a precedent to impede change citywide for people who emphatically believe that their neighborhood is just as “unique” as State Street. Local Historic Districts & the National Register help to objectively weigh these places. If those standards aren't being relied upon here, what objective criteria will the Plan Commission use to help buyers understand their responsibilities and restrictions before buying a property?

2. I usually support deferring to Plan Commission decisions, but they erred in this instance:

- o First, Commissioner Spencer called this site a landmark. It isn't.

o Then, Commissioner Mendes flagged the absence of a fire safety report as the main reason for his vote to deny the demo permit. One was not required for this proposal, and other demolition proposals that come before the Plan Commission are not subjected to this requirement.

o Taken together, these comments suggest at least some level of confusion and incorrect understandings contributed to Plan Commission's decision to deny. In rare cases like this, it is appropriate for the full Council to step in and correct.

3. Keeping State Street iconic and unique isn't solely limited to building structures:

o Opponents said demolishing the building would "lost what makes downtown unique and inviting", and that it would have a "deleterious effect".

o I think State Street's secret sauce is as much about the people, the buzz, the restaurant and retail spaces, and the activity as it is the buildings. Keeping State Street unique and inviting means allowing more people to live, shop, and work there.

o Opposition to this proposal argues for repairing and rehabilitating these buildings instead of demolishing. But the City can't force that – all they can do is deny permits and play chicken, hoping the owner comes around or sells. In the meantime, a major block of State Street sits dark and deteriorating, sadly underutilized. Given the options, I believe that State Street would be stronger with dozens of new homes that bring workers and shoppers, asbestos- and black mold-free commercial spaces, and full ADA compliance over buildings left unoccupied and deteriorating.

Thank you for your time and consideration.

From: [Jeremy Cesarec](#)
To: [All Alders](#)
Subject: My support for Item 82802 - more homes on State St
Date: Saturday, May 4, 2024 10:54:52 AM

Some people who received this message don't often get email from jeremycesarec@gmail.com. [Learn why this is important](#)

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Hi Alders,

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o A comment at Plan Commission worried that allowing demolition would incentivize other State Street owners to drive their buildings into disrepair.. But a Local Historic District is the correct way to prevent that. They should advocate for that Local Historic District and in the meantime we should not make decisions as though it exists or that it “potentially” may in the future.

o Not following our standard processes also leads to confusion and increases development costs. Commissioner Solheim said that “part of buying a historic building is to invest in ... (upkeep and repairs)”. But that is not actually required of property buyers in the City of Madison unless the property in question is protected by landmark status. The owner bought the site in its present condition 6 years ago with the goal of redeveloping the site according to their testimony to the the Plan Commission hearing on March 25th. The owner bought a lot outside of a historic district that was not in the National Register. Do we expect that owner to know/prepare for the possibility that Landmarks could 6 years later issue a finding of historic significance? It certainly seems that the upkeep was not something they signed up for when they bought it. I'd be more inclined to agree with Commissioner Soldheim if the owner bought into a Local Historic District knowing what came along with that.

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- o Opposition to this proposal argues for repairing and rehabilitating these buildings instead of demolishing. But the City can't force that – all they can do is deny permits and play chicken, hoping the owner comes around or sells. In the meantime, a major block of State Street sits dark and deteriorating, sadly underutilized. Given the options, I believe that State Street would be stronger with dozens of new homes that bring workers and shoppers, asbestos- and black mold-free commercial spaces, and full ADA compliance over buildings left unoccupied and deteriorating.

Thank you for your time and consideration.

Jeremy Cesarec

408 Sidney Street

From: [Whitney Cook](#)
To: [All Alders](#)
Subject: My support for Item 82802 - more homes on State St
Date: Tuesday, May 7, 2024 8:40:29 AM

Some people who received this message don't often get email from whitneyah@gmail.com. [Learn why this is important](#)

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Dear Alders,

I'm writing to ask you to support Agenda Item 82802. Granting this appeal to demolish 428-444 State St. is important for our city and State street itself.

What would be more beneficial to a walkable retail center than built in shoppers and employees? Living on State Street means a wide choice of jobs with commutes of minutes and no carbon footprint. It means walking downstairs to have a great meal or shopping on your lunch break when you work from home. It would add to the great environment, not damage it.

Thank you for your time and consideration.

Whitney Cook
6146 Sandstone Dr, Madison, WI 53719

From: [Greg Docter](#)
To: [All Alders](#)
Subject: My support for Item 82802 - more homes on State St
Date: Saturday, May 4, 2024 12:25:53 PM

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Hi Alders,

I'm writing to ask you to **support** Agenda Item 82802. Granting this appeal to demolish 428-444 State St. is the right choice for three reasons.

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- o Opponents said demolishing the building would "lost what makes downtown unique and inviting", and that it would have a "deleterious effect".
- o I think State Street's secret sauce is more about the people, the buzz, the restaurant and retail spaces, and the activity as it is the buildings. Keeping State Street unique and inviting means allowing more people to live, shop, and work there.
- o Opposition to this proposal argues for repairing and rehabilitating these buildings instead of demolishing. But the City can't force that – all they can do is deny permits and play chicken, hoping the owner comes around or sells. In the meantime, a major block of State Street sits dark and deteriorating, sadly underutilized. Given the options, I believe that State Street would be stronger with dozens of new homes that bring workers and shoppers, asbestos- and black mold-free commercial spaces, and full ADA compliance over buildings left unoccupied and deteriorating.

Thank you for your time and consideration.

