



## PLANNING DIVISION STAFF REPORT

May 20, 2019

PREPARED FOR THE LANDMARKS COMMISSION

**Project Address:** 317 State Street  
**Regarding:** CLG Consulting Party Comments for FCC Undertaking  
**Legistar File:** [55809](#)  
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### Background

As a Certified Local Government, the City of Madison's Landmarks Commission and Historic Preservation Program are included as consulting parties for any Federal undertakings which may have potential effects on historic properties. Most of these inquiries staff handles administratively. However, the proposal for new cellular infrastructure at 317 State Street appears that it would have an Adverse Effect on properties that are considered eligible to the National Register of Historic Places on State Street. As such, staff has referred the formal comments to the Landmarks Commission for their input prior to submitting comments on behalf of the City.

The Irish Pub building at 317 State Street currently has cellular antennas on the roof, rear of the building, and on the the west wall. The rooftop infrastructure is not readily visible from the pedestrian view on State Street and it fits in the context of mechanical equipment on the rooftop of other buildings. The two antennas that are draped over the side of the parapet on the west side of the building have enclosures that are the same color as the masonry. But even with that, the groups of wires that dangle out do not blend with the architecture of the building. However, those two antennas are significantly stepped back from the front of the building (approximately 35 feet). The new proposal will include antennas or a variety of configurations, but of primary concern are those grouped on both sides of the building. The new antennas will be within 20 feet of the street on the west and 25 feet on the east. These antennas will project off of the side of the building. As the Irish Pub building is significantly taller than adjacent structures, these new antennas will be highly visible from State Street.

Zoning also has concerns that the proposed antennas cross property lines, which would not meet setbacks. Staff has not been provided with information of an encroachment easement from the adjacent property owners.

### 36CFR800

The chapter of the Code of Federal Regulations commonly referred to as Section 106 of the National Historic Preservation Act requires assessments of a Federal undertaking to first determine if there are any historic properties within the Area of Potential Effect (APE). As State Street was determined Eligible to the National Register of Historic Places in 1995, there are historic properties within the APE. The second step is to determine if the proposed undertaking will have an Adverse Effect on those properties. Per 36CFR800.5(a)(1):

*"Criteria of adverse effect. An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative."*

### Conclusion

The State Street District was determined eligible to the National Register for both its historic significance under Criterion A: Commerce and its distinctive characteristics under Criterion C: Architecture. Staff believes that

placing additional antennas on the side of the building will negatively impact the architectural character of the Irish Pub building and the properties within the viewshed of that building along State Street. The Wisconsin Historical Society has asked for photographic renderings of what the new infrastructure will look like. Staff believes that given the information we currently have, those projections on the side of the building would be an Adverse Effect. We would ask that any new cellular infrastructure either be located on the rooftop, or horizontally along the parapet, but no new infrastructure on the parapet within 35 feet of the street façade (which would put it in line with the antennas that drape over the parapet wall on the west side of the building).

The Landmarks Commission needs to determine if

- The proposal would meet the criteria for an Adverse Effect
- The commission needs additional information to make a determination
- There are methods to mitigate the visual impacts, which the commission may suggest

Staff will submit the Landmarks Commission's comments to the FCC designee.