



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Draft LANDMARKS COMMISSION

Monday, November 30, 2009

4:45 PM

215 Martin Luther King, Jr. Blvd.
Room 300 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Present: 7 -

Bridget R. Maniaci; Daniel J. Stephans; Stuart Levitan; Robin M. Taylor;
Michael J. Rosenblum; Christina Slattery and Erica Fox Gehrig

APPROVAL OF MINUTES from the November 16, 2009 Landmarks Commission and November 18, 2009 Joint meeting between the Landmarks Commission and Urban Design Commission.

A motion was made by Levitan, seconded by Taylor, to Approve the Minutes of the November 16, 2009 Landmarks Commission meeting with a change to completely strike the last sentence of discussion for agenda item #1 that starts "Ms. Gehrig added that she thinks that the architect who converted..." The motion passed by voice vote/other.

A motion was made by Levitan, seconded by Rosenblum, to Refer the Minutes of the November 18, 2009 Joint meeting with the Urban Design Commission until the December 14, 2009 meeting. The motion passed by voice vote/other.

PUBLIC COMMENT

There was no public comment on items not on the agenda.

PUBLIC HEARING/CONSIDERATION OF ISSUANCE OF CERTIFICATE OF APPROPRIATENESS

- 1. 15483** Edgewater Redevelopment - 666 Wisconsin Avenue - Mansion Hill Local Historic District.

Contact: Amy Supple, Hammes Company

Request for a Certificate of Appropriateness for the rehabilitation of the original Edgewater Hotel tower, the removal of the top two stories of the 1970's addition in order to create a plaza, and the construction of a new hotel tower. This includes a request for a variance from sections 33.19(10)(e) the "Guideline Criteria for New Development in the Mansion Hill Historic District" for subsections 1 and 2 related to the comparison of (1) the gross volume and (2) the proportion of the street facades within the visually related area.

Ms. Gehrig disclosed that she is a boardmember of the Madison Trust for Historic Preservation. She stated that when she sits on the Landmarks Commission she is not representing the Trust in any way, and that she acts as a private citizen with personal insight on historic preservation issues. Mr. Stephans added that he and other Commissioners may have relationships with the National or Local Trusts, but that would be consistent with their interest in historic preservation issues.

Bob Dunn, 515 Farewell Drive, Amy Supple, 22 E. Mifflin Street, and David Manfredi, 22 E. Mifflin Street, all representing the Hammes Company, registered in support and gave an overview of the proposal as reflected in the materials they distributed at the meeting. Mr. Dunn stated that they believe the proposal meets all five criteria for new construction contained in the Mansion Hill Historic District Ordinance, noting that a variance from conditions 33.19(10)(e)1 (*related to gross volume*) and 2 (*related to the proportion between the width and the height of the street façade*) were requested in case the Commission found that the proposal did not meet those criteria.

Mr. Levitan asked if the 295,000 cu.ft. were not taken out of the 1970s addition, would the new tower be that much less? Mr. Dunn said that that space was not directly transferrable, and that the tower was reduced by approximately 93,000 from the previous proposal.

Bill Fruhling, City of Madison Planning Division, clarified that the ordinance does not refer to Floor Area Ratio (FAR), but that is a commonly used metric for comparing the size of a building to its site. He also stated that buildings within the visually related area have historically not included other buildings on the development parcel, noting that the ordinance does not specify that and the applicants have included information on the 1940s tower in their submittal.

