

**Mansion Hill District of Capitol Neighborhoods**

**Steering Committee Report  
to the  
Landmarks Commission**

May 6, 2010

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Dear Landmarks Commissioners,

The Madison landmarks ordinance is being tested as never before by the Edgewater proposal. The issue is whether the ordinance and the public policy embodied in it can endure a withering attack from the developer, the mayor, several alders, and those who believe that the 40 year old ordinance is an irritating impediment to the proposal and that ordinance standards, criteria, and procedures should be abandoned just for this project.

We proudly raise our voices to oppose this unwise and unsustainable judgment.

In this document we focus only on decisions the Landmarks Commission can make on May 10. We leave the information on other issues related to the proposal to another document.

We have organized our thoughts around the fundamental issues as outlined in the table of contents. Our goal is *not* to give a detailed, fully-reasoned quasi-legal brief, but rather to provide you with a summary of the key issues and arguments.

Please remember that from the start we have actively encouraged restoration, remodeling and new construction in Mansion Hill Historic District —providing that it is done in accord with our local laws—including the landmarks ordinance.

As you deliberate on this precedent-setting decision you will need to refer to key parts of the Madison Landmarks Ordinance. The full ordinance is 29 pages long as it appears in the MGO, but the parts that determine your vote on May 10 consist of just 10 pages. That is why we have attached to this cover letter an edited version of the ordinance. We hope you will find this helpful. Thank you for your consideration,

Steering Committee

Mansion Hill District of Capitol Neighborhoods

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John Martens	Fred Mohs
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TABLE OF CONTENTS

1. Overview of the Issues	4
2. What has changed from the November 30, 2009 proposal	5
3. Do the applicant's revised plans meet ordinance criteria for a COA based on new construction?	6
A. Volume means volume	6
B. Volume calculations for buildings in the MHHD	7
C. Visual compatibility with the environment	7
D. Confusion between height and elevation	8
E. Conclusions regarding volume and height	9
4. Do the applicant's revised plans meet ordinance conditions and standards for a COA using the variance process?	10
5. Conformity of the old Edgewater Hotel to restoration standards	14
6. Clarification of MHHD boundaries	15
7. Why the Mansion Hill Historic District was created	16
8. The city-wide importance of Historic District Ordinances	19
9. Conclusion: Upholding the Historic District Ordinance	21
Attachment A: A Selection of Misleading, Inaccurate and Irrelevant Information in the Applicant's Submittal	22
Attachment B: Compatibility of the Proposed Edgewater Addition with the Mansion Hill Historic District	25

## 1. Overview of the Issues

The applicant is requesting a Certificate of Appropriateness (COA) for the proposal or in the alternative a Variance from the criteria for a COA if the standards of the Landmarks Ordinance cannot be met. There are three main questions before you.

1. Regarding the *new tower* - Do the applicant's revised plans for the new Edgewater tower sufficiently satisfy ordinance criteria for a Certificate of Appropriateness using the criteria for new construction?
2. Do the applicant's revised plans meet the criteria to allow a variance to be granted?
3. There are two questions regarding conformity of the old Edgewater Hotel with restoration standards.
  - a. Do the applicant's revised plans meet the standard mandated by the Plan Commission when it approved the PUD-GDP-SIP on March 23, 2010, namely, the restoration standards used by the Secretary of the Interior for National Register properties as determined by a review of Wisconsin Historical Society's State Historic Preservation Officer? These are the same requirements articulated in the motions made in November by the Landmarks Commission.
  - b. Should the Commission accept the Planning Division staff recommendation that this national standard be abandoned, that the Landmarks Ordinance section *33.19(10)(d) Regulation of Construction, Reconstruction, Exterior Alteration and Demolition* be used instead, and that all final approvals for the rehabilitation of the historic hotel be delegated to Planning Division staff?

## 2. What has changed from the November 2009 proposal?

- After all of the changes made by the developer in response to comments from reviewing bodies, the tower has become more massive!
- A careful assessment of the new plans shows that **the new hotel tower is 6 feet longer, a foot and a half wider and 10 feet taller than the prior proposal.** (When you reviewed the project in November 2009, the tower stood 10 stories above the plaza level; now it stands 11 stories above the plaza.)
- The tower now stands closer to the lake.
- The two floors of the podium building are still set directly along Wisconsin Avenue right of way and have not moved.
- While there now is a step back from the right of way beginning at floor three (measured from the plaza level), it is only 13-15' from the Wisconsin Ave. right of way. ( As a comparison the NGL building, which is about half the size of the proposed tower, was required to be set back about 66 feet from the ROW in order to be approved for construction, and this was BEFORE the landmarks ordinance went into effect. )
- The canopy feature at the corner of the café now sticks out *into* the Wisconsin Avenue right of way by 5.5 feet creating an obstruction within the view corridor
- The new parking garage includes an entry structure which is situated directly on the property line along the Wisconsin Ave. right of way.

### 3. Do the applicant's revised plans meet ordinance criteria for a COA based on new construction?

As the Staff Report notes there are five ordinance criteria which must be met to issue a COA. The proposal would appear to meet four of these criteria. It is criterion #1 which the proposal clearly fails to meet.

During your review of the November submission, nearly everyone agreed that the new tower failed to conform to criterion #1. That criterion is still the central issue for the tower's compliance. The ordinance language for criterion #1 is very clear:

**33.19 (10)(e)1. "The gross volume of any new structure shall be *visually compatible with the buildings and environment with which it is visually related.*"**

A. **Volume means volume.** The applicant fails to grasp the definition of "volume" with their six 'metrics' none of which are three dimensional.

(1) City Attorney May in an opinion dated December 4, 2009 said "In applying the language of the [landmarks] ordinance, the Council is to give the words their ordinary and common sense meaning." He proceeded to consult the dictionary in defining terms in the ordinance.

(2) Here's how *The American Heritage Dictionary of the American Language* defines "volume:"  
"The amount of space occupied by a three-dimensional object... expressed in cubic units."

(3) Here are the definitions that the applicant tells us we should use for *volume*:

1. Floor area ratio
2. Height
3. Spatial relationship
4. Balancing visual impact/benefits of new volume to volume removed
5. Ratio of square footage to surrounding properties
6. Massing relationship between building

Conspicuously missing is the ordinary dictionary definition of volume that the ordinance requires!

Inexplicably, the developer spends 11 of 79 pages in his new application, 13% of its total, explaining six irrelevant "metrics."

There is just one definition that will satisfy the Landmarks Commission ordinance and that is "volume" in the ordinary dictionary meaning of that term. Therefore, no other measure can be used.

- B. **Volume calculations for buildings within the Mansion Hill Historic District (MHHD).** We have carefully calculated the volume of all buildings in the MHHD and the new tower.
- A. Using on-line assessor's data supplemented by exhaustive measurements, John Martens determined the volume and height of *every building in the MHHD*. We present these findings on volume here and will present the findings on height below. The studies yielded an extremely valuable data base that will allow you to determine conclusively whether the new tower complies with Mansion Hill criteria. A copy of the information can be found in Attachment A, "Compatibility of the Proposed Edgewater Addition with the Mansion Hill Historic District".
- B. The average volume of *all* structures in MHHD is 91,600 cubic feet.
- C. If you remove the large non-conforming buildings that were constructed before the MHHD ordinance went into effect, the average building volume drops to 77,900 cubic feet.
- (1) **Volume calculation for the new Edgewater tower.** The volume of the new Edgewater tower is 1,456,600 cubic feet. This comes from the recent Staff Report.
- (2) **Volume calculation comparison between the new Edgewater tower and the average of all other buildings in the MHHD.** The proposed hotel tower is more than 16 times the size of the average of all buildings in the MHHD. ( $1,456,600 / 91,600 = 15.9$ )
- (3) **Volume calculation between the new Edgewater tower and contributing buildings in the visually related area.** The proposed hotel tower is 2.5 to 38 times larger than the contributing buildings within the visually related area and a third larger than the noncontributing intrusion, NGL.

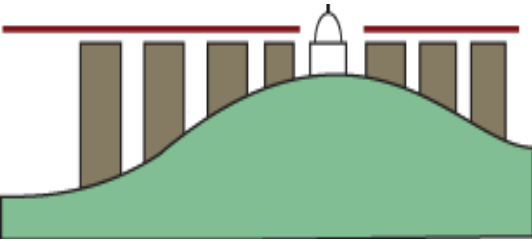
The proposed Edgewater Hotel tower is a massive architectural intrusion that is **NOT** *visually compatible with the buildings in its visually related area*. Therefore, the Certificate of Appropriateness COA must be denied.

- C. **Criterion #1 also states that the gross volume of the proposed building must be "visually compatible with the environment with which it is related."**
- The proposed new Edgewater tower looms far above the landscape of the surrounding streets. Because of its height and mass, the tower would even be toweringly visible from the Capitol Square.
  - From the lake the development would appear hard and huge. It is incompatible with the soft shore line. The development has also moved closer to the lake since the last time you saw the plan. Thousands of people use Lake Mendota over the course of the boating season and during the winter many walk on the ice of the lake and view the shore. The view from the lake of the tower being proposed by the applicant would be a visual assault in its environmental context. The development is out-of-scale, out-of-character, inappropriate and visually incompatible with both the shoreline from the lake and the lakefront buildings in this historic district.

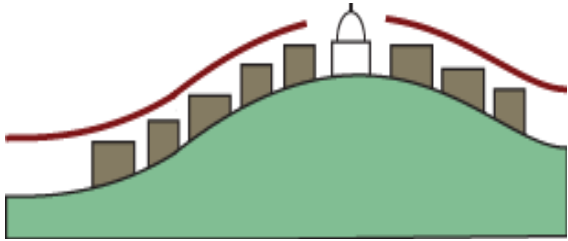
- The relationship with the environment called for in the Comprehensive Plan and the relationship with the environment that would make the tower more compatible with the MH historic district is represented in the Comprehensive Plan with the following illustration. To fit the compatibility criteria in relation to the environment and to reach the clearly stated objective of the Comprehensive Plan, the Edgewater tower would need to be significantly reduced in height.

**Objective 50:** Create a visually striking and dramatic Isthmus skyline, while at the same time protecting views of the Capitol.

**Policy 2:** Establish building height standards for the Downtown/Isthmus area that will result in a skyline that reflects and emphasizes the natural topography, with taller buildings on the high ground and lower buildings toward the lakeshores. Vol. II page 2-44



*Skyline effect resulting from establishing maximum building heights relative to the base of the Capitol dome.*



*Skyline effect resulting from establishing maximum building heights relative to the natural topography of the Isthmus.*

**D. Confusion between height and elevation**

While the ordinance criteria do not refer to height there has been considerable discussion regarding the height of the proposed buildings and those within the MHHD.

The applicant has consistently confused the terms height and elevation in their presentations and documents.

Elevation is the distance from a fixed reference point to a particular element of the building. In Madison we establish the elevation of buildings in reference to lake level.

Height is the distance from a fixed point at the base of the building to a particular element of the building. Typically height is measured from the sidewalk adjacent to the entry of the building to the uppermost portion of the building. (Often small mechanical penthouses which are not readily visible from the street are not used to calculate height.)

In the applicant’s submittal to the Landmarks Commission the comparisons of the ‘heights of buildings’ is actually using elevations not heights. For the proposed hotel tower and the 1940’s building these elevations are not even to the upper most point of the building. The height of a building as viewed by a



pedestrian informs their sense of the relationships between buildings. As such it informs a sense of the compatibility of a new proposal within the context of the existing neighborhood.

- If we look at the *height* of the proposed tower it is 113' from the front door at the auto court. Or 123' in height at the plaza level. The tallest contributing building in the visually related area is Kennedy Manor at 65' in height. The other 4 buildings in the visually related area are 30-37' tall. The NGL building is 79' in height.
- The height of the proposed tower is 44-83' *taller* than the buildings within the visually related area.
- Using the same Assessor's database we carefully determined the height of all buildings in the MHHD. Here is what we learned:
  - The average height of *all* buildings in MHHD is 2.75 stories
  - The average height of *all* buildings *without* the non-contributing structures built before the MHHD went into effect is 2.64 stories

As historian Joe De Rose of the Wisconsin Historical Society noted on April 26, 2010 at a meeting of the Landmarks Commission: "If the neighborhood is mainly 2-storey, you don't want a 4 -storey building." And "If something out of character intrudes, it often leads to the gradual destruction of district character."

#### **E. Conclusions regarding volume and height**

1. Using the average volume and average height of all buildings in MHHD, this neighborhood is undeniably residential in scale. The proposed hotel tower is more than 16 times the volume and more than 4 times the height of the average of all buildings within the historic district.