From: [Tracy Doreen](#)
To: [All Alders](#)
Subject: Agenda item #5
Date: Tuesday, May 7, 2024 3:27:20 PM

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Dear Madison City Alders,

Please save this one block of state street from the developers. The 400 block is also home to Lisa Link Peace Park. The character of the buildings fit with the park and are worth saving. People travel to state street for its funky charm, not new buildings. this is not simply nostalgia or fear of change; I hear young people say they love the mix of older buildings in Madison. When you take away buildings that are 100 years old and older, you don't get that back.

Old buildings ARE worth saving. And they can be saved. It is also the environmentally wise choice. Demolition and new construction are big co2 emitters. Please vote NO on agenda item 5.

Please do not take this historic decision lightly lest you be known as the council who decided that State street is not a special place.

Tracy Doreen Dietzel
Madison

From: [Charles Gervasi](#)
To: [All Alders](#)
Cc: [Melinda Gustafson Gervasi](#)
Subject: Support for Item 82802 - more homes on State St
Date: Saturday, May 4, 2024 4:14:10 PM

Some people who received this message don't often get email from charlesjgervasi@gmail.com. [Learn why this is important](#)

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Dear Alders,

I'm writing to ask you to support Agenda Item 82802, which allows the demolition of the building on 428-444 State St. I like going to State St. It's easy for me to get there by bus because I live near Whitney Way and Regent. I have been skeptical of earlier changes to State St in recent decades, and they've all turned out well.

I support allowing the owner to demolish this building because Madison desperately needs more space, especially for residential. The alternative is to develop the surrounding farmland. If this makes people need cars more, it further increases the space to accommodate those cars. The cost of housing is probably the #1 economic issue for our area.

I urge you to allow the owner to tear down this building and build something new there. State St is always changing, and it's always turned out to be better than before.

Sincerely,

Charles J Gervasi

From: [Madison Trust for Historic Preservation](#)
To: [All Alders](#)
Cc: [Advocacy Committee](#); [Richard Chandler](#)
Subject: Agenda Item 5: 428-444 State Street, Legistar 82802
Date: Monday, May 6, 2024 12:35:15 PM
Attachments: [2024-05-06_MTHP_Letter-400 State St.pdf](#)

Some people who received this message don't often get email from info@madisonpreservation.org. [Learn why this is important](#)

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Hello, please find attached a letter from the Madison Trust for Historic Preservation regarding Legistar No. 82802, appeal of the Plan Commission action on the demolition permit for 428-444 State Street. If you have any issues accessing the attachment please let me know.

Thank you,
Jennifer

Jennifer Gurske
Program Director
Call/Text: (608) 441-8864
www.madisonpreservation.org





May 6, 2024

To: City of Madison Common Council

Re: Council Meeting on May 7, 2024
Agenda Item 5: 428-444 State Street, Legistar 82802

To the Members of the Madison Common Council,

This proposed development would drastically change the character of the central block of what is generally recognized as Madison’s “premier street.” The Board of the Madison Trust voted unanimously to oppose the demolition of the three buildings at 428, 432, and 444 State Street, all of which have historic value according to the Landmarks Commission. The Plan Commission rejected the proposed demolition/redevelopment in June of 2023, and did so a second time in March of 2024. An appeal to the Common Council of the more recent action was filed thereafter.

The *Downtown Urban Design Guidelines* were key to the Plan Commission’s review of proposed redevelopments on State Street. The Guidelines’ statement of “Purpose” includes the following:

In applying these guidelines, the *Downtown Plan*, which is incorporated herein by reference, may be utilized to provide additional guidance. *Guidelines*, p.3.

When Madison Issued its *Downtown Plan* in 2012, it articulated what many already knew:

State Street is widely considered to be Madison’s premier street – a unique and special environment created over the past 40 years by innovative local merchants willing to take risks . . . It is **a lively corridor comprised mostly of two-to four- story, small footprint buildings** housing ground floor shops, restaurants, and bars, with upper story residential and office uses. The diversity of businesses, the architecture of the buildings, and quality of the streetscape work together to create vibrancy for the district. *Downtown Plan*, p. 44 [Emphasis added.]

While the length of State Street includes buildings in a range of sizes, all three existing structures, which vary widely in terms of their styles, textures, and shape, are only two stories tall. In fact, the tallest existing building in the 400 block, which is the last pristine block on State Street, is just three stories. Most of us think of State Street’s character in terms of these smaller structures that front the street and differ widely in terms of their style, texture, and

(Continued)

shape. When the scale and rhythm are interrupted by taller and wider buildings, that character is lost.

It is essential that both the scale and rhythm of the buildings and the diversity of uses be retained The *Downtown Plan* supports limited development of some larger commercial spaces in the State Street district, but only if the buildings are carefully designed to maintain the predominant small-scale rhythm of the street frontage. *Downtown Plan*, p. 44-45.

The *Downtown Plan* goes on to identify nine distinct recommendations for State Street, including two that specifically relate to this applicant's redevelopment proposal:

Recommendation 74: Maintain the two-to-four story building height on the State Street frontage that creates a sense of enclosure while also providing openness and access to sunlight.

Recommendation 75: Encourage the preservation, rehabilitation and adaptive reuse of sound older buildings that contribute to the district's character. *Downtown Plan*, p. 44-45.

In this instance, the existing two-story buildings all about the ground level Link Peace Park, which is flanked on the opposite side by a single-story building. Six stories in this block is simply out of scale.

While the applicant has presented images showing the current condition of two of the three buildings might require some foundation work to insure their long-term survival, everything indicates that the applicant has failed to provide even basic maintenance to these buildings for multiple decades. It is reasonable to expect the applicant to **provide that maintenance now**, rather than to profit from his own long-term and extensive negligence.

Conclusion:

The applicant's proposal would demolish three buildings that are highly representative of the scale and rhythm of the mid-section of State Street that has existed for more than a century, and it would replace them with a six-story single mass dwarfing its surroundings and shattering the rhythm and scale of the entire block. On behalf of its more than 500 members, the Madison Trust for Historic Preservation opposes the appeal of the Plan Commission's March 25th action.

