

**DRAFT**  
**Remarks to the Special Meeting of the Plan Commission**  
**Coordinating Zoning and Historic Preservation Policy**  
**December 16, 2020**  
**David Mollenhoff.**

My name is David Mollenhoff. Most of you don't know me so I want to provide some quick background. I'm a long-time preservationist who served on the Landmarks Commission for 8 years, owned a contributing building in Mansion Hill Historic District for 54 years, and written two books on Madison history.

I want to thank all of you for holding this special meeting on a very important but often neglected subject, and I want to thank the staff for their thoughtful report and slides.

My presentation was developed with the help of two experienced preservationists: Kurt Stege and John Martens who will also be speaking to you tonight.

My goal tonight is to respond to all four staff recommendations on page 10 and to make one additional recommendation.

Trying to convey opinions on a complicated subject in 3 minutes is impossible, so I am submitting a longer written statement. I hope you have read it.

My plan is to use my 3 minutes to hit the headlines from my written statement and to respond to any questions you may have.

**A. Responses to staff recommendations:**

**Staff recommendation. 1. Change the Downtown Height Map in the Zoning Ordinance to reflect changes recommended in the Lamp House Plan.**

●**Response:** If this means limiting the height of buildings on the northeast quadrant of that block to three stories and preserving the view corridor over the top of the east side of the parking ramp, we agree.

**Staff recommendation: 2. Map the building heights proposed in the Williamson Street BUILD Plan in either the Zoning Ordinance or the Historic Preservation Ordinance.**

●**Response:** BUILD II standards should be incorporated in Chapter 41, (not in Chapter 28) but these standards should not be limited to height. In fact, the BUILD II report contained dozens of detailed standards designed to preserve the unique historic character of this district including:

- new construction, additions, alterations, and repairs
- commercial, residential, mixed use
- primary structures and accessory structures
- windows and door
- roofs forms and materials
- exterior siding
- accessibility facilities
- and many other categories

It is important to understand that when the Common Council adopted BUILD II (RES-05-00074) in 2005 their resolution said, “Planning Unit staff is hereby directed to prepare the necessary ordinance amendments to update the Third Lake Ridge Historic District Ordinance.” This was never done.

**Staff recommendation: 3. Explore mapping setbacks and/or setbacks in Mansion Hill as suggested in the Downtown Plan.**

●**Response:** These two measures will not sufficiently protect the historic character of Mansion Hill. Here’s why. One recommendation (p.9) is limited to front yard setbacks and is silent on other equally important factors—side and rear yard dimensions—that are essential to preserve historic character. The second recommendation for setbacks is rarely a factor in historic districts because so few buildings are tall enough to warrant this feature. Therefore, these planning tools would probably not do much to preserve the historic character of Mansion Hill.

**Staff recommendation: 4. Delete the definition of “Height (of a Building)” in Section 41.02 of the Historic Preservation Ordinance and rely on the Zoning Ordinance definition in 28.134(c).**

●**Response:** We agree that a clear and uniform definition of height is desirable. The two definitions you reference are as follows:

#### 28.134 Height and Bulk Regulations

For principal buildings and structures, height is the average of the height of all building facades. For each façade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual façade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district.

#### 41.02 Definitions,

Height (of a Building) means the vertical distance in feet measured from the arithmetic mean ground level adjoining the structure to the highest point of the roof or parapet of a building, whichever is higher, or to the top of the structure.

I chair the Madison Alliance for Historic Preservation and we have come up with a third definition that is more precise than either of these:

**Height** of a structure means the vertical distance in feet measured from the structure’s arithmetic mean grade level, calculated on the basis of grade level measurements taken at no more than 10 foot intervals around the foundation perimeter, to the highest point of the structure. The highest point of a building is the highest point of its roof or parapet, whichever point is higher.

●There is one other height-related definition that staff included on page 3 and that was “story” from 28.211. That definition may work for zoning purposes, but it will not work for historic districts because there are no limits in this definition for floor-to-floor distances. As you know it is very common for developers to use trusses 14 to 18 inches thick instead of center posts and 8 to 10 inch joists; it is also increasingly common for developers to use 10-foot ceilings in new residential buildings to compensate for small floor areas. The combination of these two common practices causes substantial increases in building heights that produce out-of-scale buildings in historic districts. John Martens will provide a paper that explains why the zoning definition of “story” should not be used for historic districts.