2. The proposed Edgewater Hotel tower is a massive architectural intrusion that *is NOT visually compatible with the buildings in its visually related area*. Therefore the Certificate of Appropriateness (COA) must be denied. You reached this determination on November 30, and now that the building is even larger, it cannot possibly comply with criterion #1.

#### 4. Do the applicant's revised plans meet ordinance conditions and standards for a variance?

Here is the ordinance language that governs your decision:

*Section 33.19(15), Variances*

Authority. The Landmarks Commission may vary the criteria for review of additions, exterior alterations or repairs for designated landmarks, landmark sites and improvements in any Historic District and 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.

The variance procedure and standards are designed to prevent undue hardships caused by application of the strict letter of the regulations of this chapter and to encourage and promote improved aesthetic design by allowing for greater freedom, imagination and flexibility in the alteration of existing buildings and the construction of new buildings within an Historic District while ensuring substantial compliance with the basic intent of the ordinance.

The variance ordinance only allows the Commission to vary the COA criteria if very specific threshold requirements (known to lawyers as "condition precedents") can be satisfied. More specifically, the ordinance says that the Commission may grant a variance "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."

This requires that the Commission find *as a fact* that the proposed project is visually compatible with the historic character of ALL buildings directly affected by the project and, furthermore, of ALL buildings within the visually related area.

If the Commission does not find that the project meets this condition precedent, then it not only *need* not go further, but it *cannot* go further. Without this finding of fact, the Commission has no authority to continue to review the project as a variance.

The facts clearly show that the tower *cannot* be construed to be "visually compatible with the historic character of all buildings in the MHHD or of all buildings in the visually related area." That is because, as noted in Section 3, the Edgewater tower is so grossly out of scale with other buildings within the district and within the 200 foot radius.

In the event that the Commission decides to review the variance language further, the Standards section reads as follows:

*Section 33.19(15)(c)*

Standards. The Landmarks Commission shall not vary the regulations of this ordinance unless it makes findings of fact based upon the evidence presented to it in each specific case that one or more of the following conditions is present:

1. The particular physical characteristics of the specific building or site involved would result in a substantial hardship upon the owner as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out, provided that the alleged difficulty or hardship is created by this ordinance and has not been created by any person presently having an interest in the property.

Note the term “shall not vary...unless,” meaning that the Landmarks Commission must make a finding of fact that one or more of those standards is met. In the review of the previous design the owners claimed that they met standard 1, their hardship being the deteriorated condition of the existing Edgewater Hotel Building. But the standard goes on to stipulate that the hardship cannot have been “created by any person presently having an interest in the property.” The current owners have owned the hotel building for decades and have allowed it to deteriorate. City ordinances require all property owners to maintain their buildings in good repair. Clearly the physical condition of the building has been self-created. The hotel on the site serves its purpose quite well. The developer just wants a larger and newer building. If he cannot have it, that “hardship” was created by his desire only and not by City ordinances. What the applicant wants to call “hardship” is nothing more than ordinary project conditions—what all other developers accept as givens.

Going back to the other two conditions, they are:

*Section 33.19(15)(c)*

2. In the case of the alteration of an existing building, the proposed design would incorporate materials, details, or other elements not permitted by the ordinance but which can be documented by photographs, architectural or archaeological research or other suitable evidence to have been used on other buildings of a similar vintage and style in the Historic District in which the building is located, provided that the project will not destroy significant architectural features on the building.

Note that section 2 does not pertain in this case because the applicant has not presented any documentation to demonstrate that any elements have been used on other buildings of similar vintage and style.

*Section 33.19(15)(c)*

3. In the case of new construction, the proposed design incorporates materials, details, setbacks, massing or other elements that are not permitted by the ordinance but which would enhance the quality of the design for the new building or structure, provided that said new building or structure

otherwise complies with the criteria for new construction in the Historic District in which the building or structure is proposed to be located and provided further that it would also have a beneficial effect on the historic character of the visually related area.

It would take a great stretch of the imagination to find that a new building that cannot meet the gross volume standard in the Mansion Hill historic district “would have a beneficial effect on the historic character of the visually related area.”

The proposed project does not meet **any** of the three listed parameters, nor does the applicant address them directly.

The Commission’s authority to grant a variance is severely limited by the ordinance. Those limits are found in the following section.

*Section 33.19(15)(d)*

(d) Authorized Variances. Variances shall be granted by the Landmarks Commission only in accordance with the standards set forth in (13)(c) [sic] above, and may be granted only in the following instances:

1. To permit residing with a material or in a manner not permitted under this chapter.
2. To 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.
3. To allow materials and/or architectural details used in an alteration or addition to differ in texture, appearance and design from those used in the original construction of the existing building.
4. To permit the alteration of a roof shape otherwise prohibited under this chapter.
5. To permit the use of roofing materials otherwise prohibited under this chapter.
6. To allow use of materials for new construction which use would be otherwise prohibited under Sec. 33.19(12)(f)1.b.

The applicant contends that Variance 2 could be used, because the project is an addition to the old hotel. The applicant has referred to the project as both an addition and new construction, depending upon what review process is being undertaken. Typically the Landmarks Commission has used building permit requirements to determine if the project is new or old. No doubt the new hotel will be subject to building codes for new construction. Even if Variance 2 could be found relevant, the first sentence in the authorized variances section refers back to the standard that the project be visually compatible with the historic character of the district. (Note: Two more historic districts have been designated since the variance procedure was adopted, changing the numbering system in the ordinance. In drafting the changes for the districts, the city attorney’s office missed correcting this reference – it should read “15(c).”)

**Conclusion regarding variance**

The variance ordinance discusses undue hardship and the desire to enable greater freedom in design, and sets standards for evaluating proposals and granting variances. These are useful and important elements

allowing the Commission to grant variances to avoid locking the city's historic districts into more of the same, but the Commission must first determine that the proposal is visually compatible. Then and only then is it able to exercise flexibility in the granting of a variance, whether it be a variance for materials or design elements. Any variance granted, however **cannot** be a variance from visual compatibility. The Commission cannot grant a variance to a fundamental condition precedent. Without the finding of fact that the proposed project will be visually compatible with the historic character of all buildings directly affected by the proposal and of all buildings within the visually related area, then the Commission has no authority to evaluate hardship or to apply standards. It must deny the request.

## 5. Conformity of the old Edgewater Hotel to restoration standards

- A. *Do the applicant's revised plans meet the standard mandated by the Plan Commission when it approved the PUD-GDP-SIP on March 23, 2010, namely, the restoration standards used by the Secretary of the Interior for National Register properties as determined by a review of Wisconsin Historical Society's State Historic Preservation Officer?*

While the question of meeting Secretary of Interior Standards is not directly related to the Commission's decision on issuing a COA, the Plan Commission's condition has brought this to the Landmarks Commission. In addition the motions of this body in November included the requirement that "the rehabilitation of the 1940's hotel tower [be] according to the Secretary of Interior Standards for Historic Rehabilitation..."

Whether the changes to the 1940's building are labeled rehabilitation, renovation or remodeling the changes are certainly *not* restoration. As James Draeger, Wisconsin's Deputy Historic Preservation Officer is quoted in Brad Murphy's memo, there are several aspects of the work that would make meeting these standards problematic. Given this body's responsibility for protecting the historic resources in historic districts, requiring that the repairs and changes to the historic Edgewater hotel be compliant with the Secretary of Interior Standards for Historic Rehabilitation would certainly be consistent with your charge.

To the extent that the applicant poses the rehabilitation of the 1940's building as a trade off for allowing the size of the proposed hotel tower it is clear that the Landmarks Ordinance does not provide for any such trade off.

- B. *Should the Commission accept the Planning Division staff recommendation that this national standard be abandoned, that the Landmarks Ordinance section 33.19(10)(d) Regulation of Construction, Reconstruction, Exterior Alteration and Demolition be used instead, and that all final approvals for the rehabilitation of the historic hotel be delegated to Planning Division staff?*

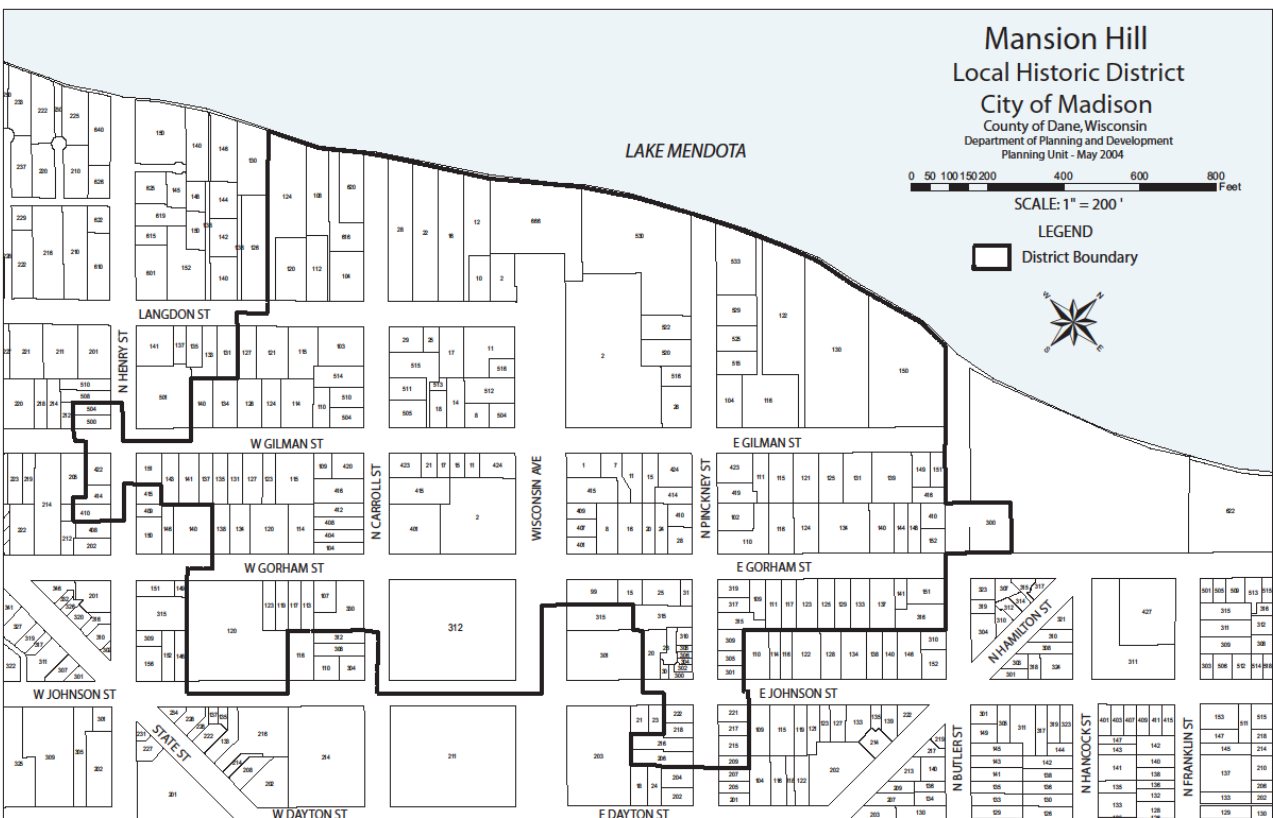
The developer places great emphasis on his plan to "restore" the glorious old Edgewater, but he apparently has no interest doing this, at least if we use the word "restore" in its preservation context. No one who proposes to restore an outstanding Art Moderne building would add a new top story done in the Bauhaus glass box style. Such an intrusion would make the new top story to the Inn on the Park look like an architectural gem.

Staff says in their report that such additions are "consistent with the objectives and design criteria contained within 'The Mansion Hill Historic Preservation Plan and Development Handbook'". However, that document requires that "In all matters regarding the issuance of Certificates of Appropriateness the Landmarks Commission shall act to work in the best interests of the existing structures in the Historic District." In terms of restoration of a historic building, the Secretary of Interior Standards for Historic Rehabilitation is clearly the benchmark for acting "in the best interests of" and "existing structure." While, staff says, it is not "essential for all of the alternations to comply with the Secretary of the Interior standards," if not those standards, then what standards and what process would be more likely to truly "restore" the Edgewater?

## 6. Clarification of Mansion Hill Historic District boundaries

In the applicant's submittal two areas with similar names but significantly different boundaries are used interchangeably in a confusing manner. The Mansion Hill Historic District was created in 1976 by City ordinance and comprises the area shown in the map below. The Mansion Hill District of Capitol Neighborhoods is a portion of the City recognized neighborhood association for the area surrounding the Capitol Square. As such the Mansion Hill District of Capitol Neighborhoods includes areas not within the Historic District including portions of the business area of the square and portions of State Street. For consideration of the proposal before you it is the Mansion Hill Historic District which is relevant.