The following people registered in support, but did not wish to speak:

Mark Strebel, 301 Cannery Sq, Sun Prairie
Dan Burke, 2025 Atwood Avenue
David Vos, 3300 Saralen Way, Verona
Victor Rodriguez, 211 Lathrop Street
Rosemary A. Dunn, 125 Vaughn Court
Robert A. Dunn
Stephan Tumbush, 3534 Timber Lane, Cross Plains
Erin Odgen, 4210 Lumley Road
Steve Grimm, 62 Wood Brook Way, Fitchburg
Scott Faulkner, 205 Delmar Drive
Eric Dewald, 22 E. Mifflin Street
Tim Hansmann, 4728 Sumac Road
Gib Docken, 1909 Sherman Avenue
Tim Valentyn, 2852 Cross Country Circle, Verona
Michael Christopher, 2 E. Mifflin Street, representing Landmark X, LLC
Joe Oswald, 217 N. Owen Drive
Patrick Corcoran, 3718 Country Grove Drive
James Meicher, 2025 Atwood Avenue
Tom Bergamini, 402 N. Baldwin Street
Stuart Zadra, 5312 Lighthouse Bay Drive
Timothy Crummy, 2509 Middleton Beach Road
Terri Whealen, 4601 Tonyawatha Trail, Monona
Sarah Carpenter, 1023 River Birch Road, representing the Hammes Company
Bob Stoehr, 301 S. Yellowstone Drive #420
Luke Porath, 739 E. Gorham Street
Harvey Wendel, 531 N. Pinckney Street
James Tye, 410 N. Baldwin Street

The following people registered in opposition, but did not wish to speak:

Fae Dremock, 1211 Rutledge Street #4
Linda Nelson, 510 Virginia Terrace
Jamie McCarville, 121 S. Butler Street #3
Sandra Ward, 441 N. Paterson Street
Mary D. (Gigi) Holland, 1117 Sherman Avenue
Alexander Hitch, 150 Iota Court
Margaret Bergamini, 454 N. Few Street
Brian Casey, 216 Langdon Street
Michael Goeldi, 216 Langdon Street
Megan Christiansen, 115 S. Franklin Street #301
Joe Bonardi, 1 E. Gilman Street #404
Doreen Adamany, 504 Wisconsin Avenue
Jason Tish, 2714 LaFollette Avenue

Nancy McMahon, 2122 Chadbourne Avenue

Richard Baker, 1 Langdon Street #510, registered in support and included a statement about the great professional and social options that the Edgewater Hotel provides for the neighborhood.

James McFadden, 1 Langdon Street, registered neither in support nor opposition, saying the building is much larger than the buildings in the visually related area and showed some illustrations he prepared that would fit the proposed program in a building that is about 40 feet shorter.

Peter Ostlind, 533 W. Main Street, registered in opposition, stating he doesn't believe the proposal meets the variance standards and that this will be viewed as a precedent.

Tom Link, 1111 Willow Lane, registered in opposition, stating that the historic district is in place to prevent this type of development.

Ledell Zellers, 510 N. Carroll Street, and Michelle Martin, 2217 Superior, registered in opposition, stating that the requested variances do not meet the standards in the ordinance, nor are they authorized by it.

Fred Mohs, and Eugene Devitt, 28 E. Gilman Street, registered in opposition, presenting a model of the area and the proposal. They suggested a lower building along the lakefront.

Katherine Rankin, 2818 Ridge Road, registered in opposition, stating that she was the City's Preservation Planner until about one year ago. She stated that the Commission has always interpreted the ordinance as not being able to grant a variance if something was determined to be "visually incompatible." She does not believe the requested variance is authorized by the ordinance and did not recall a variance being granted for new construction.

Kitty Noonan, Assistant City Attorney, stated that the ordinance allows the applicants to apply for the requested variances. She stated that the terms "new construction" and "addition" are not mutually exclusive. Mr. Levitan asked, if the Commission finds the proposal meets criteria 2-5 for new construction in the Mansion Hill Historic District, could it grant a variance under Sec. 33.19(15)(c)3 for criterion 1.? Ms. Noonan replied that they could.

Patrick McDonnell, 441 N. Patterson, registered in opposition, stating that he is concerned about the precedent granting a variance will have on other historic districts.

Greg Paradise, 20 N. Carroll Street, representing the Mansion Hill Steering Committee on the Edgewater Project, registered in opposition, stating that he feels this constitutes new construction-not an addition, so cannot be considered an authorized variance by Sec. 33.19(15)(d)2.