Sincerely,

Richard Chandler

Richard Chandler
President
Madison Trust for Historic Preservation

Lynn Bjorkman

Lynn Bjorkman
Vice President
Madison Trust for Historic Preservation

From: [Kaleb](#)
To: [All Alders](#)
Subject: My support for Item 82802 - more homes on State St
Date: Saturday, May 4, 2024 12:08:15 PM

Some people who received this message don't often get email from kalajholt@gmail.com. [Learn why this is important](#)

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Hello Alders,

I'm writing to ask you to support Agenda Item 82802. Granting this appeal to demolish 428-444 State St. is the right choice.

Doing so will help in a number of ways. It will improve activity in this great area of town. It will show the Madison continues to prioritize the things that make it unique. And also help this area to be hopeful.

Thank you for your time and consideration.

From: [Hannah Jackson](#)
To: [All Alders](#)
Subject: My support for Item 82802 - more homes on State St
Date: Monday, May 6, 2024 11:36:42 AM

Some people who received this message don't often get email from hannahleejackson24@gmail.com. [Learn why this is important](#)

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Hi Alders,

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1. Reversing Plan Commission avoids setting a bad precedent:

- o There is a process for limiting demolitions of historic areas – local historic districts. Making State St a local historic district has been discussed for 30 years but hasn't moved forward. Neither are any of these buildings in the National Register of Historic Places.

- o A comment at Plan Commission worried that allowing demolition would incentivize other State Street owners to drive their buildings into disrepair.. But a Local Historic District is the correct way to prevent that. They should advocate for that Local Historic District and in the meantime we should not make decisions as though it exists or that it “potentially” may in the future.

- o Not following our standard processes also leads to confusion and increases development costs. Commissioner Solheim said that “part of buying a historic building is to invest in ... (upkeep and repairs)”. But that is not actually required of property buyers in the City of Madison unless the property in question is protected by landmark status. The owner bought the site in its present condition 6 years ago with the goal of redeveloping the site according to their testimony to the the Plan Commission hearing on March 25th. The owner bought a lot outside of a historic district that was not in the National Register. Do we expect that owner to know/prepare for the possibility that Landmarks could 6 years later issue a finding of historic significance? It certainly seems that the upkeep was not something they signed up for when they bought it. I'd be more inclined to agree with Commissioner Soldheim if the owner bought into a Local Historic District knowing what came along with that.

- o The owner bought a lot outside of a historic district that was not in the National Register. Do we expect that owner to know/prepare for the possibility that Landmarks could 6 years later issue a finding of historic significance? It certainly seems that the upkeep was not something they signed up for when they bought it. I'd be more inclined to agree with Commissioner Soldheim if the owner bought into a Local Historic District knowing what came along with that.

- o In partially explaining his vote, Commissioner Heck said “State Street is a unique place”. In the absence of objective landmark or historic criteria, this is totally subjective and could set a precedent to impede change citywide for people who emphatically believe that their neighborhood is just as “unique” as State Street. Local Historic Districts & the National

Register help to objectively weigh these places. If those standards aren't being relied upon here, what objective criteria will the Plan Commission use to help buyers understand their responsibilities and restrictions before buying a property? I would also add that State Street IS a unique place. A place for biking, walking, skateboarding, shopping, and eating. It is a street full of character and I fully support adding to that character.

2. I usually support deferring to Plan Commission decisions, but they erred in this instance:

- o First, Commissioner Spencer called this site a landmark. It isn't.

- o Then, Commissioner Mendes flagged the absence of a fire safety report as the main reason for his vote to deny the demo permit. One was not required for this proposal, and other demolition proposals that come before the Plan Commission are not subjected to this requirement.

- o Taken together, these comments suggest at least some level of confusion and incorrect understandings contributed to Plan Commission's decision to deny. In rare cases like this, it is appropriate for the full Council to step in and correct.

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- o Opponents said demolishing the building would "lost what makes downtown unique and inviting", and that it would have a "deleterious effect".

- o I think State Street's secret sauce is as much about the people, the buzz, the restaurant and retail spaces, and the activity as it is the buildings. Keeping State Street unique and inviting means allowing more people to live, shop, and work there. Inviting being the operative word.

- o Opposition to this proposal argues for repairing and rehabilitating these buildings instead of demolishing. But the City can't force that – all they can do is deny permits and play chicken, hoping the owner comes around or sells. In the meantime, a major block of State Street sits dark and deteriorating, sadly underutilized. Given the options, I believe that State Street would be stronger with dozens of new homes that bring workers and shoppers, asbestos- and black mold-free commercial spaces, and full ADA compliance over buildings left unoccupied and deteriorating.

Thank you for your time and consideration.

Hannah Jackson

From: [Larry Jensen](#)
To: [All Alders](#)
Subject: Agenda Item 5
Date: Monday, May 6, 2024 3:14:03 PM

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Hey alders, leave them bricks alone!

Larry Jensen
1618 Jenifer Street
Sent from my iPhone

Common Council
Meeting of May 7, 2024
Agenda #5, Legistar 82802, State Street Appeal

The appeal claims that Plan Commission's decision was inconsistent with the demolition standards. The essence of the appeal is that these buildings are not "sound" – that the buildings are unsafe.

Plan Commission was not convinced the buildings are unsafe. Council could delve into the details and decide whether the buildings are unsafe. Alternatively, since the Plan Commission placed this demolition on file, the applicant could provide Plan Commission a report from someone qualified to assess structural issues – a structural engineer or architect (the applicant used a construction manager).