## **B. ADDITIONAL recommendations that we believe are necessary:**

**1. In historic districts height must be evaluated in context with many other factors. This is because the primary goal of a historic district is to preserve the historic *character* of the district and**

**that to achieve this character, considerations and restrictions that go beyond the basic zoning code are necessary.**

a. The only way to effectively preserve historic character is to identify all of the qualities that contribute to that character. Height is just one factor that requires regulation in the context of a particular historic district. Other factors include:

- the size of the front, side, and back yards (the relation of the building to the lot);
- the gross volume of the building
- the overall form as indicated by its shape, massing, symmetry/asymmetry
- the character of the roof including shape, style, pitch and surface
- the exterior wall and foundation surfaces
- the character of doors and windows
- the nature, size, appearance and placement of architectural features
- sensitivity to the site and surrounding landscape.
- and several others.

Most historic districts are complex enclaves that are built up over long periods of time and appropriate height can vary dramatically between and within districts and even within blocks. This is why historic district ordinances require that a constellation of factors be used to determine what an appropriate height for a particular building might be. In all cases, the Landmarks Commission must assess the overall visual compatibility of a proposed structure including visual compatibility with respect to height.

This is why we say that historic district regulation should be left to Chapter 41 so that all factors that contribute to historic character including height can be properly assessed.

b. Language in the Downtown Plan cited on page 4 of the staff report clearly recognizes the limits of height maps:

“The Maximum Building Heights Map illustrates the maximum height of the tallest building with each colored area and *does not illustrate the more subtle height limits that may result from building street setbacks, upper story building setbacks, desired variety in building heights, or landmark or historic district designations.*” (Italics added)

c. Some of you know that an ad hoc committee of five alders has been working for more than a year on new standards for our five historic districts. It is called the Landmarks Ordinance Revision Committee or LORC. Two of your members, Marsha Rummel and Patrick Heck, are LORC members.

I call LORC to your attention because one of their tasks is to develop standards that define historic character. The citizen group that I chair, the Madison Alliance for Historic Preservation, is working with LORC and we have developed a set of 10 “preservation principles,” that provide clear, consistent, and comprehensive guidance for all new construction, additions, and alterations. I am attaching a copy of these 10 preservation principles as they appear in the draft ordinance we have submitted to LORC. Our hope is that LORC will adopt them. LORC plans to complete its work by April 15.

I want to close with an important point. All of Madison’s five historic districts occupy less than one percent (1%) of the total city area but contribute so much beyond their tiny size to the city’s charm and desirability. Therefore, in our efforts to densify the city, we should take all reasonable steps to protect these precious areas with wise and far-sighted policies.

I would be happy to answer any questions you may have.

**41.11 PRESERVATION PRINCIPLES.** [*Defined terms are italicized; the Alliance has provided definitions.*]

....

**(2) New Construction.** A *historic district ordinance* should include *standards* for new construction in the *historic district*. *Standards* should address the following principles in a manner and at a level of detail appropriate to the *historic district*, so as to preserve the *historic district's character* and *historic resources*:

- (a) New Primary Structures.** A new *primary structure* should be *visually compatible* with the *historic district*, and with each *historic resource* located within 200 feet of the new *structure*, with respect to the following factors:
1. Its size as indicated by its *height*, number of stories above grade, *gross volume*, *bulk*, and *street facade area*.
  2. Its relationship to the *lot* on which it is located, as indicated by its *lot coverage* and setbacks, and the size of its front, side and rear yards.
  3. Its overall form as indicated by its shape, *massing*, ratio of width to *height*, symmetry or asymmetry, and roof shape.
  4. The articulation of its *street façade* and other *visible facades*, including visual patterns created by building planes, wall recesses, wall protrusions, window and door openings, and *architectural features*.
  5. The *character* of its roof, including roof shape, style, pitch and surface materials, as well as roof features such as dormers, skylights, chimneys, rooftop decks, green roofs, and attached appurtenances.
  6. Its exterior wall and foundation surfaces, including surface materials, textures, detailing and trim.
  7. The *character* of its doors, windows, and related features such as storm doors, storm windows, trim and shutters. Relevant considerations may include size, shape, style, proportion, materials and placement, as well as the patterns created by door and window openings on *visible facades*.
  8. The nature, size, appearance and placement of exterior *architectural features* and appurtenances such as entryways, porches, decks, balconies, railings, stairways, rescue platforms, fire escapes, accessibility features, *signs*, awnings, lighting fixtures, *HVAC equipment*, electrical equipment, elevator equipment, solar equipment, telecommunications equipment and building mechanicals.
  9. Its sensitivity to the site and surrounding *landscape*. Relevant considerations may include the nature, size, appearance and location of its parking accommodations, refuse storage facilities, *landscape features* and drainage systems, as well as its sensitivity to distinctive *natural features*, archaeological features, *historically representative landscape features*, and open spaces that materially contribute to the *character* of the *historic district*.
  10. Its relationship to each *block face* of which it is part, including its effect on the collective visual pattern formed by the sizes of, shapes of, directional expression of, and distances between existing *structures* represented in the *block face*.
- (b) New Accessory Structures.** A new *accessory structure* should be *visually compatible* with the *primary structure* to which it pertains, with the *historic district*, and with each *historic resource* located within 200 feet of the *accessory structure*. New *accessory structures* should be as inconspicuous as reasonably possible, when viewed from a *developed public right-of-way*.
- (c) New Signs.** A *sign* constructed on a *lot* in a *historic district* should be *visually compatible* with the *structures* on that *lot*, with the *historic district*, and with *historic resources* located within 200 feet of the *sign*.

Plan Commission

Meeting of December 16, 2020

Agenda #2, Legistar #63354, Coordinating Zoning and Historic Preservation Policy

Time is short, both for my writing and your reading, so this comment letter only addresses some highlights.

### 1. Definition of height.

The definitions of the Zoning Code do not carry over to Chapter 41. An alternative would be to use the Zoning definition in Chapter 41. However, the zoning definition is deficient in several respects.

- MGO 28.134 specifies that accessory building height is measured to the midpoint of a gabled roof. Marquette Bungalows has a maximum 15 feet of height for accessory buildings. Currently, that means to the ridge line. Using the zoning definition would allow for increased height.
- MGO 28.134 measures the height of a principal building to the top of the roof. In historic districts, parapets are not uncommon. These need to be taken into account because parapets, generally on the street-facing side of a building, add height to the façade even though the roof may be 3-4 feet lower.

### 2. Maximum heights.

Maximum heights allowed under the Zoning Code do not mesh with the historic districts. At a minimum, the ability to gain additional height through conditional use approval should be removed (TSS, NMX, TR-U1).

- Pages 24-26 of the presentation materials show Third Lake Ridge year of construction, existing heights and allowable heights. The buildings with more than 3 stories have all been constructed since 1991 as reflected on the map (though these have all been constructed since 2004). In general, buildings are 2 stories (page 25), with a few 1-story and 3-story buildings interspersed. A maximum of 3-stories, with no ability for additional height would be in keeping with the general characteristics of the district. [Note: the maps used assessor data for year of construction. In some cases, such as 722 Willy and the 600 north block, there is a historic building on the site, but there has also been substantial redevelopment.]
- Marquette Bungalows provides another example. Most of the existing housing is deemed one story (page 29), with some being two stories (generally due to expansion by use of dormers). Yet this area is all TR-C4, which allows for a full two stories/35 feet. A new building could tower over its neighbors, but still be within Zoning Code parameters.
- Mansion Hill has a number of properties zoned DR-2 and the Downtown Map allows for 5 stories. Yet the other concentration of DR-2 is in the area between Bedford and Broom and has a maximum height of 4 stories. Should a local historic district with most historic resources in the 2-3 story range have a 5 story guaranteed height for new construction?

