

AGENDA # 3

City of Madison, Wisconsin

REPORT OF: LANDMARKS COMMISSION

PRESENTED: February 17, 2014

TITLE: 121, 123, 127 West Gilman Street –
Madison Hill Historic District – Construct new
apartment buildings. 2nd Ald. District. (32027)

REFERRED:

REREFERRED:

REPORTED BACK:

AUTHOR: Amy Scanlon, Secretary

ADOPTED:

POF:

DATED: February 17, 2014

ID NUMBER:

Members present were: Stu Levitan, Chair; Erica Fox Gehrig, Vice Chair; Christina Slattery, Jason Fowler, David McLean, and Marsha Rummel. Michael Rosenblum was excused.

SUMMARY:

Dan Seeley, representing Steve Brown Apartments, registering in support, wishing to speak, and available to answer questions. Seeley described the previous proposals and the design considerations that have been made to improve the project. Seeley explained that while working with City staff, the Steve Brown Apartments (SBA) team found ways to better articulate the façade and provide setbacks at the upper level.

Shane Fry, representing Brown House, registering in support, wishing to speak, and available to answer questions. Fry explained that the floor plans have been changed to better articulate the front facades of buildings 1 and 3. The balconies on Building 1 have been removed. The balconies on Building 3 have been pushed into the front façade.

There are 10 foot and 15 foot setbacks at the fifth story. The front wall of the setback will be executed in brick. Fry showed the Commission the 3D model of the proposal.

Fry explained the plinth and that one will not see the underground parking structure as a plinth.

Levitan asked for clarification that no part of the parking structure would be visible above grade.

Fry showed samples of the proposed materials and colors. He explained that there are different brick colors selected for each building, the stone trim will be a buff color, and the stone base treatment of the middle building would be a veneer stone in a buff color.

Seeley explained that the existing buildings in the district are varied in size and that the numbers provided by SBA regarding volume and ratios have not changed considerably since January. Seeley noted that this proposal relates to the Downtown Plan recommendation to redevelop the site of a “big ugly”.

Levitan requested clarification of the (31,000 square foot) existing Highlander size. Fry explained that the Highlander has a large footprint, but is a tall narrow building above the first level.

Levitan requested revised gross volume numbers.

Fry explained that the gross volume was determined using the AIA standards and that they have been consistently using these standards.

Rummel requested to see a 3D model of the bird's eye view to review the gross volume.

Fry explained that view was not created, but that there is a site plan showing setbacks in the submission packet.

Levitan asked if SBA would memorialize the contributions of Clarenbach and Yeadon in the gay rights movement by installing a plaque on the property.

Seeley explained that SBA is willing to do this and has been very interested in the information that has been brought forward about this building (123).

Leigh Mollenhoff, registering in opposition and wishing to speak. Mollenhoff explained that she served on the Landmarks Commission in 1970 for 8 years during the development of the Mansion Hill historic district. Mollenhoff explained that the City sent a City Attorney to a National Trust Conference to learn about appropriate ordinance language. The Madison Landmarks Commission ordinance has been copied by many other municipalities. Mollenhoff explained that the core and buffer zone information was incorrectly interpreted during the discussion at the last meeting. She explained that the social mix of people was most important to the creation of the historic district. The buildings in the buffer zone were not thought to be expendable. The idea that the original commissioners would find this proposal to be aligned with the Preservation Plan because it demolishes the Highlander is not correct. Mollenhoff explained that this is an example of demolition by neglect.

Susan Schmitz, representing Downtown Madison, Inc., registering in support, wishing to speak, and available to answer questions. Schmitz stated that DMI continues to support this proposal because it meets the Downtown Plan and fits in the Zoning Code and the spirit of the historic district preservation plan. Schmitz explained the numerous changes that have been made by SBA to create a future landmark.

Rummel questioned what was meant by the comments about future landmarks because landmarks relate to specific standards about historic personages and architectural master works, and are more than good quality construction.

Schmitz explained that good quality construction and good design allow these buildings to possibly become future landmarks. This should be the goal for all new construction in this city.

David Mollenhoff, registering in opposition and wishing to speak. Mollenhoff discussed issues related to demolition by neglect by asking and providing answers to 6 questions:

Mollenhoff asked what was condition of 127 when purchased by SBA? Mollenhoff says it was good as evidenced by statement from previous owner and Building Inspection report completed a few months after purchase.