The developer attempts to use this confusion to show that large buildings are consistent with what he calls a diverse pattern of development, but if they are outside the MHHD, they cannot be used.



It is crystal clear that the massive tower being proposed by this developer is what the ordinance was designed to prevent. See section 7 for further information on this point.

Bottom line: To adhere to the stewardship intended by, indeed required by the ordinance, a COA for the proposed Edgewater Tower must be denied.

## 7. Why the Mansion Hill Historic District was created

Mansion Hill became Madison's first historic district in 1976, but many do not understand that a significant intent was to prevent intrusions such as NGL (1963), Verex (1973), Haase Towers (1950), CHT Apartments (1965), Highlander Apartments (1968), and the Lakeshore Apartments (1950) from destroying the neighborhood scale. Indeed, the integrity of the Historic District depends on NOT allowing any additional out-of-scale intrusions. Perversely, the developer uses these intrusions to justify another exception and to claim that the neighborhood has been composed of such diverse, mixed use buildings for nearly 100 years!

In spite of abundant evidence that the MHHD was set up to prevent large intrusionary buildings, many have not seen this evidence. Examples of those who doubt this fundamental purpose of the district's creation include a member of the Landmarks Commission who said the Mansion Hill historic district was established to discourage demolition, not to regulate new construction. A member of the Urban Design Commission, who was on the Landmarks Commission at the time of the creation of the Mansion Hill historic district, said that concerns about recent incompatible new construction in the district were not a factor in the establishment of the district. Both are wrong. Here are several authoritative sources that demonstrate this:

From the Madison city website: "Mansion Hill contains the greatest concentration of intact Victorian houses remaining in Madison, many of which were the homes of Madison's pioneer movers-and-shakers. *In the 1950s, '60s and '70s several of the finest old houses in Mansion Hill were demolished to make way for anonymous apartment buildings and two large insurance companies. Fearful of further erosion of the residential character of this historic neighborhood, residents petitioned the City to designate Mansion Hill as an historic district.*" [emphasis added]

The approved minutes of the Landmarks Commissions' public hearing on November 17, 1975 summarize Mr. Neckar's (preservation planner at the time) presentation - the Secretary

....stated the importance of protecting the entire fabric of the district from incompatible development... to that end he described the three major controls of the historic district: review of wrecking permit applications, review of alterations to existing buildings, and review of new construction. He placed considerable emphasis on the design standards for new construction.

Whitney Gould wrote "Mansion Hill Rescue Planned," in the *Capital Times* on Nov. 18, 1975, which said:

The CMI Investment Corp. headquarters, a massive, L-shaped slab of glass and steel, rises defiantly from the foot of Gilman Street beside the old Governor's Mansion, an elegant little Italianate building constructed of native sandstone in 1854-1855 which served as home to 17 Wisconsin governors. A boxy apartment complex nudges it from the west. Just up the street, at the corner of Gilman and Wisconsin Avenue, another glass monolith – the



National Guardian Life Insurance Co. – stands in stark contrast to its neighbor, the historic (1858) Keenan House, with its arched windows, mansard roof and gingerbread embellishments. The collision of these two pairs of opposites symbolizes what is happening to the Mansion Hill area north of the square.

The article goes on to say that:

Proposed new construction, also subject to review by the Landmarks Commission, would have to be compatible with the scale, width, height, texture, window and door treatment and structural rhythm of neighboring buildings.... The district plan will offer assurance to other owners of historic property that the same thing [“erecting boxy apartment buildings next to old houses”] won’t happen to them.

Two images accompany the article, a photo of the National Guardian Life Insurance building and the Keenan house next door, and a photo of the Old Governor’s Mansion the caption of which said “all but overwhelmed by the huge CMI Investment Corp. building” next door.

Reporting on the unanimous vote by the Common Council establishing the Mansion Hill Historic District, the *Capital Times* on June 18, 1976 (“Mansion Hill Is First Historic District”) stated that

The impetus for the district plan was the spread of high-rise apartment buildings and office structures into an area which Lance Neckar, preservation planner for the city, terms “far and away the most historically significant neighborhood we have left in Madison from the 19<sup>th</sup> century.” By putting controls on the kind of changes which can take place there, the city is also helping to “preserve a viable residential neighborhood downtown,” Neckar said.

On June 20, 1976 the *Wisconsin State Journal* printed “Council creates historic district”. It noted:

The City Council unanimously Tuesday night created the city’s first historic district, a downtown area with restrictions to development and building alterations to preserve its historic and residential character....

The commission will determine whether new developments are compatible with the older buildings, in gross volume, height and width proportions and street elevation before approving construction. The district will be the first such historic district in the state. Its formation comes after several years of research and public hearings conducted by the landmarks commission. “The two major intrusions that have really sparked the commission to action” Neckar said were the construction of the futuristic looking CMI Investment Corp. and the National Guardian Life Insurance buildings on a sandstone studded block of E. Gilman Street.

The Mansion Hill Plan, itself, adopted by the Council along with the Mansion Hill historic district ordinance states “there has been considerable adverse impact to the district resulting from recent non-residential development” (p. 17). And that the Landmarks Commission “shall act to work in the

best interests of the existing structures in the Historic District and in cooperation with the applicant in developing sympathetic and original new structures” (p. 18).

These quotations from the time of establishment of the district make it clear that the intention of designating the area as an historic district were to protect the historic buildings, to preserve the residential character of this downtown neighborhood and to halt further out-of-scale intrusions into the district.

## **8. The city-wide importance of Historic District ordinances**

The Madison ordinance is based on the best and toughest ordinance in the country: New York City. It still is a good ordinance.

- There is no question as to the constitutionality of the ordinance.
- Subjectivity is an inherent part of this ordinance, of all landmarks ordinances, indeed of ALL ordinances of ALL commissions. That is why we have commissions composed of experts—to make informed interpretations of the ordinance.
- Since the Mansion Hill Historic District was established there have not been any developments that have failed to comply with the ordinance.
- Since the Mansion Hill Historic District was established there have not been any developments that have requested a variance. Indeed the variance ordinance addresses more minor kinds of things and was promulgated AFTER most of the other historic district ordinances were put in place. Those ordinances have detailed requirements dealing with such things as siding materials, roof shapes, etc. The variance ordinance was put in place to provide relief from those kinds of requirements in special circumstances. The variance ordinance does not, was never intended, to apply to the basic tenant of historic districts...visual compatibility as represented by size and mass.
- The Mansion Hill Historic District has welcomed developments which adhere to the historic district ordinance including the recent development by Scott Lewis on Dayton Street and the Methodist Church development on Johnson Street. Another development done since the passage of the Mansion Hill Historic District ordinance is the Quisling Clinic development. This too adheres to the Historic District ordinance as well as the height limits in the underlying Historic District zoning.
- There is an expectation that both the backyard of the NGL building and the parking lot of the Bethel Church, among other sites, will be developed as recognized in the neighborhood plan. It is critical that the ordinance be followed for the Edgewater, as it has been followed in the past, to prevent others from expecting that they too, based on the Edgewater precedent, will be able to flout the ordinance.
- Given that the intent of the Historic District ordinance is to protect the Historic Districts, judgment which is applied should be exercised in the way that would have the most likelihood of protecting the Historic Districts for now and for future proposals.
- Many Madisonians think the Edgewater project is a Mansion Hill neighborhood issue. Nothing could be farther from the truth. The Edgewater redevelopment is a city-wide issue. The decisions made

regarding this proposal will impact the City's other Historic Districts. What the Common Council and its commissions do to the Mansion Hill neighborhood, they can do to all other neighborhoods.

- For example, if you live in a typical neighborhood, the maximum height limit is 35 feet. How would you feel if your neighbor applied for a permit to build a 70 foot tall house? That is exactly what the applicant and their proponents want to do.

## 9. Conclusion: Upholding the Landmarks Ordinance

- How many of our local ordinances will have to be swept aside before someone says: This isn't right? Zoning height laws have been changed, neighborhood use zoning parameters have been swept aside, set-back requirements and prohibitions against subsidizing development at the street end of Wisconsin Avenue have been repealed, clear conditional use laws have been ignored, comprehensive plan height limitations are being trampled ... all in the interests of putting an out-of-scale luxury hotel in the heart of Madison's oldest historic district.
- It is detrimental to the heritage of our city, detrimental to our neighborhoods, and detrimental to the integrity of our processes to have no predictability as to whether laws will actually be followed, to know that laws will simply be repealed or changed when big money comes to the table. It destroys citizen confidence in our city to find that the laws only apply to the little guy.
- Our landmarks ordinance has worked well for 40 years as has the Mansion Hill District for 34 years. Developers, a long-time city preservation officer, and landmarks commissioners have all understood the intent of the law and have not pushed to contort it past all recognition.
- The Landmarks Commission followed the ordinances in November 2009. *This proposal is now bigger and taller than before.* It remains on the right-of-way. Past precedent is that intrusions are not included when considering the visually related area. And even if NGL is included, the huge tower is still massively out of scale.
- The average house in the MHHD is 2.71 stories. The Edgewater tower is 11 stories from the front door lobby level.
- The average volume of all structures in MHHD is 91,600 cubic feet. This number drops to 77,900 cubic feet if just contributing buildings are used. Staff calculated the volume of the new Edgewater tower to be 1,456,600 cubic feet.

**These statistics and many others make one conclusion clear: The new tower is wildly out of scale with structures in the MHHD and therefore this project cannot be granted a COA by any standard.**

## Attachment A

### A Selection of Misleading, Inaccurate and Irrelevant Information in Developer Submittal

(Packet submittal date April 19, 2010)

Packet page	Misleading, inaccurate or irrelevant information
Overview – p. 1	The developer’s letter talks about differences in <i>heights of buildings</i> but is actually using <i>elevations of the roof parapets</i> for this comparison. The height of Kennedy Manor is 64’ above the Wisconsin Ave. sidewalk. The new Edgewater hotel tower is 103’ above the Langdon Street sidewalk and 113’ from the front door/lobby entrance on Wisconsin Ave. The NGL building is 79’ in height. (See comments on Section 6 p. 6 for more details.)
Overview – p. 2	The developer suggests that this proposal is the only path to historic preservation in MH. This is simply not true. The developer’s reference to TIF funds for other historic restorations is false based on prior TIF submittals. This proposal can’t pay for itself let alone fund other work.
Site context -Sect. 2; p. 1	Twelve of the 16 photos included are not of buildings in the MH historic district; of the 4 that do show buildings that are in the MH historic district 2 do not fit the criteria of contributing
District overview-Sect. 2; p. 5	The developer confuses the boundaries of the MH historic district with the boundaries of the MH district of Capitol Neighborhoods (CNI). The MH historic district is only 14% nonresidential --not as the developer states here--55% nonresidential. The MH district of CNI, but not the MH historic district, includes portions of State Street and the Capitol Square. Also note: Whether housing is rental or owner occupied is not a relevant criterion in determining protection of the historic district.
Site context - MH Historic District Sect. 2; p. 6	Eight of 22 photos depict either buildings the ordinance was passed to prevent or buildings not in the MH <i>historic</i> district. Also, although the heading suggests that the MH historic district is diverse, the photos depict only large buildings.
Site context Sect. 2; p. 8	The developer says that large scale buildings in the historic district are acceptable because some have already been built there. However 4 of 6 buildings depicted in the photos are egregious intrusions, which the ordinance was passed to prevent, and one of the large buildings is not in the MH historic district.
Site context Sect. 2; p. 9 and p. 10	Photographs again show buildings not in the MH historic district and highlight buildings that are intrusions which the ordinance was passed to prevent (e.g. the Verex building and the NGL building).
Design Overview Sect. 3 p. 2	Residential units have never been confirmed by the applicant to be part of the proposal. The residential units continue to be referred to as a “possible” component. On the currently submitted plans these areas are labeled as “Guest Suites”.
Visually Related Area Sect. 5 p. 1	The elevations used for the 1940’s building and the new hotel tower are the roof parapets and do not include the substantial penthouses above these parapets. The penthouse elevation of the 1940s building is 117’/1”. The penthouse elevation of the new hotel tower is 168’/7”.