### 3. Side setbacks

Side setbacks under the Zoning Code are often 5-6 feet. It is not rare to find historic resources that were built this close together. But when, such as in TSS zoning, a building can have a depth of 100 feet (e.g., 817 Willy proposal), so there is a 35' high wall running almost the full

depth of the lot, which is next to a residential building (that is zoned TSS), the side setbacks should perhaps offer a bit more relief – perhaps 10 feet. Similarly, establishing different side yard setbacks for new construction next to a local landmark may merit consideration. And it is worth considering different side yard setbacks for historic districts so that new construction would have side yard setbacks that, for example, range from 20%-80% of the range of historic side yard setbacks.

#### 4. Rear yard setbacks

On Willy, there needs to be a 20' rear yard setback when TSS abuts residentially zoned properties, and height is limited at the rear to 2 stories/25' at the setback line with increasing height at a 45° angle.

All historic districts should have a similar protection. For example, the Essen Haus properties have been up for redevelopment several times and could be redeveloped at 6 stories. When UMX or PD zoning abuts a historic district, a minimal level of separation, such as that between TSS and residential zoning, would help preserve the historic character.

#### 5. Should the Zoning Code promote historic preservation?

Chapter 41 only offers protection to local historic districts and local landmarks. The Historic Preservation Plan speaks to adding historic districts and landmarks. Should the Zoning Code seek to better preserve those potential sites?

#### 6. Timing

The Ad Hoc Landmarks Ordinance Review Committee has not yet finalized the historic district standards. Hopefully, this coordination process will not be finalized prior to completion of the Chapter 41 revisions (assuming those revisions are timely) so that any additional changes can be reviewed.

Respectfully Submitted,  
Linda Lehnertz



December 16, 2020

Re: Special Meeting of the Plan Commission on December 16, Agenda Item 1

To Members of the Madison Plan Commission:

The Madison Trust for Historic Preservation is a 45-year-old organization with approximately 250 members.

We have two fundamental purposes: Education and advocacy. We conduct walking tours and offer other events that use Madison's built environment as the key tangible vehicle for explaining its people and institutions and the changes that have occurred over time. We also advocate for historic preservation, rehabilitation and reuse of Madison's structures with the goal that development in Madison is accomplished thoughtfully and respectfully. Our advocacy efforts are directed toward preservation and protection of Madison's character, while permitting thoughtful and contextual development.

The Trust appreciates the tremendous efforts that Plan Commissioners make to understand the requests placed before the Commission and to anticipate the consequences of Commission decisions.

The Trust also appreciates City staff who do remarkable work that both directly and indirectly provides the foundation for a wonderful city.

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The essential reasons for this letter are because the Trust believes strongly that 1) old places matter, 2) this premise must be an elemental one for the Plan Commission and for the City of Madison, and 3) building height is just one attribute of a building's scale, while scale is merely a part of a building's overall character.

\* \* \*

Item 2 of today's special meeting of the Plan Commission is titled "Coordinating Zoning and Historic Preservation Policy," but the supporting memo from staff refers, almost entirely, to issues of building height.<sup>1</sup> The Madison Trust feels it is important to place the memo into the context of the larger topic the Trust believes is confronting the Commission: How do you protect Madison's culture and character in the face of other pressing concerns?

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<sup>1</sup> Recommendation 3) references setbacks and setbacks in a single historic district, Mansion Hill.

The role that “old buildings” play in Madison’s character is described in the 2018 City of Madison Comprehensive Plan as follows:

**Old buildings**, even if they are not formally recognized as landmarks or part of a historic district, **often establish the character of a place**. The buildings often have a level of design, detail, materials and craftsmanship not typically found in newer buildings. They also often represent connections between certain segments of the community to the history of a particular neighborhood. Reuse or rehabilitation of these buildings can extend their life beyond the originally intended purpose and achieve many sustainability goals, such as keeping materials out of landfills and not wasting the embodied energy contained within the existing building. In addition, older buildings are often less expensive for residential and commercial tenants than new construction. Sub-area planning efforts should identify the older buildings that should be retained and recommend the most appropriate means for doing so. (Comprehensive Plan, p. 33, emphasis added)

The connection between “old buildings” (a subset of “old places”) and Madison’s character is explored further in the next section.