Historic buildings are to be preserved

1. MGO 28.185, Approval of Demolition (Razing, Wrecking) and Removal, provides: "The purpose of this section is therefore to ensure the preservation of historic buildings ..." The Landmarks Commission gave two of the three buildings a "red flag" designation.
2. The Comprehensive Plan says, page 73: "Madison is a community that values its many special places, neighborhoods, and districts. They provide a wide range of opportunities for people to live, work, and play and offer something for everyone. While each of these unique places is important and should be supported, *the key is what they contribute to the culture and character of the whole of the community.*" (emphasis added) State Street is one of those places that makes Madison feel unique. It contributes to the culture and character of the whole of the community.
3. The Comprehensive Plan says, map note #7: "Refer to the Downtown Plan for ...land use and design elements." Downtown Plan recommendation 75 says: "Encourage the preservation, rehabilitation and adaptive reuse of sound older buildings that contribute to the District's character." (The question of whether these buildings are "sound" is addressed below.)
4. The 400 block of State Street is the last intact block on State Street. Of the 17 buildings in this block: 9 were built from 1855-1896; 7 were built from 1902-1927; and, 1 (440 State) was built in 1962. With only one non-historic building (non-historic as compared to the other buildings), a building which is only two stories and only 44 feet in frontage, the block retains its historical appearance.
5. Commissioner Solheim spoke to the context of these buildings at the Plan Commission meeting, minute 1:49:45: "The last time that we reviewed this we talked not just about the historic nature of the individual buildings, but also their context. And I think particularly on this block of State Street which is largely intact, there are many of the buildings dating back to the mid to late 1800's, more in the early 1900's. That's really a critical component of this. ... There's a lot in our plans about redevelopment and increasing density and rightfully so because we need that. But there's also language like Commissioner Heck just talked about, talking about preservation, so it is really a balance that is not easy to achieve and I

think it's something that we need to evaluate with every unique situation that we're looking at. And State Street is a special place. State Street and Downtown cannot bear all of our growth and that's why we're looking at incremental density throughout our City. I think this one of those cases where that balance is really appropriate. And when I look at those buildings and see like the 1893 block at the top of the building, I think about how it has been such a part of the fabric of State Street for so long."

These buildings have not been proven unsafe

1. The staff report states: "The information submitted by the applicant *suggests* that the buildings have various deficiencies ..." (emphasis added)

Compare this staff report analysis to another staff report where Plan Commission placed a demolition on file, 114 N Blount. That report was more strongly worded: "These materials [demo photos] indicate ... a compromised structure with a foundation that is cracked and heavily bowing inward, and a substantial amount of rot throughout."

<https://madison.legistar.com/View.ashx?M=F&ID=10874143&GUID=5C10BAF0-7CFB-4F66-83F4-A054D9886673>

The State Street buildings have mold and almost certainly have asbestos. The Building Inspector told Plan Commission that mold and asbestos can be remediated. Water infiltration can also be remediated (e.g., a new roof, basement waterproofing).

2. Any vacancies in these properties are recent. It is difficult to imagine how all three buildings could have become unsafe in one year.

As of May 26, 2022, each building had apartments listed as available for a 12-month lease.

<http://web.archive.org/web/20220526205711/https://jdmccormick.com/property/428-state-st/>

<http://web.archive.org/web/20220526200938/https://jdmccormick.com/property/432-state-st/>

<http://web.archive.org/web/20220526210815/https://jdmccormick.com/property/442-state-st/>

The applicant's description for the residential rental at 428 State is quite the opposite of a ramshackle property:

"This beautifully remodeled 3 bedroom plus den apartment has 2 bathrooms and is located in the heart of Madison on State Street above the Sencha Tea Bar. Don't miss out on the amazing upgrades including hardwood floors, stainless steel appliances, central heating and cooling, and your very own private balcony."

A July 3, 2023 Facebook post on the applicant's page lists 428 for rent.

<https://www.facebook.com/photo/?fbid=807951127869556&set=a.556162966381708>

Commercial tenants were still in the building as of February 2022.

<https://tonemadison.com/articles/b-side-and-other-state-street-businesses-face-possible-displacement/>

B-Side Records was in 428 until it moved in October 2022.

<https://isthmus.com/news/snapshot/all-in-the-b-side-family/>

Freedom Skate Shop moved in March 2022, in anticipation of redevelopment.

https://m.facebook.com/story.php?id=Freedomskateshopmadison&story_fbid=10159009490114779&locale=ms_MY

Sencha Tea moved in June 2022 because their building on the 400 block would be torn down.

<https://www.facebook.com/DowntownMadison/videos/were-live-at-sencha-tea-bar-s-new-location-for-a-ribbon-cutting-theyve-moved-fro/1427352714392002/>

3. The submitted photos do show a mess, but they do not show structural issues. Some photos labeled crumbling foundations (e.g., labeled as issues 5, 7 and 8) show plaster separating from the lath or a crumbling parge coat, not a crumbling foundation.

Issue #10 in the photos is labeled as a “collapsed foundation demise wall” by the paid consultant. Yet the applicant’s director of business development, Colin Smith, said that wall “is the supporting wall for the center of the building. And that’s one of the big issues for the sagging and the floor falling out. It’s also caused a lot of structural issues throughout the rest of the building. (PC meeting, minute 1:25:48) At another point he referred to this photo as showing “complete foundational walls ... that are collapsed and they’ve been collapsed.” (PC meeting, minute 1:19:30.) However: a demise wall is a wall that separates uses; the wall ran alongside the support posts (which support the beam that supports the joists) as can be seen in the upper left corner; and the wall was stacked construction rather than staggered (all of which indicate the wall did not provide structural support).