<p>Visually Related Area Sect. 5 p. 2</p>	<p>Again <i>elevation measures</i> are used when talking about building <i>heights</i>. Building heights are what matter in terms of visual impact and the most commonly used measure when assessing visual impact. NGL is actually 79' tall—34' lower than the proposed hotel (measured from the front door lobby level)—<b>not</b> "Equal to Height of Project" as stated by applicant.</p>
<p>Landmarks Ordinance-Criteria #1 Sect. 6; p. 4</p>	<ul style="list-style-type: none"> <li>• Floor area ratio (FAR) is the total floor area of a building divided by the parcel size. It is NOT a measure of mass and is, therefore, irrelevant.</li> <li>• <i>Height</i> is the distance from the base of a building to the top. It is not <i>elevation</i> nor is it a measure of gross volume.</li> <li>• Nothing in the ordinance justifies or supports building something visually incompatible in trade for doing something else that may be considered beneficial.</li> <li>• The ratio of square footage of one property to surrounding properties is not a relevant comparison of gross volume and does not insight as to visual compatibility</li> <li>• For all other criteria – width to height of the facade, width to height of windows and doors, solids to voids, - the applicant's descriptions are clear. But in trying to compare "gross volume" the applicant uses 6 different metrics, none of which fit the standard definition of volume = height x width x length.</li> </ul>
<p>Landmarks Ordinance-Criteria #1-FAR Sect. 6; p. 5</p>	<p>Irrelevant.</p>
<p>Landmarks Ordinance-Criteria #1-Building height Sect. 6; p. 6</p>	<ul style="list-style-type: none"> <li>• Irrelevant</li> <li>• The developer says he is showing <i>height</i> of buildings. He says the height of the proposed tower is the same as that of NGL and 22' taller than Kennedy Manor. This is untrue. The developer is again showing <i>elevations</i>, not <i>heights</i>. Although height may be relevant to the visual impact of a building within the context of a historic district, the elevation is not. The visual impact is informed by <i>height</i> as perceived by a person standing in the general vicinity of the building.</li> <li>• The new tower is planned to be about <i>double</i> the height of Kennedy Manor and is approximately triple the height of the other four contributing buildings in the visually related area.</li> </ul>
<p>Landmarks Ordinance-Criteria #1 Sect. 6; p. 7-8</p>	<p>Irrelevant. The developer implies here and elsewhere in the document that the tower is compliant with the comprehensive plan. <i>Most relevantly, the tower does not comply with the height strictures in the plan.</i> For the Mansion Hill sub district the Comprehensive Plan designated height indicates compliance with underlying zoning which on this parcel is 50'. The Langdon sub district (in which the 1940s Edgewater building resides) allows for buildings 2-8 stories with the tallest building in the State Street transition area. The Edgewater tower location is not in the State Street transition area and would stand on the northeastern most edge of the Langdon sub district. The new parcel added to the project from NGL land sits even farther toward the northeast.</p>

<p>Landmarks Ordinance-Criteria #1 Sect. 6; p. 10</p>	<p>Irrelevant. The developer implies that the vacant land to the east will remain vacant even though NGL made it clear it intends to develop that part of their land. That parcel is residentially zoned and remains subject to a 50' height limit.</p>
<p>Landmarks Ordinance-Criteria #1 Sect. 6; p. 11-12</p>	<p>Irrelevant. The developer implies there is an ordinance provision for trading inappropriate gross volume of the massive new tower with removal of the inappropriate 1970s addition. There is no such allowance or trade-off available under the ordinance.</p>
<p>Landmarks Ordinance-Criteria #1 Sect. 6; p. 13 and 14</p>	<p>Irrelevant. Square footage is not a measure of gross volume nor does it capture visual impact.</p>
<p>Landmarks Ordinance-Criteria #1 Sect. 6; page mis-numbered as 3. It falls between Sect. 6 p. 13 and 14.</p>	<p>Diversity in scale among contributing buildings in the MH historic district minimal particularly when compared with the difference in scale between the massive proposed new Edgewater tower and the buildings contributing to the character and environment of the MH historic district.</p>
<p>Landmarks Ordinance – Variance Sect. 7 p. 5</p>	<p>The developer’s graph shows that the Edgewater spent \$2 million in 1997-1998 for renovations. If this is in fact the case there was no City building permit obtained for the work. Edgewater permits in that time frame include roof repairs (\$75,850) and parking ramp repairs (\$800,000)—for a total of \$875,850—less than half what is claimed here. A review of building permits between 1971 and 2007 further shows that the Concourse Hotel, for example, has spent <i>7 times as much</i> on their facility as the Edgewater did during that period. Since 1998 the City permit file shows that Edgewater owners did work only on mechanical systems, mainly the replacement of some HVAC equipment.</p>
<p>Landmarks Ordinance – Variance Sect. 7 p. 6</p>	<p>A variance may be allowed if the Landmarks Ordinance itself creates a significant hardship. None of the 6 items noted here is the result of the Landmarks Ordinance. Especially important are the following issues: The applicant cites the preservation of the Wisconsin Ave. right of way view corridor as a constraint at the same time that their plans infringe on the right of way. As the applicant’s own consultant notes (quoted in this section), the deterioration of the condition of the building is the result of “inconsistent maintenance and refurbishment programs”. The later clearly being a hardship created by a person with interest in the property and not the Landmarks Ordinance.</p>



**Compatibility of the Proposed Edgewater Addition with the Mansion Hill Historic District**  
**Compiled by John D. Martens**

Dictionary definitions for “compatibility” refer to relationships that are “consistent” and “harmonious”. In order to judge whether the proposed Edgewater hotel edition is consistent and harmonious with its Visually Related Area or with the Mansion Hill Historic District in general, a factual understanding of the district must first be established. In order to do this, a database of buildings in the district has been compiled from City of Madison Assessor records, Planning Department records, aerial photographs, and field measurements and observations. (See Appendix A.)

The district consists of 178 properties, of which 3 are zoned OR, 3 are zoned PUDSIP, and 172 are zoned R6H; 11 buildings are Madison Landmarks and 23 buildings are "noncontributing". (See Map #1.)

City records also show that of buildings with known date of origin, the earliest two were built in 1847; 60% are over 100 years old, and 83% were built before 1930. (See Appendix B and Chart #1.)

Currently the tallest building is the original Edgewater Hotel with nine stories; 86% of the district consists of buildings three-stories or less, 10% of the buildings are 3½ to 5 stories, and less than 4% exceed five-stories. (See Appendix C and Chart #2.)

Of the 178 listed properties, 85% are residential, 5% are parking, 4% are offices, and the remainders are church, hotel, undeveloped, etc. (See Appendix D.)

The current proposed Edgewater hotel edition is wider, longer, and taller; has more square footage and volume, and is closer to both Lake Mendota and to Langdon Street than the previous version that was rejected by the Landmarks Commission because of its mass. Considering its full 14 stories, it is more than five times the height of the average building in the Mansion Hill Historic District (See Drawing #1.)

Considering the volume of the proposed edition, the new construction *above grade only* would be *20 times* the volume of the average of buildings in the district. The total volume of all proposed new construction *above and below grade* would be *25 times* the volume of the average of buildings in the district. In its final form, the proposed hotel complex would be *38 times* the volume of the average of buildings in the district. Lastly, the proposed hotel complex alone would represent *23% of the total volume of all of the buildings in the Mansion Hill Historic District* (See Appendix E.)

The Mansion Hill Historic District was created because of large-scale intrusions in the 1960's and 1970's, anomalies to the district that are now considered "noncontributing". Traditionally, and for obvious reasons, the Landmarks Commission has disregarded these noncontributing structures in compatibility decisions. The above calculations were made including those noncontributing structures. If the district is considered with *only the contributing structures*, the above incompatibility ratios each would each increase by between 13 and 30%. For example, the total volume of the proposed new hotel complex **alone** would

contain 30% (not 23%) of the total volume of **all** the conforming buildings in the entire Mansion Hill Historic District. (See Appendices F and G.)

Given the actual volumetric data of these buildings, it is conclusive that the proposed Edgewater Hotel addition is neither harmonious nor consistent with the rest of the Mansion Hill Historic District.

# A - Mansion Hill Historic District - All Data

Street	Address	Stories	Use	Built	CF	Notes:
<b>Butler, N.</b>						
	316	6	apartment	1966	173,280	
	410	2.5	apartment	1910	28,080	
	416	3	apt/rooms	1905	51,840	
<b>Carroll, N.</b>						
	330	3	apartment	1937	288,000	
	401	2	office	1863	60,000	Stevens House - Madison Landmark
	404	2	apartment	1878	24,720	
	408	2	apartment	1878	25,820	
	412	2	apartment	1918	23,140	
	415	2.5	single family	1922	62,840	
	416-418	2.5	apartment	1914	95,625	
	420	2.5	apartment	1871	27,410	Mears House - Madison Landmark
	423	2.5	single family	1853	30,580	
	504	2.5	apartment	1915	35,340	
	505	7	apartment	1965	25,920	also 22 W Gilman
	510	2	single family	1858	33,040	Van Slyke House - Madison Landmark
	511	2	other	1858	48,000	Alanon
	513	0	parking	-	0	
	514	2	frat/sor	1911	58,500	Beecroft House - Madison Landmark
	515	2	apartment	1872	42,990	
	616	7	apartment	1962	423,500	
	620	6	apartment	1955	362,880	
<b>Gilman, E.</b>						
	001	5	apartment	1937	187,500	Quisling Towers Apartments - Madison Landmark
	002	5	office	1963	955,200	NGL also 525 Wisconsin; VRA
	007	2.5	apartment	1904	37,510	
	011	2.5	apartment	1879	45,830	
	015	2.5	apartment	1910	56,580	
	028	3	apt/rooms	1856	112,320	Keenan House - Madison Landmark
	104	3	apartment	1855	50,400	Kendall House - Madison Landmark
	111	2	apartment	1927	25,700	
	115	2	apartment	1859	60,000	
	116	6	apartment	1950	352,000	
	121	2.5	apartment	1888	90,000	
	122	6	apartment	1950	375,000	
	125	2.5	hotel	1883	37,470	Gilman Street Rag B&B
	130	2	single family	1856	81,000	Knapp House Old Governor House - Madison Landmark

Street	Address	Stories	Use	Built	CF	Notes:
	133-1&2	1	condo	1878	14,650	on map & list as 131
	139	0	parking		0	
	149	2.5	apartment	1908	41,750	
	150	5	office	1973	1,125,000	Verex
	151	3	apartment	1912	63,900	
<b>Gilman, W.</b>						
	008	2	apartment	1886	46,200	on map as 110
	011	2	apartment	1886	20,910	
	014	2	apartment	1882	19,880	
	015	2.5	apartment	1890	33,980	
	017	2.5	rooms	1912	37,500	
	018	2	apartment	1882	26,960	
	021	2	apartment	1889	22,420	
	109	3.5	apartment	1912	58,800	
	110	2	apartment	1915	42,030	
	114	3	apartment	1856	107,250	White House
	115-121	3.5	dorm	1968	133,875	on map as 111 (The Elms)
	123	2	single family	1886	19,390	
	124	2	apartment	1874	22,940	
	127	2.5	rooms	1896	75,000	
	128	2	apartment	1884	45,270	
	131	2	apartment	1897	22,600	
	134	3	apartment	1883	61,100	also marked 136
	135	2	apartment	1882	28,730	
	137	2.5	apartment	1906	35,500	
	140	2.5	coop	1896	85,000	International Coop
	141	3	apartment	1913	90,000	
	143	3	apartment	1922	94,500	on map as 145 (Wahl)
	151	3	apartment	1912	53,040	
<b>Gorham, E.</b>						
	009	3	apartment	1988	148,500	on map as 99
	010	4	apartment	1916	135,000	on map as 8
	012-016	3	apartment	1955	199,920	Clinic
	015	3	apartment	1928	56,700	
	020	2	apartment	1890	21,280	
	024	2	apartment	1891	20,790	
	025-1	3	condo	1888	49,920	one of 2 bldgs
	025-2	2	condo	1888	28,800	one of 2 bldgs
	028	2	apt/office	-	33,600	
	031	2	apartment	1850	27,000	
	102	2	coop	1853	60,000	Keyes House - Madison Landmark
	104-110	0	other		0	historic garden

Street	Address	Stories	Use	Built	CF	Notes:
	109	2	apartment	1911	23,810	
	111	3	apartment	1916	57,090	
	114-116	3	apartment	1863	180,000	Brown House - Madison Landmark
	117	3	apartment	1915	55,470	
	123	2	apartment	1852	21,600	
	124	2.5	apartment	-	52,000	carriage house
	125	3	apartment	1901	35,610	
	129	2	apartment	1877	27,840	
	133	2.5	apartment	1877	36,220	
	134	2	apt/rooms	-	70,000	
	137	3	apartment	1893	37,920	
	140	2	apartment	1851	24,280	
	141	2.5	apartment	1902	39,930	
	144	3	apartment	1913	54,300	also marked 146
	148	3	apartment	1901	54,300	
	151	2	office	1877	48,000	
	152	2	apartment	1863	19,990	
	300	2	other	1863	23,520	Gates of Heaven - Madison Landmark, National Register