John Sheean, 25 Langdon Street, registered in opposition, stating that by the applicants applying for variances, they are admitting they don't meet the criteria for new construction and should be denied.

Pat Sheldon, 504 Wisconsin Avenue, registered in opposition, stating the issue has to do with the historic district and not individual buildings.

Gene Rankin, 2818 Ridge Road, registered in opposition, stating that a variance will set a precedence and can only be granted if it has a beneficial effect on the visually related area.

Mary Mohs, 512 Wisconsin Avenue, registered in opposition, stating that the building is too large and approving this proposal would mean the City would not be fulfilling its promise to protect historic neighborhoods and districts.

Jonathan Cooper, 208 S. Henry Street, registered in opposition, stating he does not believe the proposal is visually compatible with nearby properties.

John Martens, 4118 Hegg, registered in opposition, stating that the proposed building is too big and that the submittal contains inaccurate information.

Bert Stitt, 120 S. Franklin Street, registered in opposition, stating that the public engagement process has been inadequate and that Mansion Hill and other historic districts are vulnerable and need to be protected.

Sharon Kilfoy, 1020 Williamson, registered in opposition, stating that the proposed tower is too big and will block lake views.

Joe Lusson, 627 E. Gorham Street, registered in opposition, stating that the proposed tower is too tall and will be the dominant feature-- not the plaza. He does not believe there is a hardship and is concerned about setting a precedence.

Paul Schoeneman, 1108 E. Gorham Street #3, registered in opposition, stating that he feels the tower should be set back from Wisconsin Avenue and will impact the view shed.

Jim Skrentny, 511 E. Main Street, registered in opposition, stating his concern about the precedent if a variance is granted from the most essential part of the ordinance.

James Steakley, 111 N. Franklin Street, registered in opposition, expressing concern about the mass and scale of the new tower and that it would block the view of the lake from the Capitol Square.

The public hearing was closed.

Mr. Levitan asked the applicants to respond to the idea of reallocating the space over fewer stories as presented by Mr. McFadden. Mr. Manfredi said he would need to study plans, but it looks like a wider floor plate and the ratio of floor plate to building skin is a key metric of a project's economics. Mr. Dunn said they previously explored this idea and gained five rooms plus about 5,000 sq.ft. of floor space per floor, so the volume of the building increased.

Mr. Manfredi stated that the architecture of the new tower fits the context and is not an object building. He stated that the criteria of the ordinance leads to an approach that is more of a traditional urban street wall. He feels that it has horizontal proportions.

Mr. Levitan asked if the variance authority granted to the Commission under Sec. 33.19(15)(a) means it must make a determination that it is visually compatible, then make a finding. Ms. Noonan stated that section is general and that Secs. 33.19(15)(c) and (d) have to work together, and that the Commission needs to find that one of the condition in Sec. 33.19(15)(c) apply.

Ald. Maniaci noted that the Mansion Hill Ordinance uses the term "guidelines". Ms. Noonan stated that although these contain both "shoulds" and "shalls", Sec. 33.19(10)(e) spells out what must be determined to approve new development. She clarified that to approve a Certificate of Appropriateness, the Commission must find that the project meets Sec. 33.19(10)(e)1-5, and if not, needs to find that it meets the standards for granting a variance from one or more of the criteria. Ms. Noonan stated that she does not believe Sec. 33.19(15)(c)3 and Sec. 33.19(15)(d)2 are in conflict in this case because an addition is also new construction and the terms are not mutually exclusive.

Ms. Noonan stated that the Mansion Hill Historic Preservation Plan and Development Handbook referenced in the ordinance served as a basis for creating the ordinance and is more of a guideline. The review criteria are in the ordinance and are requirements, and the Commission should base its decision on the ordinance.

The Commission discussed the orientation of the new tower compared to other buildings in the visually related area. Mr. Manfredi said the overall direction is horizontal even though there are elements that are more vertical.