#### I. Some of the Reasons Old Places Matter<sup>2</sup>

Old places provide us with a sense of continuity, a sense that we are part of a continuum covering hundreds and thousands of years. Old places provide us with a basis for orienting our own existence by establishing the values of both time and of place. We need stories, not just from our own experience, but of the experiences of others who have preceded us, to provide us psychological and emotional health.

Our memories are an essential part of our consciousness, and places are key triggers for both our individual memories and our collective memories. Memories provide us our identities and our sense of identity is largely what defines us as an individual and a society. Memories also provide us a basis for realizing change and all of this is tied directly to place and to old places.

Old places serve as a basis for our individual identity. Preservation “affords the opportunity for the citizens to regain a sense of identity with their own origins of which they have often been robbed by the sheer process of urbanization.” James Marston Fitch. Old places provide tangible support for our sense of identity, they are landmarks for our identity.

Old places also embody our civic, state, national and universal identity. Clearly it is important that old places don’t merely serve as a source of pride, but are also important

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<sup>2</sup> The credit for many of the thoughts in this segment must go to Thompson M. Mayes, the author of Why Old Places Matter: How Historic Places Affect Our Identity and Well-being, Rowman & Littlefield (2013-2018).



reminders of things that may be uncomfortable, yet are still crucial for understanding collective identity.

Beauty is often at the heart of why people care about old places. The appreciation of beauty is a deeply positive experience that contributes to happiness and well-being. Yet people's experiences of beauty often differ and opinions about beauty change over time. There is often a cycle of several decades between the time a place achieves a consensus of beauty, goes out of fashion, and then returns to the initial status.

Places make connections across time that give them a special ability to create an empathetic understanding of what happened and why. Old places have a unique capacity to convey history, or to stimulate a reaction to history. Places can convey history in a way that history books cannot.

The concepts of proportion, balance and harmony embodied in many old places convey information about architecture, craftsmanship, materials and their interrelationships. Buildings can be works of art to be appreciated as such and old buildings often display methods of sustainability that newer construction that is more highly energy dependent does not.

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Old buildings matter. They represent, reflect and generate both culture and character. **Building height is just one attribute of a building's scale and scale is merely a part of a building's character.** Examples of other sources of building character include gross volume, bulk, street façade area, setbacks other than on the front, symmetry, ratio of width to height, roof shape, doors, windows, placement of architectural features and surface materials.

## II. Background Information Relating to Formal Designation as "Historic" or as a "Landmark"

For those Commissioners who might not be familiar with the topic of historic preservation, different levels of government have enacted separate methods for formally recognizing something as either "historic" or as a "landmark."

### Federal and State Designations

Federal Government Designations (Department of Interior)

National Register of Historic Places<sup>3</sup> (152 in Madison per Wikipedia)

National Register of Historic Districts (14 of the 152 Historic Places in Madison that contain privately owned buildings per City website)

National Landmarks (10 in Madison including publicly owned buildings)  
is a separate designation of a small subset of National Register listings

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<sup>3</sup> Generally, a property must be at least 50 years old to be considered "historic" for federal designation.

State of Wisconsin Designations (State Historic Preservation Office)  
State Register of Historic Places  
State Register of Historic Districts

In a number of instances, the State and Federally designated historic properties do not overlap with the list of City of Madison landmark designations.

**City of Madison Designations<sup>4</sup>** (Under the purview of Landmarks Commission and Preservation Planner)

Local Landmarks (182. I believe these properties were designated between the years of 1971 and 2013.)

Local Historic Districts (5, designated between the years of 1976 and 2002)

Historical significance may not be apparent for some time after a particular event occurs, a social or political movement occurs, or after a particular person's lifespan. In addition, there are countless reasons why a particular property may qualify for designation as "historic," but no formal designation has occurred. As a result, those properties that have received a formal designation as a "historic" property or as a "landmark" do not adequately reflect the historic legacy of the City of Madison.

Thank you for your consideration.

Respectfully submitted,

Kurt Stege  
President  
Madison Trust for Historic Preservation

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<sup>4</sup> Local landmarks and historic districts comprise approximately 1% of Madison's land area.