#### Gorham, W.

	002	5	apartment	1885	318,750	Quisling
	104	2.5	single family	1923	30,880	
	107	2	apartment	1876	50,400	
	113	2	other		26,880	
	114-116	2	apartment	1853	28,960	Bowen/Bartlett House
	117	2.5	apartment	1896	26,580	
	119	2.5	apartment	1897	29,360	
	120	2.5	apt/office	1885	73,500	Wootton-Mead House - Madison Landmark
	123	2.5	single family	1847	43,560	
	134	3	apt/rooms	1897	63,000	
	138	2.5	rooms	1897	50,000	Rockdale co-op

#### Henry, N.

	410	2	single family	1881	21,240	
	414	2.5	apartment	1892	35,270	
	422	2.5	condo	1876	36,800	Braley House - Madison Landmark
	500	2.5	apartment	1902	43,370	
	504	2.5	apartment	1882	30,130	

#### Johnson, E.

	020	0	parking	1882	0	
	028	0	parking		0	
	030	2.5	single family	1987	14,360	

#### Johnson, W.

Street	Address	Stories	Use	Built	CF	Notes:
	120-1	3.5	church		284,200	Holy Redeemer School
	120-2	4	church		220,800	Holy Redeemer Church - Madison Landmark
<b>Langdon</b>						
	001	5	apartment	1929	561,200	on map as 111; VRA
	002	3	apartment	1857	206,900	VRA
	010	2.5	apartment	1900	86,790	VRA
	012	3	apt/rooms	1924	95,490	VRA
	016	2	frat/sor	1927	90,000	Phi Gamma Delta House - Madison Landmark
	017	0	parking		0	
	022	3.5	apartment	1972	315,000	
	025	3	condo	1910	29,950	
	028	3	frat/sor	1905	181,500	Brown House - Madison Landmark
	029	2.5	apartment	1874	53,590	
	103	3	frat/sor	1926	175,500	
	104	3	apartment	1878	90,750	
	108	3	frat/sor	1924	96,000	
	112	4	frat/sor	1966	89,600	5' frontage 108
	115	3.5	frat/sor	1925	112,000	
	120	3	frat/sor	1874	135,000	
	121	3	apartment	1886	59,060	Suhr House - Madison Landmark
	124	4	frat/sor	1962	126,000	
	127	2	apartment	1892	24,580	
<b>Pinkney, N.</b>						
	206	2	apartment	1881	31,200	not on assessor list
	209	0	parking		0	
	214	3	apartment		63,000	on map as 216
	215	2	apartment	1864	32,780	Bird House
	217	2	apartment	1890	21,880	
	218	2	single family	1879	21,170	
	221	2	apartment	1892	30,150	
	222	2	apartment	1847	35,680	
	300	2	single family	1987	17,000	
	301	2.5	apartment	1895	38,220	
	302	2	single family	1987	12,260	
	304	2	single family	1987	11,640	
	305	2.5	apartment	1894	28,410	
	306	2.5	single family	1987	14,090	
	308	2.5	single family	1987	13,730	
	309	2.5	apartment	1909	33,040	
	310	2	single family	1987	25,160	
	315	2	apartment	1887	28,070	
	317	2	single family	1929	19,940	

Street	Address	Stories	Use	Built	CF	Notes:
	319	2.5	apartment	1887	32,000	
	410	2	apartment	1932	34,660	
	414	3	apartment	1900	57,750	
	419	3.5	apartment	1939	102,375	
	423	2	apt/rooms	1856	75,000	Bashford House - Madison Landmark
	424	2	hotel	1857	55,000	McDonnell/Pierce House - Madison Landmark (Trek)
	515	2.5	apartment	1912	34,900	
	516	2	single family	1931	23,760	
	520	2.5	apartment	1903	44,470	
	522	5	apartment	1925	211,200	Ambassador Apartments
	525	0	parking		0	
	529	3	apartment	1908	84,000	
	530	0	parking		0	
	531-533	4	condo	1985	154,710	on map as 533
<b>Wisconsin Ave.</b>						
	312	3	church	1940	900,000	Steensland House - Madison Landmark (same as 315 N Carroll)
	312	3	other		68,400	
	314-315	0	parking	1928	0	lot behind Heibing
	401	2	office	1907	52,000	
	407	3	rooms	1894	66,000	
	409	2.5	apartment	1899	40,420	
	415	5	apartment	1960	170,000	
	424	2	apartment	1870	49,000	
	504	3	apartment	1897	44,580	
	512	2.5	apartment	1877	62,800	
	516	2	apartment	1896	42,640	VRA
	666	9	hotel		0	NOT IN CALCULATIONS
	<b># of Properties: 178</b>			<b>Total CF: 15,299,615</b>		<b>Average CF: 85,953</b>

# B - Buildings with Known Year of Construction

Total buildings listed here: 161

Year	Address	Stories	Use	Year	Address	Stories	Use
<b>1847</b> (2)	123 Gorham, W.	2.5	single family	<b>1874</b> (3)	124 Gilman, W.	2	apartment
	222 Pinkney, N.	2	apartment		029 Langdon	2.5	apartment
<b>1850</b> (1)					120 Langdon	3	frat/sor
	031 Gorham, E.	2	apartment	<b>1876</b> (2)			
<b>1851</b> (1)					107 Gorham, W.	2	apartment
	140 Gorham, E.	2	apartment		422 Henry, N.	2.5	condo
<b>1852</b> (1)				<b>1877</b> (4)			
	123 Gorham, E.	2	apartment		129 Gorham, E.	2	apartment
<b>1853</b> (3)					133 Gorham, E.	2.5	apartment
	423 Carroll, N.	2.5	single family		151 Gorham, E.	2	office
	102 Gorham, E.	2	coop		512 Wisconsin Ave	2.5	apartment
	114-116 Gorham, W.	2	apartment	<b>1878</b> (4)			
<b>1855</b> (1)					404 Carroll, N.	2	apartment
	104 Gilman, E.	3	apartment		408 Carroll, N.	2	apartment
<b>1856</b> (4)					133-1&2 Gilman, E.	1	condo
	028 Gilman, E.	3	apt/rooms		104 Langdon	3	apartment
	130 Gilman, E.	2	single family	<b>1879</b> (2)			
	114 Gilman, W.	3	apartment		011 Gilman, E.	2.5	apartment
	423 Pinkney, N.	2	apt/rooms		218 Pinkney, N.	2	single family
<b>1857</b> (2)				<b>1881</b> (2)			
	002 Langdon	3	apartment		410 Henry, N.	2	single family
	424 Pinkney, N.	2	hotel		206 Pinkney, N.	2	apartment
<b>1858</b> (2)				<b>1882</b> (5)			
	510 Carroll, N.	2	single family		014 Gilman, W.	2	apartment
	511 Carroll, N.	2	other		018 Gilman, W.	2	apartment
<b>1859</b> (1)					135 Gilman, W.	2	apartment
	115 Gilman, E.	2	apartment		504 Henry, N.	2.5	apartment
<b>1863</b> (4)					020 Johnson, E.	0	parking
	401 Carroll, N.	2	office	<b>1883</b> (2)			
	114-116 Gorham, E.	3	apartment		125 Gilman, E.	2.5	hotel
	152 Gorham, E.	2	apartment		134 Gilman, W.	3	apartment
	300 Gorham, E.	2	other	<b>1884</b> (1)			
<b>1864</b> (1)					128 Gilman, W.	2	apartment
	215 Pinkney, N.	2	apartment	<b>1885</b> (2)			
<b>1870</b> (1)					002 Gorham, W.	5	apartment
	424 Wisconsin Ave	2	apartment		120 Gorham, W.	2.5	apt/office
<b>1871</b> (1)				<b>1886</b> (4)			
	420 Carroll, N.	2.5	apartment		008 Gilman, W.	2	apartment
<b>1872</b> (1)					011 Gilman, W.	2	apartment
	515 Carroll, N.	2	apartment		123 Gilman, W.	2	single family
					121 Langdon	3	apartment



Year	Address	Stories	Use	Year	Address	Stories	Use
<b>1887</b>	(2)			<b>1902</b>	(2)		
	315 Pinkney, N.	2	apartment		141 Gorham, E.	2.5	apartment
	319 Pinkney, N.	2.5	apartment		500 Henry, N.	2.5	apartment
<b>1888</b>	(3)			<b>1903</b>	(1)		
	121 Gilman, E.	2.5	apartment		520 Pinkney, N.	2.5	apartment
	025-1 Gorham, E.	3	condo	<b>1904</b>	(1)		
	025-2 Gorham, E.	2	condo		007 Gilman, E.	2.5	apartment
<b>1889</b>	(1)			<b>1905</b>	(2)		
	021 Gilman, W.	2	apartment		416 Butler, N.	3	apt/rooms
<b>1890</b>	(3)				028 Langdon	3	frat/sor
	015 Gilman, W.	2.5	apartment	<b>1906</b>	(1)		
	020 Gorham, E.	2	apartment		137 Gilman, W.	2.5	apartment
	217 Pinkney, N.	2	apartment	<b>1907</b>	(1)		
<b>1891</b>	(1)				401 Wisconsin Ave	2	office
	024 Gorham, E.	2	apartment	<b>1908</b>	(2)		
<b>1892</b>	(3)				149 Gilman, E.	2.5	apartment
	414 Henry, N.	2.5	apartment		529 Pinkney, N.	3	apartment
	127 Langdon	2	apartment	<b>1909</b>	(1)		
	221 Pinkney, N.	2	apartment		309 Pinkney, N.	2.5	apartment
<b>1893</b>	(1)			<b>1910</b>	(3)		
	137 Gorham, E.	3	apartment		410 Butler, N.	2.5	apartment
<b>1894</b>	(2)				015 Gilman, E.	2.5	apartment
	305 Pinkney, N.	2.5	apartment		025 Langdon	3	condo
	407 Wisconsin Ave	3	rooms	<b>1911</b>	(2)		
<b>1895</b>	(1)				514 Carroll, N.	2	frat/sor
	301 Pinkney, N.	2.5	apartment		109 Gorham, E.	2	apartment
<b>1896</b>	(4)			<b>1912</b>	(5)		
	127 Gilman, W.	2.5	rooms		151 Gilman, E.	3	apartment
	140 Gilman, W.	2.5	coop		017 Gilman, W.	2.5	rooms
	117 Gorham, W.	2.5	apartment		109 Gilman, W.	3.5	apartment
	516 Wisconsin Ave	2	apartment		151 Gilman, W.	3	apartment
<b>1897</b>	(5)				515 Pinkney, N.	2.5	apartment
	131 Gilman, W.	2	apartment	<b>1913</b>	(2)		
	119 Gorham, W.	2.5	apartment		141 Gilman, W.	3	apartment
	134 Gorham, W.	3	apt/rooms		144 Gorham, E.	3	apartment
	138 Gorham, W.	2.5	rooms	<b>1914</b>	(1)		
	504 Wisconsin Ave	3	apartment		416-418 Carroll, N.	2.5	apartment
<b>1899</b>	(1)			<b>1915</b>	(3)		
	409 Wisconsin Ave	2.5	apartment		504 Carroll, N.	2.5	apartment
<b>1900</b>	(2)				110 Gilman, W.	2	apartment
	010 Langdon	2.5	apartment		117 Gorham, E.	3	apartment
	414 Pinkney, N.	3	apartment	<b>1916</b>	(2)		
<b>1901</b>	(2)				010 Gorham, E.	4	apartment
	125 Gorham, E.	3	apartment		111 Gorham, E.	3	apartment
	148 Gorham, E.	3	apartment	<b>1918</b>	(1)		
					412 Carroll, N.	2	apartment