Mr. Smith also said “It was a bad design. Some of these buildings are not, I mean there is a difference between the old house and like an old commercial building. These things were put up quick, the foundation is some mortar and rock or stone and some brick. ... It’s a bad design, you can see here in the top right picture [page 3 of the photos], there’s actually like an opening between these two buildings that’s exposed to the elements, its water going straight into both sides of the building. They were poorly designed back when they were built and they’ve been there for a lot of years with a lot of different people coming through as commercial tenants and every time a commercial tenant comes through they put their own twist and spin and wear and tear on it.” (PC meeting, minute 1:21:32.) Having buildings separated by 4-6’ is not necessarily a bad design. My house is separated by about 6’ from my neighbor and neither building has water problems in the basement. And concrete foundations did not really exist prior to 1900 – foundations were stone or brick – and the two historic structures were built in 1893 and 1899.

4. Plan Commissioner Solheim stated (PC meeting, minute 1:50:55): “I have worked on a lot of buildings in much worse condition than this. I am not going to say that it is easy and I know it’s a lot of investment on the owner’s part, but that is part of purchasing a historic building.” It is worth noting that when Commissioner Solheim was appointed in 2020, she was the executive director of the Wisconsin Partnership for Housing Development and a member of the Dane County Housing Initiative Committee and the Wisconsin Collaborative for Affordable Housing Committee.

5. For an example of a report prepared by a preservation architect, a report that provides an assessment of the building's condition, see:
<https://madison.legistar.com/View.ashx?M=F&ID=11119723&GUID=D8128559-8301-4EB5-9C9F-88AAB47F9371>

Other information that may be of interest

1. The owner of the three properties is not JD McCormick. 428 State is owned by 428 State Street LLC, which became the owner in 2008. 432 and 440 State are owned by 432 State LLC - the LLC became owner of 432 in 2003 and owner of 440 in 2013.

Thus, for 15 years (428) and 20 years (432), the historic properties have had the same owner. LLC ownership has advantages: (1) there is no real estate transfer tax when an interest in the LLC is sold; and (2) assessments do not go up like when there is a transfer of property above the assessed value.

LLCs could be said to have a disadvantage since the LLC is the entity responsible for property maintenance, not the individual owner(s) of the LLC. The only maintenance activity on the two historic buildings since 1996 (the start of the online building permit database) was a foundation repair at 432 in 2006 – the total job value of which was \$2,000.

2. When the applicant purchased the LLCs/portfolio in 2018, the plan was to redevelop. Colin Smith, the applicant's director of business development, said: "This was in disrepair when we bought it and the plan was to redevelop these buildings and that was part of the reason that we bought the portfolio. We saw that its right on State Street, these buildings have been neglected. We saw a need to make this area a little nicer." (PC meeting, 1:26:21)

Nor does the applicant see anything worth saving.

"And Smith doesn't agree that the buildings are able to be saved. "I want to improve things," he reiterated. "Yes, it's new and is going to be bringing down three buildings that are older. There's nothing historic about them or fascinating architecturally about them."

https://captimes.com/news/the-changing-face-of-state-street-how-will-development-transform-madison-s-most-iconic-street/article_ea7c1f69-1dad-5dd9-bfbe-2c24ef5b2dd1.html

3. Several comments during Plan Commission's discussion period seemed to indicate a belief that the City could do nothing about maintaining these buildings, that the buildings would just fall into further disrepair over the years. Yet the of Director Building Inspection had earlier told Plan Commission that although "demolition by neglect" did not apply to these buildings, "if a building gets to that condition regardless of its status, landmark or not, our office is going to get involved in the maintaining of the building, principally the exterior required to be repaired." He also said: "By and large though you aren't going to be able to let your building crumble to the ground because the exterior alone is going to need to be continuously maintained. Walls will start to buckle and joints crack and things like that which our office will inspect from public areas and require to be corrected."

4. The Capitol Neighborhoods steering committee report said: "The proposal did not garner a clear majority of support from the committee, although it is fair to say the committee was close to evenly divided on both the demolition and construction projects. Indeed, nearly every issue generated significant disagreement."
5. If the redevelopment were to be approved, it would not result in improvement to Link Peace Park. The Parks Division conditions of approval relate to restoration of the park.
6. At Plan Commission Alder Bennett asked staff whether having inconsistent motions with properties that are blocks away from each other (the Wisconsin History Center) can open up the Plan Commission and the City of Madison to legal difficulties. The March 27th Wisconsin State Journal article, *State Street demolitions denied again; developer mulls legal action*, reported that the applicant is accusing the city of being "inconsistent and unfair" and is exploring legal options.

Three Commissioners spoke directly to this issue. Commissioner Solheim, as quoted above, spoke to this block of State Street being largely intact, that State Street is a special place, and that these buildings have been such a part of the fabric of State Street for so long. Commissioner Heck spoke to State Street being unique, that here the location matters – State Street is a historic and iconic street, a street which means a lot to a lot of people in Madison. Commissioner Spencer spoke to decisions being site specific.

When ACA Strange was asked whether a demolition on Lake Street would act as a precedent that would threaten other historic properties, he replied: "Nothing about the decision the Council makes tonight necessarily binds it in a similar decision in another setting." (Common Council meeting of 5.18.21, minute 3:05.) Similarly, approval of the N Carroll Street demolition does not bind the Council as to State Street.

7. Colin Smith told Plan Commission: "506-508 was another one we bought in this portfolio and we've sunk about probably \$700,000 into making sure that one stays up in good shape. We're here to keep what's there on State Street, but also improve what's there on State Street." Yet building permit records only reflect alterations made for tenants or new HVAC – there is not a permit that indicates building maintenance (e.g., new roof, foundation repairs).
8. Below are three recent articles, and snippets, expressing concern about the potential loss of Madison's character, all of which were written by UW students.