Mr. Rosenblum commended the applicants for the changes they made to the 1940s tower and plaza, but asked the applicants to describe how the new tower meets criteria 33.19(10)(e)1. Mr. Manfredi stated that it is a soft criteria and suggested considering multiple metrics and determining an acceptable range. He feels that given the metrics considered, it is in an acceptable range.

Mr. Stephans feels that the Plan was written to deter further commercial development and protect the historic residential neighborhood, and unfortunately, he does not believe the ordinance reflects that. Ms. Slattery noted that the ordinance does not distinguish based on use. Mr. Stephans stated that he thinks the proposal is within an acceptable range compared to buildings in the visually related area, but may not be if a larger portion of the neighborhood could be considered. Ald. Maniaci stated that she believes the ordinance is meant to prevent the demolition of historic mansions, not to prevent new construction. She thinks the changes to the 1940s tower and public plaza are positives and that she prefers an efficient building as proposed as opposed to a lower building stretched along the lakefront. Mr. Stephans stated that he feels the new tower fits on the site, so feels it is visually compatible when considering the buildings and the environment.

Mr. Levitan asked the applicants about John Martens claim that they are showing inaccurate information. Mr. Manfredi stated that they constructed a computer model that is highly accurate and is used as the basis for a professional illustrator to develop renderings.

Ms. Slattery feels the numbers used to compare the size of the new tower to those in the visually related area show that it is larger. Ms. Gehrig agreed.

Mr. Levitan asked if Commissioners felt that, other than perhaps criterion 1 (in Sec. 33.19(10)(e)), the other criteria are met. Ms. Gehrig stated that she does not think criterion 5 is met.

Mr. Levitan asked Mr. Stephans about why he feels the proposal meets the standards for approval, but not for a variance. Mr. Stephans stated that the presence of the 1940s tower and 1970s addition makes the difference, without them he would view gross volume differently.

Ms. Taylor stated that she is still stuck on the gross volume. Mr. Levitan talked about differentiating the volume of the new tower and the pedestal portion since it will only be perceived from the lake. Mr. Rosenblum stated that the view from the lake should also be considered. The Commission discussed the directional expression of the 1940s tower and 1970s addition as viewed from the lake.

Mr. Rosenblum stated that Sec. 33.19(15)(a) allows for consideration of a bigger area. Ms. Gehrig thinks that "buildings directly affected" could mean all of the buildings in the historic district. Mr. Levitan stated that "buildings directly affected" could mean the National Guardian Life building given its proximity.

Mr. Stephans stated that the variance language refers to the purpose and intent of the ordinance. The Commission discussed whether this referred to the purpose intent of the Mansion Hill District (Sec. 33.19(10)(a)), or to the general purpose and intent of the Landmarks Ordinance (Sec. 33.19(1)). Ald. Maniaci and Mr. Levitan felt that it referred to the purpose and intent of the Landmarks Ordinance. Ms. Gehrig noted that Sec. 33.19(1)(a) of the general purpose and intent section talks about the protection of districts.

A motion was made by Maniaci, seconded by Rosenblum, to Approve a Certificate of Appropriateness for the project as submitted given the criteria in the ordinance, with the following conditions:

#1: Staff approval of the design details for the rehabilitation of the 1940's hotel tower according to the Secretary of Interior Standards for Historic Rehabilitation, with minor changes being approved by staff, or by the Landmarks Commission at staff's discretion. (*friendly amendment by Slattery*)

#2: Landmarks Commission final review and approval of the design details for the new top floor addition, Rigadoon Room and front entrance element. (*friendly amendment by Slattery*)

#3: Staff approval of the design details and minor changes to the 1970's addition and the proposed public plaza, with any major changes, as determined by staff, to return to the Commission for further approval. (*friendly amendment by Rosenblum*)

Ald. Maniaci said that looking at the visually related area and the green space around the buildings, there is a lot of room. Ms. Taylor stated that looking at the buildings, the new tower is too massive. Rosenblum referred to the rendering and stated that he does not believe it is visually compatible.