Year	Address	Stories	Use	Year	Address	Stories	Use
<b>1922</b> (2)	415 Carroll, N.	2.5	single family	<b>1963</b> (1)	002 Gilman, E.	5	office
	143 Gilman, W.	3	apartment	<b>1965</b> (1)	505 Carroll, N.	7	apartment
<b>1923</b> (1)	104 Gorham, W.	2.5	single family	<b>1966</b> (2)	316 Butler, N.	6	apartment
<b>1924</b> (2)	012 Langdon	3	apt/rooms		112 Langdon	4	frat/sor
	108 Langdon	3	frat/sor	<b>1968</b> (1)	115-121 Gilman, W.	3.5	dorm
<b>1925</b> (2)	115 Langdon	3.5	frat/sor	<b>1972</b> (1)	022 Langdon	3.5	apartment
	522 Pinkney, N.	5	apartment	<b>1973</b> (1)	150 Gilman, E.	5	office
<b>1926</b> (1)	103 Langdon	3	frat/sor	<b>1985</b> (1)	531-533 Pinkney, N.	4	condo
<b>1927</b> (2)	111 Gilman, E.	2	apartment	<b>1987</b> (7)	030 Johnson, E.	2.5	single family
	016 Langdon	2	frat/sor		300 Pinkney, N.	2	single family
<b>1928</b> (2)	015 Gorham, E.	3	apartment		302 Pinkney, N.	2	single family
	314-315 Wisconsin Ave	0	parking		304 Pinkney, N.	2	single family
<b>1929</b> (2)	001 Langdon	5	apartment		306 Pinkney, N.	2.5	single family
	317 Pinkney, N.	2	single family		308 Pinkney, N.	2.5	single family
<b>1931</b> (1)	516 Pinkney, N.	2	single family		310 Pinkney, N.	2	single family
<b>1932</b> (1)	410 Pinkney, N.	2	apartment	<b>1988</b> (1)	009 Gorham, E.	3	apartment
<b>1937</b> (2)	330 Carroll, N.	3	apartment				
	001 Gilman, E.	5	apartment				
<b>1939</b> (1)	419 Pinkney, N.	3.5	apartment				
<b>1940</b> (1)	312 Wisconsin Ave	3	church				
<b>1950</b> (2)	116 Gilman, E.	6	apartment				
	122 Gilman, E.	6	apartment				
<b>1955</b> (2)	620 Carroll, N.	6	apartment				
	012-016 Gorham, E.	3	apartment				
<b>1960</b> (1)	415 Wisconsin Ave	5	apartment				
<b>1962</b> (2)	616 Carroll, N.	7	apartment				
	124 Langdon	4	frat/sor				

# C - Summary of Building Height - All Mansion Hill Properties

<b><u>0 Stories</u></b>	<b># of Properties: 10</b> Total Volume: 0	<b>% of Total Properties</b> % of Total Volume	<b>5.62%</b> 0.00%
<b><u>1 Stories</u></b>	<b># of Properties: (1)</b> Total Volume: 14,650	<b>% of Total Properties</b> % of Total Volume	<b>0.56%</b> 0.10%
<b><u>2 Stories</u></b>	<b># of Properties: 61</b> Total Volume: 2,111,800	<b>% of Total Properties</b> % of Total Volume	<b>34.27%</b> 13.80%
<b><u>2.5 Stories</u></b>	<b># of Properties: 43</b> Total Volume: 1,880,415	<b>% of Total Properties</b> % of Total Volume	<b>24.16%</b> 12.29%
<b><u>3 Stories</u></b>	<b># of Properties: 38</b> Total Volume: 4,318,960	<b>% of Total Properties</b> % of Total Volume	<b>21.35%</b> 28.23%
<b><u>3.5 Stories</u></b>	<b># of Properties: (6)</b> Total Volume: 1,006,250	<b>% of Total Properties</b> % of Total Volume	<b>3.37%</b> 6.58%
<b><u>4 Stories</u></b>	<b># of Properties: (5)</b> Total Volume: 726,110	<b>% of Total Properties</b> % of Total Volume	<b>2.81%</b> 4.75%
<b><u>5 Stories</u></b>	<b># of Properties: (7)</b> Total Volume: 3,528,850	<b>% of Total Properties</b> % of Total Volume	<b>3.93%</b> 23.06%
<b><u>6 Stories</u></b>	<b># of Properties: (4)</b> Total Volume: 1,263,160	<b>% of Total Properties</b> % of Total Volume	<b>2.25%</b> 8.26%
<b><u>7 Stories</u></b>	<b># of Properties: (2)</b> Total Volume: 449,420	<b>% of Total Properties</b> % of Total Volume	<b>1.12%</b> 2.94%
<b><u>9 Stories</u></b>	<b># of Properties: (1)</b> Total Volume: 0	<b>% of Total Properties</b> % of Total Volume	<b>0.56%</b> 0.00%

**Total Properties: 178**    **3 stories or less: 85.96%**    **3½ to 5 stories: 10.11%**    **6 to 9 stories: 3.93%**

# D - Summary of Usage - All Mansion Hill Properties

<b><u>apartment</u></b> # of Properties: <b>105</b>	<b>% of Total Properties</b> <b>58.99%</b>
Total Volume: 8,438,450	% of Total Volume 55.15%
<b><u>apt/office</u></b> # of Properties: <b>(2)</b>	<b>% of Total Properties</b> <b>1.12%</b>
Total Volume: 107,100	% of Total Volume 0.70%
<b><u>apt/rooms</u></b> # of Properties: <b>(6)</b>	<b>% of Total Properties</b> <b>3.37%</b>
Total Volume: 467,650	% of Total Volume 3.06%
<b><u>church</u></b> # of Properties: <b>(3)</b>	<b>% of Total Properties</b> <b>1.69%</b>
Total Volume: 1,405,000	% of Total Volume 9.18%
<b><u>condo</u></b> # of Properties: <b>(6)</b>	<b>% of Total Properties</b> <b>3.37%</b>
Total Volume: 314,830	% of Total Volume 2.06%
<b><u>coop</u></b> # of Properties: <b>(2)</b>	<b>% of Total Properties</b> <b>1.12%</b>
Total Volume: 145,000	% of Total Volume 0.95%
<b><u>dorm</u></b> # of Properties: <b>(1)</b>	<b>% of Total Properties</b> <b>0.56%</b>
Total Volume: 133,875	% of Total Volume 0.88%
<b><u>frat/sor</u></b> # of Properties: <b>(9)</b>	<b>% of Total Properties</b> <b>5.06%</b>
Total Volume: 1,064,100	% of Total Volume 6.96%
<b><u>hotel</u></b> # of Properties: <b>(3)</b>	<b>% of Total Properties</b> <b>1.69%</b>
Total Volume: 92,470	% of Total Volume 0.60%
<b><u>office</u></b> # of Properties: <b>(5)</b>	<b>% of Total Properties</b> <b>2.81%</b>
Total Volume: 2,240,200	% of Total Volume 14.64%
<b><u>other</u></b> # of Properties: <b>(5)</b>	<b>% of Total Properties</b> <b>2.81%</b>
Total Volume: 166,800	% of Total Volume 1.09%
<b><u>parking</u></b> # of Properties: <b>(9)</b>	<b>% of Total Properties</b> <b>5.06%</b>
Total Volume: 0	% of Total Volume 0.00%
<b><u>rooms</u></b> # of Properties: <b>(4)</b>	<b>% of Total Properties</b> <b>2.25%</b>
Total Volume: 228,500	% of Total Volume 1.49%
<b><u>single family</u></b> # of Properties: <b>18</b>	<b>% of Total Properties</b> <b>10.11%</b>
Total Volume: 495,640	% of Total Volume 3.24%

**Total Properties: 178**

**Residential: 84.83%**

**Parking: 5.06%**

**Office: 3.93%**

**Other: 6.18%**

*Property classification as noted by City of Madison assessor records; minimal reclassification by direct observation.*

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# E - Mansion Hill Volume Analysis - All Buildings

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## DATA USED FOR THESE CALCULATIONS FROM THIS DATABASE:

# Building Addresses: 167  
Total Visible Volume All Addresses: 15,299,615 Cubic Feet  
Average Visible Volume: 91,614 Cubic Feet  
Average # of Stories: 2.75  
Total Volume of All Basements 3,769,517 Cubic Feet  
Volume of Average Basement 22,572 Cubic Feet

## DATA USED FOR THESE CALCULATIONS FROM CAD VOLUMETRIC CALCULATIONS:

(See Drawings #2, 3, 4)

Visible Volume of New Construction: 1,827,458 Cubic Feet  
Total Volume of New Construction: 2,908,235 Cubic Feet  
Total Volume of New Complex: 4,297,997 Cubic Feet

The proposed visible construction would be **20** times the visible volume of the average building in the district.

The proposed total new construction would be **25** times the total volume of the average building in the district.

The proposed new hotel complex would be **38** times the total volume of the average building in the district.

The proposed new hotel complex would equal **23%** of the total volume of all buildings in the district.

# F - Mansion Hill Noncontributing Buildings

Street	Address	Stories	Use	Built	CF	Notes:
<b>Carroll, N.</b>						
	505	7	apartment	1965	25,920	also 22 W Gilman
<b>Gilman, E.</b>						
	002	5	office	1963	955,200	NGL also 525 Wisconsin; VRA
	116	6	apartment	1950	352,000	
	122	6	apartment	1950	375,000	
	150	5	office	1973	1,125,000	Verex
<b>Gilman, W.</b>						
	115-121	3.5	dorm	1968	133,875	on map as 111 (The Elms)
<b>Gorham, E.</b>						
	009	3	apartment	1988	148,500	on map as 99
	012-016	3	apartment	1955	199,920	Clinic
	025-1	3	condo	1888	49,920	one of 2 bldgs
	025-2	2	condo	1888	28,800	one of 2 bldgs
<b>Johnson, E.</b>						
	020	0	parking	1882	0	
	028	0	parking		0	
	030	2.5	single family	1987	14,360	
<b>Pinkney, N.</b>						
	217	2	apartment	1890	21,880	
	300	2	single family	1987	17,000	
	302	2	single family	1987	12,260	
	304	2	single family	1987	11,640	
	306	2.5	single family	1987	14,090	
	308	2.5	single family	1987	13,730	
	310	2	single family	1987	25,160	
	531-533	4	condo	1985	154,710	on map as 533
<b>Wisconsin Ave.</b>						
	314-315	0	parking	1928	0	lot behind Heibing
	415	5	apartment	1960	170,000	
<b># of Buildings: 23</b>			<b>Total CF: 3,848,965</b>		<b>Average CF: 167,346</b>	

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# G - Mansion Hill Volume Analysis - Contributing Buildings Only

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## DATA USED FOR THESE CALCULATIONS FROM THIS DATABASE:

# Building Addresses:	147
Total Visible Volume All Addresses:	11,450,650 Cubic Feet
Average Visible Volume:	77,896 Cubic Feet
Average # of Stories:	2.64
Total Volume of All Basements	3,081,630 Cubic Feet
Volume of Average Basement	20,963 Cubic Feet

## DATA USED FOR THESE CALCULATIONS FROM CAD VOLUMETRIC CALCULATIONS:

(See Drawings #2, 3, 4)

Visible Volume of New Construction:	1,827,458 Cubic Fee
Total Volume of New Construction:	2,908,235 Cubic Feet
Total Volume of New Complex:	4,297,997 Cubic Fee