<https://badgerherald.com/opinion/column/2024/03/19/shot-callers-must-balance-development-with-historical-character-to-preserve-madisons-historic-charm/>

This loss of character has the potential to affect not only the architectural aesthetic of the city, but also the culture. Important locations help bridge the gap between past and present. Buildings are a symbol of history, and tearing them down erases entire swaths of urban identity. ... Turning the city into a landscape of stark, uninviting structures takes away the appeal for residents and tourists, and demolishes what makes Madison so special.

<https://www.dailycardinal.com/article/2023/11/what-will-madison-look-like-in-10-years>

In the ongoing discussion about Madison's future, it's essential to balance growth and redevelopment with the preservation of what makes the city so attractive. The changes are inevitable, but finding a way to retain Madison's unique character and charm is a challenge all residents are deeply invested in.

<https://www.dailycardinal.com/article/2023/11/state-street-sellout-how-madisons-hub-went-corporate>

For decades, the bustling thoroughfare has drawn locals and visitors captivated by its unique blend of historic charm, eclectic shops and lively street life. However, recent years have witnessed a wave of commercialization that threatens to transform this iconic street, prompting urgent conversations about preservation, identity and the future of State Street.

...

As we stand at this critical juncture, the choices made today will undeniably shape the future of State Street. The challenge lies in striking a balance, ensuring the street's transformation does not strip away its soul but rather preserves its role as a vibrant community space.

The imperative to protect the unique qualities that make State Street special is paramount, safeguarding its identity not just for the current generation but for those yet to come, ensuring its legacy endures amidst the wind of change.

The bottom-line question is whether the historic character of State Street is worth preserving and whether the 400 block, the last intact block of State Street, is worth saving. When demolition for historic buildings on N Carroll was approved last August, the loss of the historic buildings was, for many, mitigated by the fact that a new Wisconsin history center would be built. The demolition of these three State Street buildings would allow for a new development that would only provide less than 20 additional bedrooms.

The LLCs, owners for the past 15-20 years, have not acted to maintain these buildings. Perhaps the buildings are unsalvageable, but that is not proven by the photos taken by the construction manager. The applicant could obtain a report that provides an actual assessment from a structural engineer or an architect, preferably one with knowledge of historic buildings, and return to Plan Commission.

Respectfully Submitted,
Linda Lehnertz

From: [Emmett Nolan](#)
To: [All Alders](#)
Subject: Supporting item 82802
Date: Sunday, May 5, 2024 6:43:28 PM

Some people who received this message don't often get email from emmettnolan04@gmail.com. [Learn why this is important](#)

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Hi there,

I wanted to reach out and share my support for item 82802 on the council's agenda for tomorrow, relating to the demolition permit for 428-444 State Street. I found that the plan commission's reasoning for denying the permit was illogical, flimsy and insufficient. The current building, as I understand it, is falling apart. It also doesn't look very pretty, and I see no good reason for keeping it. Not when we have the chance to build more housing, which God knows this city desperately needs.

I'm 19 years old, and I'd love to be able to consider living downtown someday once I graduate. Whether or not this council decides to submit to regressive Plan Commission decisions such as this will play a role in determining whether or not that can happen. Please support building more housing. Please pass item 82802.

Best regards,

Emmett Nolan
District 13
829 Terry Pl.

From: [Josh Olson](#)
To: [All Alders](#)
Subject: My support for Item 82802 - more homes on State St
Date: Sunday, May 5, 2024 1:22:52 PM
Attachments: [image.png](#)

Some people who received this message don't often get email from jo.olson03@gmail.com. [Learn why this is important](#)

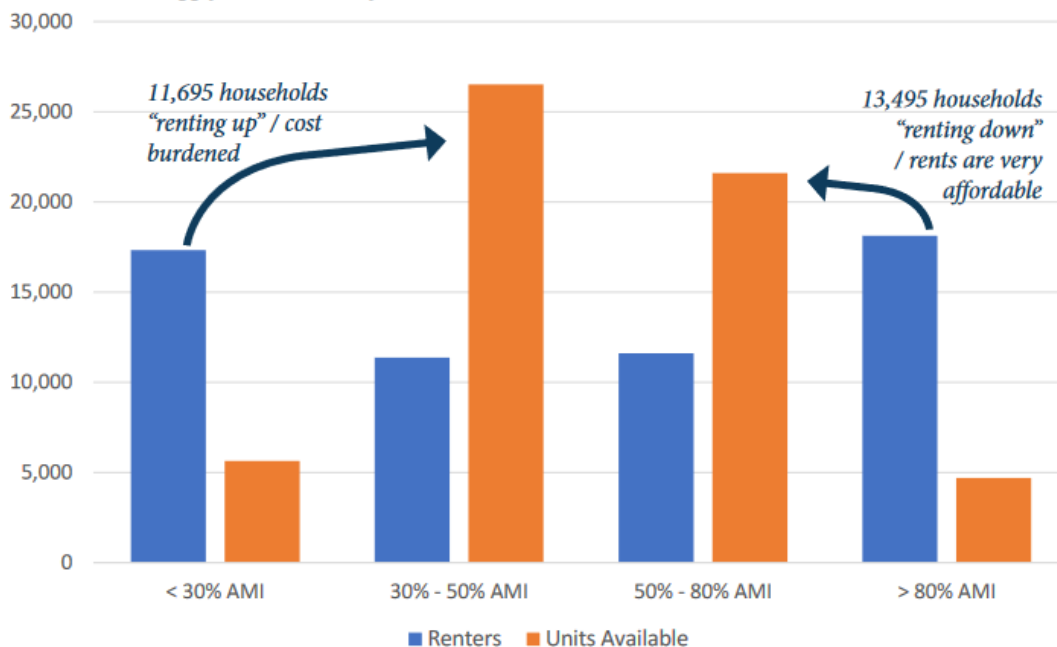
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Hi Alders,

I'm writing to ask you to support Agenda Item 82802. Granting this appeal to demolish 428-444 State St. is the right choice. There are more detailed explanations below, I'll provide my personal criticisms right now.