Mr. Levitan suggested that by granting a Certificate of Appropriateness there is the potential to do damage to the Landmarks Ordinance and feels their obligation is to the integrity of the ordinance. He stated that if the Commission determines the project is visually compatible with the visually related area that will set a precedence, and that approving a variance is something different. He does not believe it meets the gross volume standard.

The motion FAILED by the following vote:

Ayes: 2 - Maniaci, Stephans

Noes: 5 - Gehrig, Rosenblum, Taylor, Slattery, Levitan

Mr. Levitan stated that the enhancements from removing 295,000 cu.ft. of the 1970s addition and the improvements to the 1940s tower will only happen with the construction of the new tower.

Mr. Levitan questioned whether Mr. Devitt's building was directly affected. Mr. Stephans stated that he feels the entire district is directly affected. Ms. Taylor stated that the variance language also talks about the beneficial affect-- while the green space may be a beneficial affect, it comes at the expense of a large building among beautiful 2-story mansions. Mr. Levitan stated that he believes the motion satisfies the intent of the Landmarks Ordinance, which is something they have to find to grant a variance. He stated that the purpose and intent of the Mansion Hill Historic District cannot be contrary to the purpose and intent of the Landmarks Ordinance because it is a subset of it. He suggested that there is nothing unique in the purpose and intent of the Mansion Hill District except to create the District, so that gets back to the purpose and intent of the Landmarks Ordinance.

Ms. Slattery asked whether by approving this motion we are saying that the project will be visually compatible with the historic character of all buildings directly affected even though previously we said that the gross volume wasn't visually compatible. Mr. Levitan stated that it would mean that as a Commission we found that the proposal did not satisfy the gross volume criteria, and was out of compliance, this motion requires us to find that the project is visually compatible with the historic character of the buildings with which it is directly related, that is the way that the ordinance is written. Mr. Rosenblum added that it would also mean the Commission finds that the project will have a beneficial effect on the historic character of the District. It was clarified that the motion includes a variance from criterion 1 for new development in the Mansion Hill Historic District related to gross volume, and that approval of the motion would mean that the Commission finds that the action meets criteria 33.19(1)a-g.

A motion was made by Maniaci, seconded by Rosenblum, to Approve that 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 and that based upon the evidence presented to us, we find as fact that the massing of the project which would otherwise not be permitted by the ordinance would enhance the quality of the design for the new building or structure and the new structure otherwise complies with the criteria 2-5 of the Mansion Hill Historic District for new construction in the historic district and would also have beneficial effect on the historic character of the visually related area, and issues a Certificate of Appropriateness based upon variance of 33.19(10)(e)(1) pursuant to 33.19(15)(c)(3) and 33.19(15)(d)(2) with the following conditions:

#1: Staff approval of the design details for the rehabilitation of the 1940's hotel tower according to the Secretary of Interior Standards for Historic Rehabilitation, with minor changes being approved by staff, or by the Landmarks Commission at staff's discretion.

#2: Landmarks Commission final review and approval of the design details for the new top floor addition, Rigadoon Room and front entrance element.

#3: Staff approval of the design details and minor changes to the 1970's addition and the proposed public plaza, with any major changes, as determined by staff, to return to the Commission for further approval.

The motion FAILED by the following vote:

Ayes: 2 -

Bridget R. Maniaci and Stuart Levitan

Noes: 5 -

Daniel J. Stephans; Robin M. Taylor; Michael J. Rosenblum; Christina Slattery and Erica Fox Gehrig

A motion was made by Levitan, seconded by Maniaci, that the Commission could find that a new hotel addition on the proposed site could be approved with a revised design that would have a gross volume that is visually compatible with the buildings and environment with which it is visually related. The motion passed by a voice vote/other.

OTHER BUSINESS - DISCUSSION

- 2. **08717** Buildings proposed for demolition

The Commission did not discuss this item.

- 3. **07804** Secretary's Report

There was no Secretary's Report.

ADJOURNMENT

A motion was made by Maniaci, seconded by Taylor, to Adjourn at 12:05 a.m. on December 1, 2009. The motion passed by voice vote/other.