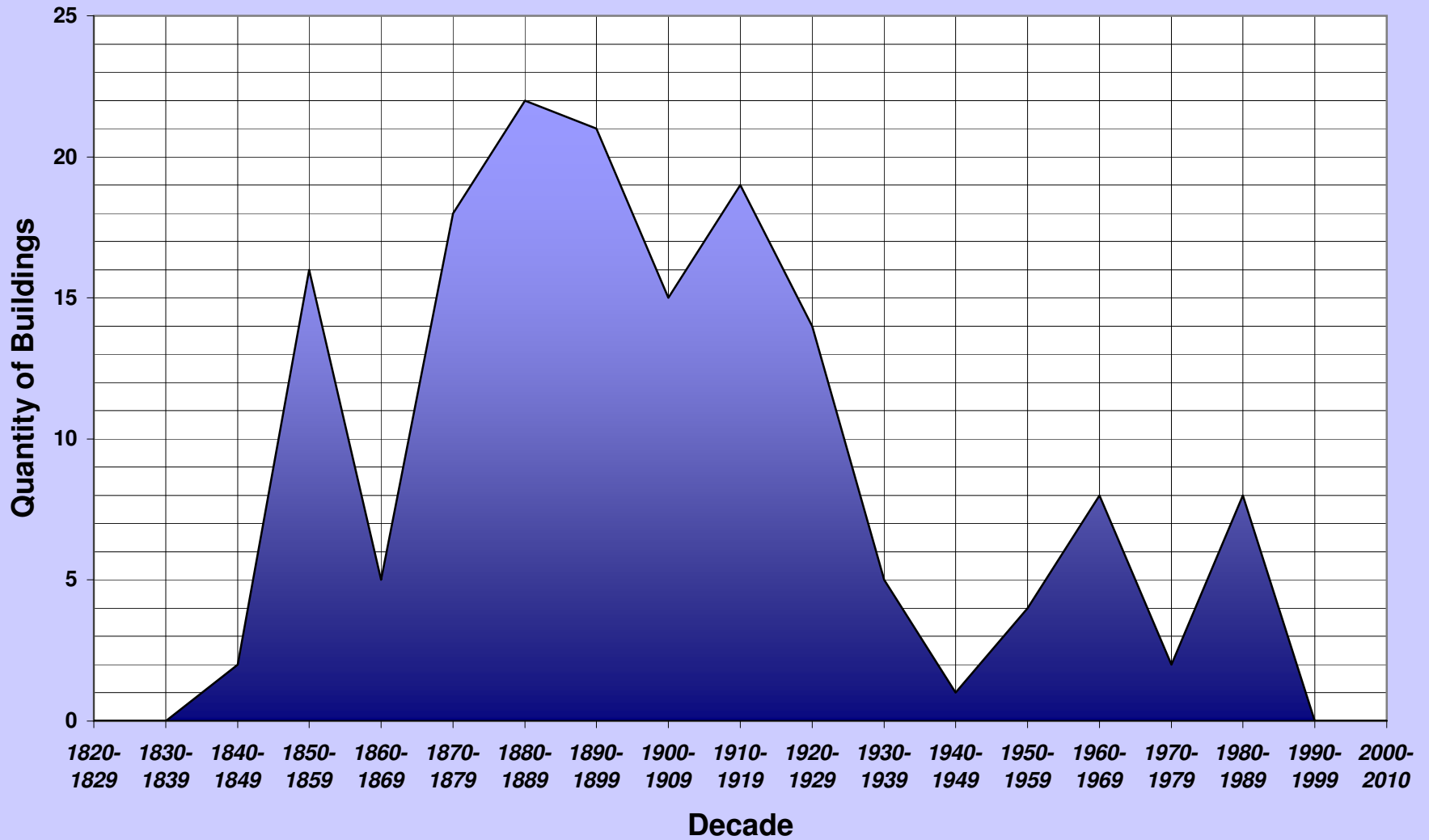
The proposed visible construction would be **23** times the visible volume of the average building in the district.

The proposed total new construction would be **29** times the total volume of the average building in the district.

The proposed new hotel complex would be **43** times the total volume of the average building in the district.

The proposed new hotel complex would equal **30%** of the total volume of all buildings in the district.

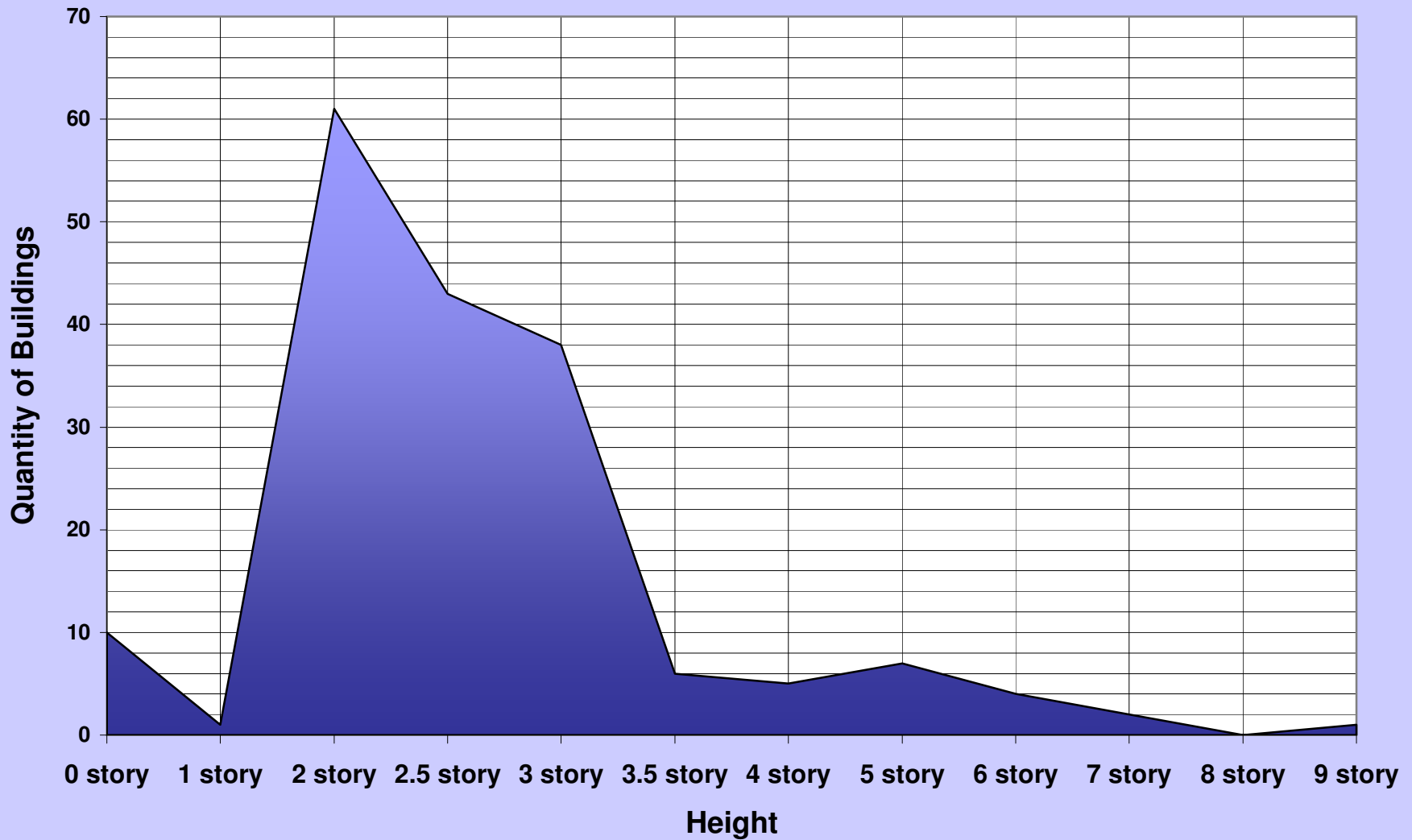
**Chart #1: Mansion Hill Historic District: Buildings per Decade**