1. We need housing. Any kind of housing. Even this kind of housing, which will probably be some of the most expensive housing in the city. I'm all for it, because that means however many people move from their apartments in Madison into this newer housing will make room for people in their old apartments. [Filtering](#) is proven to work and we need more scenarios like these for the renters who are renting down (Housing Snapshot, focus on the right):

Rental Market Supply and Demand by Income/Rental Cost



2. When the city is facing a \$27 million shortfall and one of the few ways you can increase revenues is by building new buildings (net new construction), I think it's a slap in the face to any taxpayer to say "we want to preserve these buildings for historical purposes even though the developers are ready to build and the property taxes would be higher." Historical preservation is a privilege, not a right, and when we are facing budget cuts to important services that I value (and I think a lot of other citizens would value) more than maintaining the "look and feel" of buildings that are currently useless we need to prioritize. Rejecting this appeal would be prioritizing historical significance over reducing the budget burden and I think that plays awful when November rolls around.

What are the estimated assessments on the new building? What is the financial cost to the City to preserve these buildings instead of developing? Citizens should know. I would encourage Alders to find this information from City Staff (even if it's ballpark estimates).

3. Historical significance is subjective. Brownstones in New York are the most sought after property right now, but the initial development of them was wrought with disgust and anguish. People's views change over time and I think it's problematic if we try to distinguish what's historical and what's not. From my point of view, I thought the [buildings next to the WHS Museum were worth preserving](#). The City disagreed, and the WHS gets a new, larger center. What's the functional difference between these two cases? Not subjectively, but objectively. I don't think there is (again, subjectively I think the Square is more significant than State Street, but we can disagree). I think it sets a bad precedent to rely on subjective opinions on deciding these matters. If State Street is historical, make it so, but until then it's not fair (and it seems illegal) to prevent development on the chance it's historical.

I also agree with the points below and they are more technical than my arguments so I wanted to include them.

Thank you for considering this appeal and I hope you support allowing for this demolition.

Josh Olson (District 20)

...

1. Reversing Plan Commission avoids setting a bad precedent:

- o There is a process for limiting demolitions of historic areas – local historic districts. Making State St a local historic district has been discussed for 30 years but hasn't moved forward. Neither are any of these buildings in the National Register of Historic Places.

- o A comment at Plan Commission worried that allowing demolition would incentivize other State Street owners to drive their buildings into disrepair.. But a Local Historic District is the correct way to prevent that. They should advocate for that Local Historic District and in the meantime we should not make decisions as though it exists or that it “potentially” may in the future.

- o Not following our standard processes also leads to confusion and increases development costs. Commissioner Solheim said that “part of buying a historic building is to invest in ... (upkeep and repairs)”. But that is not actually required of property buyers in the City of Madison unless the property in question is protected by landmark status. The owner bought the site in its present condition 6 years ago with the goal of redeveloping the site according to their testimony to the the Plan Commission hearing on March 25th. The owner bought a lot outside of a historic district that was not in the National Register. Do we expect that owner to know/prepare for the possibility that Landmarks could 6 years later issue a finding of historic significance? It certainly seems that the upkeep was not something they signed up for when they bought it. I'd be more inclined to agree with Commissioner Soldheim if the owner bought into a Local Historic District knowing what came along with that.

o The owner bought a lot outside of a historic district that was not in the National Register. Do we expect that owner to know/prepare for the possibility that Landmarks could 6 years later issue a finding of historic significance? It certainly seems that the upkeep was not something they signed up for when they bought it. I'd be more inclined to agree with Commissioner Soldheim if the owner bought into a Local Historic District knowing what came along with that.

o In partially explaining his vote, Commissioner Heck said "State Street is a unique place". In the absence of objective landmark or historic criteria, this is totally subjective and could set a precedent to impede change citywide for people who emphatically believe that their neighborhood is just as "unique" as State Street. Local Historic Districts & the National Register help to objectively weigh these places. If those standards aren't being relied upon here, what objective criteria will the Plan Commission use to help buyers understand their responsibilities and restrictions before buying a property?

2. I usually support deferring to Plan Commission decisions, but they erred in this instance:

o First, Commissioner Spencer called this site a landmark. It isn't.

o Then, Commissioner Mendes flagged the absence of a fire safety report as the main reason for his vote to deny the demo permit. One was not required for this proposal, and other demolition proposals that come before the Plan Commission are not subjected to this requirement.

o Taken together, these comments suggest at least some level of confusion and incorrect understandings contributed to Plan Commission's decision to deny. In rare cases like this, it is appropriate for the full Council to step in and correct.

3. Keeping State Street iconic and unique isn't solely limited to building structures:

o Opponents said demolishing the building would "lost what makes downtown unique and inviting", and that it would have a "deleterious effect".

o I think State Street's secret sauce is as much about the people, the buzz, the restaurant and retail spaces, and the activity as it is the buildings. Keeping State Street unique and inviting means allowing more people to live, shop, and work there.

o Opposition to this proposal argues for repairing and rehabilitating these buildings instead of demolishing. But the City can't force that – all they can do is deny permits and play chicken, hoping the owner comes around or sells. In the meantime, a major block of State Street sits dark and deteriorating, sadly underutilized. Given the options, I believe that State Street would be stronger with dozens of new homes that bring workers and shoppers, asbestos- and black mold-free commercial spaces, and full ADA compliance over buildings left unoccupied and deteriorating.

From: [Mary Pustejovsky](#)
To: [All Alders](#)
Subject: My support for Item 82802
Date: Monday, May 6, 2024 8:47:51 AM

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Hi Alders,

I'm writing to ask you to support Agenda Item 82802. Granting this appeal to demolish 428-444 State St. is the right choice for three reasons.

1. Reversing Plan Commission avoids setting a bad precedent:

- o There is a process for limiting demolitions of historic areas – local historic districts. Making State St a local historic district has been discussed for 30 years but hasn't moved forward. Neither are any of these buildings in the National Register of Historic Places.

2. I usually support deferring to Plan Commission decisions, but they erred in this instance:

- o First, Commissioner Spencer called this site a landmark. It isn't.

- o Then, Commissioner Mendes flagged the absence of a fire safety report as the main reason for his vote to deny the demo permit. One was not required for this proposal, and other demolition proposals that come before the Plan Commission are not subjected to this requirement.

- o Taken together, these comments suggest at least some level of confusion and incorrect understandings contributed to Plan Commission's decision to deny. In rare cases like this, it is appropriate for the full Council to step in and correct.

3. Keeping State Street iconic and unique isn't solely limited to building structures:

- o State Street's vibrancy is as much about the people, the activity, the restaurant and retail spaces, as it is the buildings. Keeping State Street unique and inviting means allowing more people to live, shop, and work there.

- o Opposition to this proposal argues for repairing and rehabilitating these buildings instead of demolishing. But the City can't force that – all they can do is deny permits and play chicken, hoping the owner comes around or sells. In the meantime, a major block of State Street sits dark and deteriorating, sadly underutilized. Given the options, I believe that State Street would be stronger with dozens of new homes that bring workers and shoppers, asbestos- and black mold-free commercial spaces, and full ADA compliance over buildings left unoccupied and deteriorating.

Thank you for your time and consideration.

Mary Pustejovsky

Midvale Heights

From: [John Rolling](#)
To: [All Alders](#)
Subject: Common Council Meeting 5/7/24 Legistar Item 82802
Date: Monday, May 6, 2024 5:48:37 PM

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I am writing to oppose the owners' appeal of the Plan Commission's March denial of demolition permits for the buildings at 428-444 State Street.

The Plan Commission has considered and rejected demolition permits for these buildings twice within the past year. On both occasions, the owners were given the chance to demonstrate compliance with the City's adopted standards for demolition approval. They failed to do so. Now they come to the full council seeking to overturn the considered decision of the body that the Council has authorized to make such determinations.

The only argument that these owners make is that the three buildings are "in a state of disrepair." Their claims are unsubstantiated by serious professional investigation. As other commenters have shown, the evidence that they cite (mainly blurry photographs), while perhaps dramatic to the unsophisticated, does not qualify as the fruit of serious professional investigation.

The fundamental concept here is simply that older buildings deserve to be razed. Per the owners' spokesperson Colin Smith (at Plan Commission on March 25) "These buildings were not meant to stand for over 100 years." As one who has been a professional real estate appraiser for over 40 years, having evaluated and valued hundreds of buildings dating from the 1840's through the 1920's, I know this idea is ludicrous. One need only look around Madison's downtown, the near east or the near west sides to know that buildings aged like the subjects now serve and will continue to serve well into the future.

The owners' lament that "these buildings are in disrepair" is just crocodile tears. Having researched the history of transactions involving these buildings over the past several years, it is clear to me that if these buildings are indeed "in disrepair," it is these current owners who are responsible. Joseph McCormick has had control of all three buildings since at least 2018 (see Dane County Register of Deeds Document #5457982-- a mortgage to Monona Bank dated 12/3/2018)-- ample time to address any condition issues. To claim that the buildings must be destroyed due to their condition is pure and simple gamesmanship.

I urge the Common Council to reject the owners' appeal. Do not reward them for their self-inflicted damage.

John Rolling
641 Orchard Drive, Madison, WI 53711
608-516-9967

From: [Seth Soarenson](#)
To: [All Alders](#)
Subject: Please support Item 82802
Date: Saturday, May 4, 2024 11:40:40 AM

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Hi Alders,

I'm writing to ask you to support Agenda Item 82802 and ask that you grant this appeal to demolish 428-444 State St.

Denying the building of homes increases gentrification and raises housing costs.

Keeping State Street unique and inviting means allowing more people to live, shop, and work there.

Deteriorating, empty buildings are not and should not be considered good for the character of the area.

Limiting investment in Madison's core pushes investment to the suburbs, increasing city maintenance costs, increasing miles driven by Madisonians, and generally harms the efficiency of the city.

Losing out on potential housing makes housing more expensive for everyone.

There is literally nothing to be gained from stagnation.

Forever Forward,
Victor Wagner

From: [Will Stedden](#)
To: [All Alders](#)
Subject: My support for Item 82802 - more homes on State St
Date: Monday, May 6, 2024 9:37:23 PM

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Hi Alders,

I'm writing to ask you to support Agenda Item 82802 and grant the appeal to demolish 428-444 State St.

We've got to start building for the future of Madison. Every missed opportunity to build up downtown is more of our surrounding nature that is going to be swallowed up. The next generation wants to live in vibrant urban areas and we need to increase density in Madison to do that.

I also really do like the facades of older buildings, but if we want that then we need to set up programs that reward developers for making stylistic decisions like that. But we shouldn't let a few overzealous people dictate the specific ways in which a bustling street like State gets built. That needs to be left up to those who are willing to put in the effort to make changes themselves. That's why I support developers who are asking to demolish those building to build something else.

Thanks,
Will