**Chart #1**

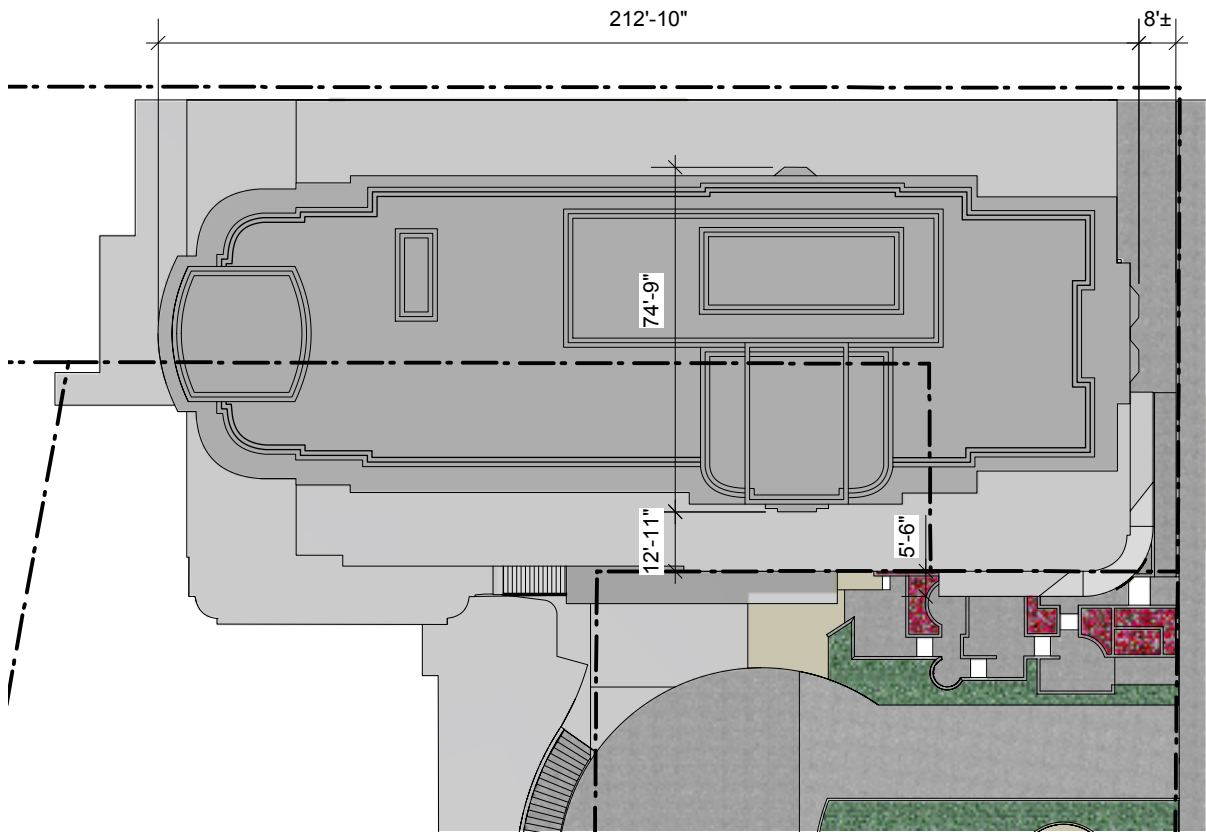


**Chart #2 : Mansion Hill Historic District: Building Quantity by Height**

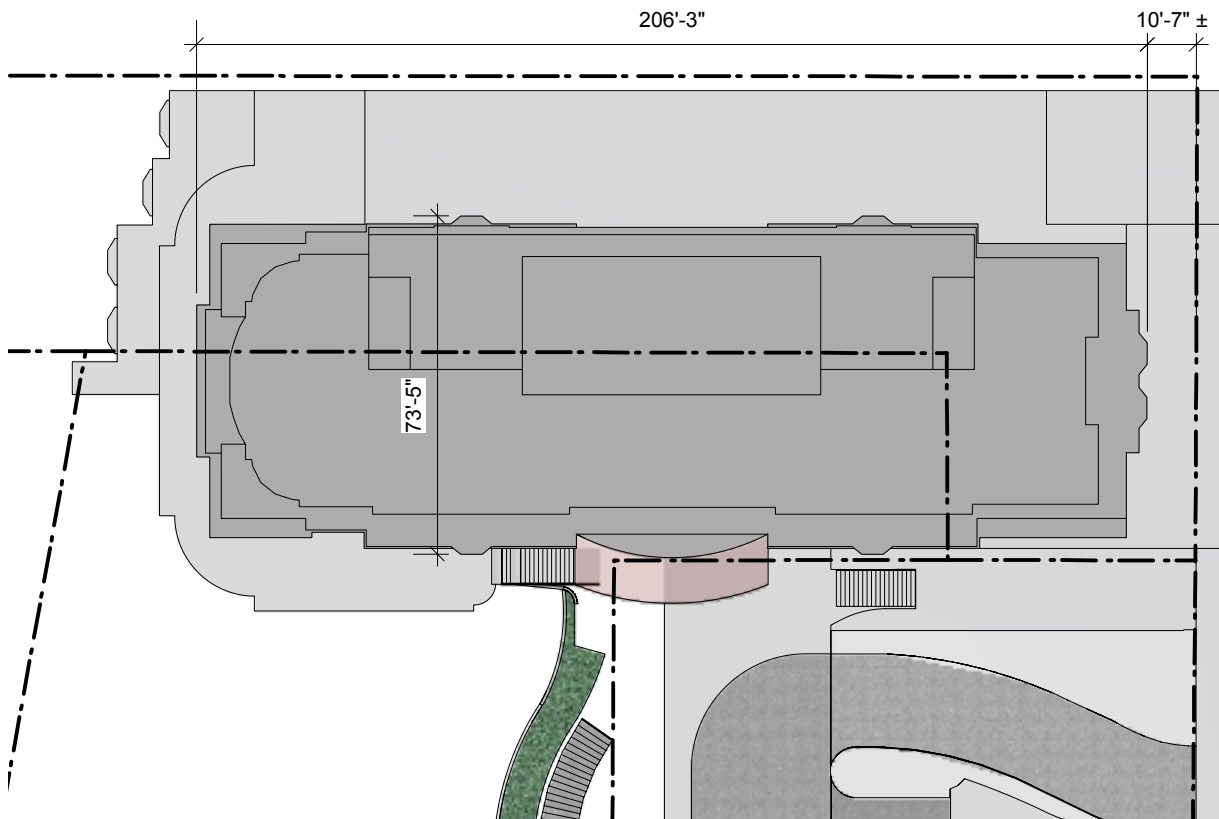


**Chart #2**

# DRAWING #1: March 2010 Proposal vs. October 2009 Proposal

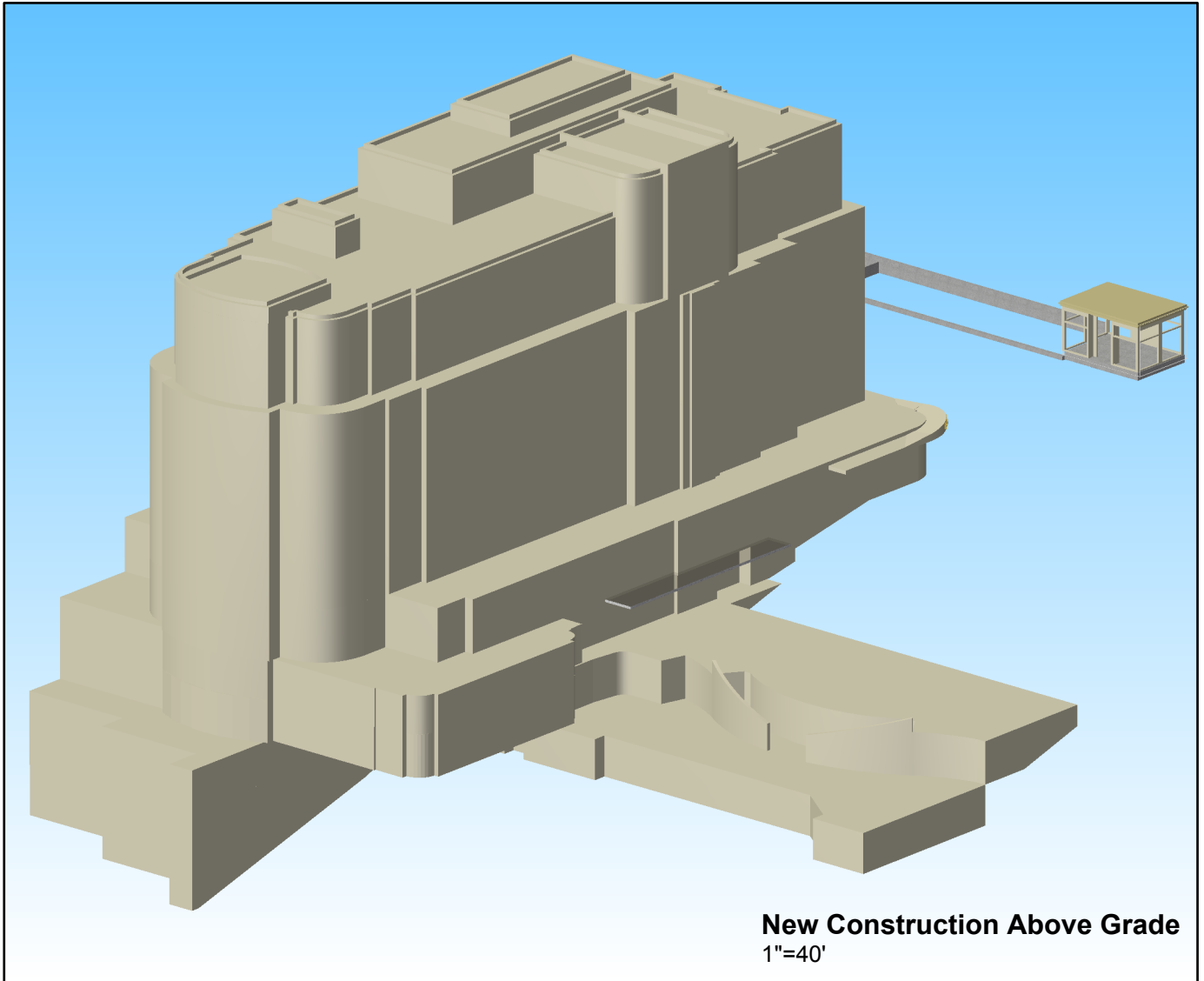


March 2010 Version



October 2009 Version

# DRAWING #2 - New Construction Above Grade



<b>New Construction Above Grade</b>	
<b>Item</b>	<b>Volume</b>
Floor 1 Langdon	273,651 cf
Floor 2	132,491 cf
Floor 3, 4, 5	397,098 cf
Floor 6	145,769 cf
Floor 7, 8	251,211 cf
LL1	176,631 cf
LL2 Plaza	194,851 cf
LL3	123,040 cf
LL4	35,415 cf
LL5-6	24,777 cf
Parking	7,524 cf
Roof	65,002 cf
<b>TOTAL ABOVE</b>	<b>1,827,458 cf</b>

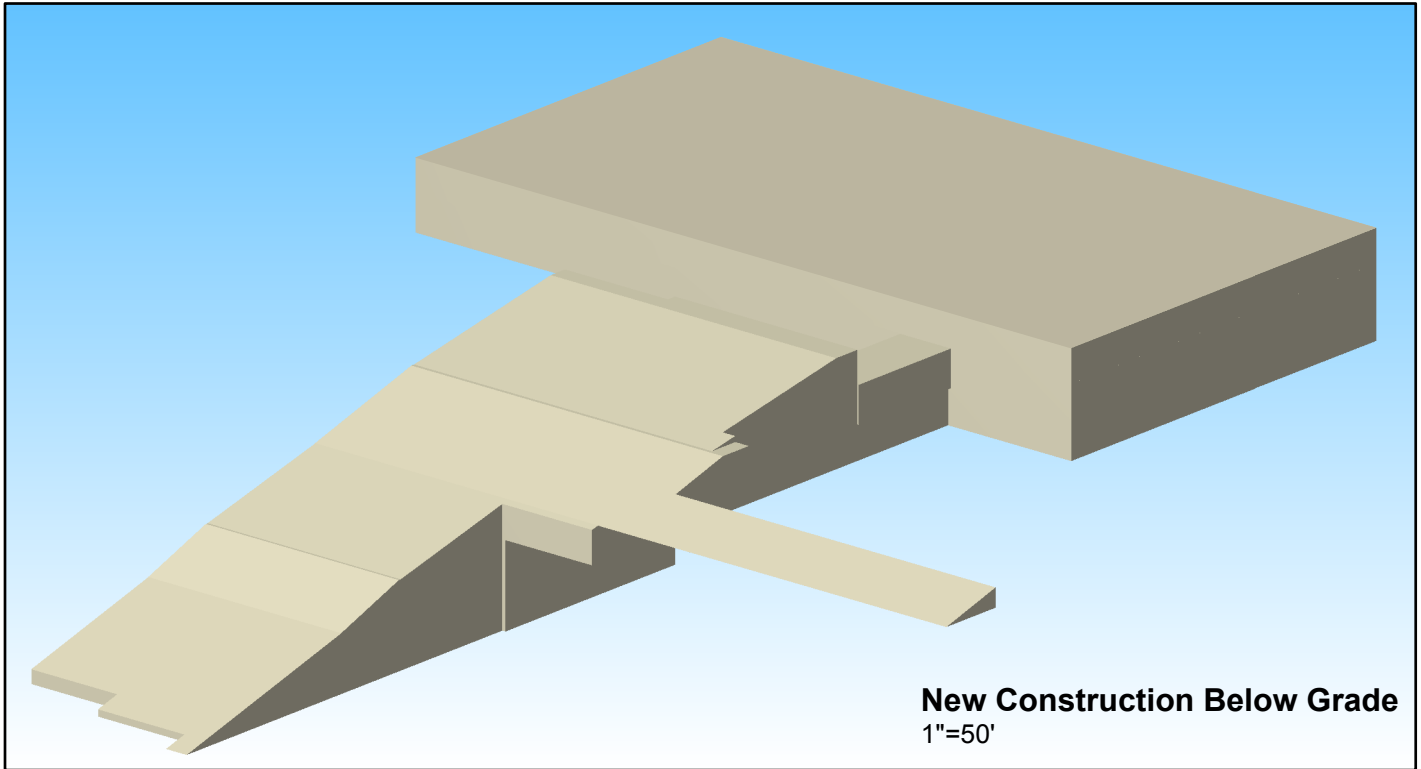
The above drawings and those on the following page were generated by importing floor plans of the Hammes Company submission of March 10, 2010 into VectorWorks 2010, and extruding floor plan polygons into the specified floor heights.

Stairways and the areas under them, as well as landscape elements are not included.

Volume below grade was deleted in the above drawing.

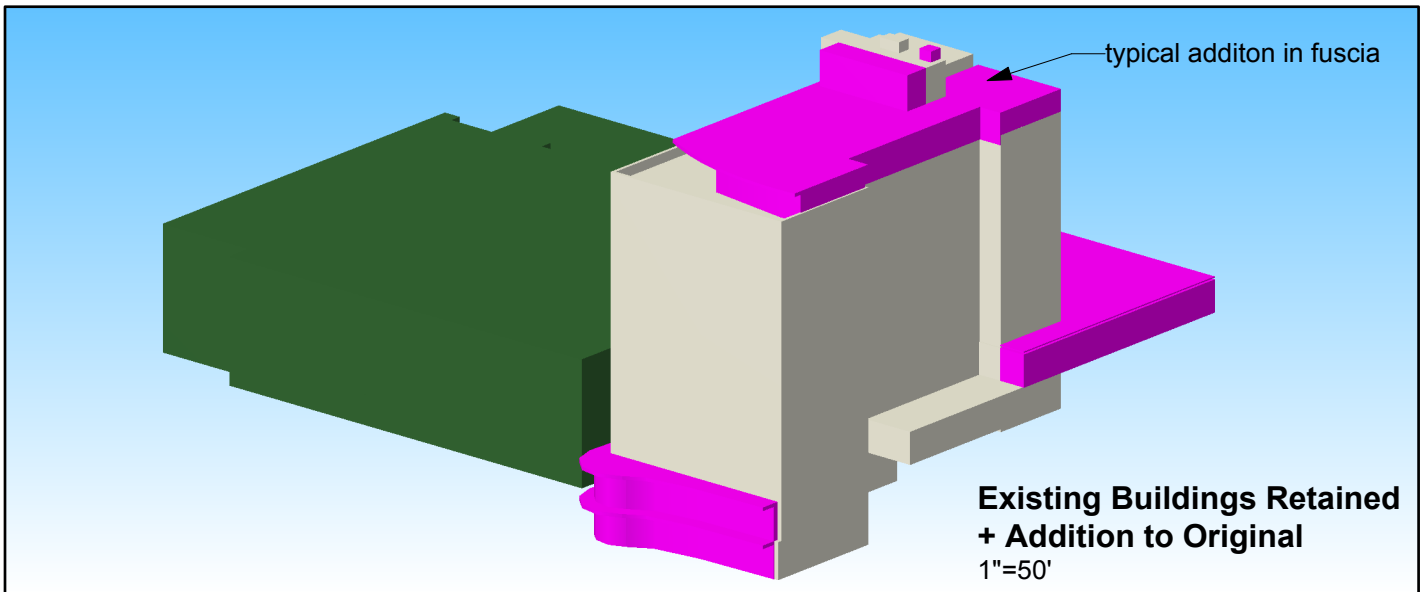
Volume calculations were made utilizing the VectorWorks volumetric tools.

# DRAWING #3 & 4 - New Constr' Below Grade; Existing Retained + New



New Construction Below Grade	
Item	Volume
LL1	269,921 cf
LL1 Below	33,532 cf
LL2 Plaza Below	401,783 cf
LL3 Below	220,860 cf
LL4 Below	59,703 cf
LL6, 5 Below	94,978 cf
<b>TOTAL BELOW</b>	<b>1,080,777 cf</b>

Existing Buildings	
Item	Volume
EW 1940 New	90,769 cf
EW 1940 Original	522,538 cf
EW1970 LL3	182,863 cf
EW1970 LL4	208,509 cf
EW1970 LL5	208,509 cf
EW1970 LL6	176,575 cf
<b>TOTAL EXIST + NEW</b>	<b>1,389,762 cf</b>



# Map #1

## Mansion Hill Local Historic District

City of Madison  
County of Dane, Wisconsin  
Department of Planning and Development  
Planning Unit - May 2004



SCALE: 1" = 200'

### LEGEND

- District Boundary
- OR
- PUDSIP
- Madison Landmark