Mollenhoff asked what is condition of the building today. Mollenhoff explained that the condition is bad as evidenced by the condition assessment reports provided by the owner.

Mollenhoff asked how did the condition get so bad. Mollenhoff explained it is due to 8 years of minimal maintenance and 12 years of neglect. He explained that the rainwater was allowed to saturate the foundation and the building is unheated so it is experiencing freeze thaw cycles.

Mollenhoff asked when did 127 get so bad. Mollenhoff explained it happened during the last 12 years.

Mollenhoff asked why did SBA stop maintaining 127. Mollenhoff explained SBA intended to demolish the building and made these intentions known to many people.

Mollenhoff asked how should we characterize failure to maintain 127. Mollenhoff stated that it is demolition by neglect.

Rummel asked what the Commission should do with this information. Mollenhoff explained that the building can be repaired.

Ross Wuennenberg, registering in opposition and wishing to speak. Wuennenberg provided a timeline showing the history of 127 from 1970 to present and how that relates to the current condition. He explained that the property owner willingly let the condition of the building worsen and that the property owner should not be rewarded for that.

John Freiburger, registering in opposition and wishing to speak. Freiburger explained that he is a professional construction consultant that specializes in work on historic buildings. He explained that all of the condition assessment reports describe conditions that can be repaired. He reviewed the reports, photographs and the building from the sidewalk and explained that the exterior frame walls are not bowing and the exterior foundation walls are not exfoliating out, which shows it is sound. He explained that he has repaired buildings that are in much worse condition. The downspouts direct water toward the foundations and wet soil is twice as heavy and exerts twice the lateral pressure which results in this damage.

Rummel asked how one would move a house. Freiburger explained that there are numerous ways, but he would suggest finding lift points for main beams and needle beams.

Rummel asked, in his experience, if his clients were commercial owners or residential owners. Freiburger explained that his clients were both and that the tax credit program is very lucrative for restoration work.

Gehrig asked how much historic fabric could be retained. Freiburger explained that very little of the interior would be kept. The exterior would be retained. These buildings were built with old growth wood that is more durable than current building materials.

Gene Devitt, representing Mansion Hill Neighborhood, registering in opposition and wishing to speak. Devitt explained that demolition does not happen in Mansion Hill. Since the creation of the ordinance and historic district, there have been 22 proposals for demolition in the area. He explained that he has experience doing foundation repair work. He explained that the buildings in Mansion Hill have a similar scale. Gilman Street is a gateway from State Street to the lake. The building (127) could be restored. SBA could have used the tax savings due to the low assessment of 127 to restore the building.

Jason Tish, representing Madison Trust for Historic Preservation, registering in opposition and wishing to speak. Tish explained that the Madison Trust for Historic Preservation is not opposed to new construction in historic districts. Tish explains that after weighing all aspects of the complicated proposal, the adverse impacts outweigh the positive contributions to the historic district. Neglect is not an appropriate treatment in a historic district and a Certificate of Appropriateness for the demolition would send a message that neglect can be rewarded. Relocation of buildings in historic districts to assemble larger development parcels is not appropriate.

Tish explained that VRA creep is a significant concern as the inflated gross volumes and heights would affect future VRA considerations in the district.

Rummel asked what scale and size would be appropriate to remedy VRA creep. Tish explained that the same size, width, massing and form would be appropriate for this context.

Levitan asked if the development should get credit for taking down the Highlander. Tish explained that is a difficult consideration, but the Blied and Wahl buildings are also appropriate.

Gehrig asked about the precedent of amassing parcels for larger development. Tish explained that this practice leads to the development of larger buildings than what is appropriate to the original context.

Fred Mohs, registering in opposition and wishing to speak. Mohs explained the standards are laid out in the Ordinance and graphically illustrated in the Mansion Hill Preservation Plan. Proposing to build a future landmark is not one of the standards. The history of these buildings is important to the social history of Mansion Hill. The historic districts need incentives to keep the area nurtured. Rewarding good design over preservation diminishes the effectiveness of the historic district. The Building Inspection report that was completed after the building was purchased by SBA has no comments about the poor condition of the foundation except a note about tuckpointing. Mohs explained that he toured the building with Mr. Devitt in 2006 and because the building is repairable, he offered to purchase the property and attached a cashier's check to the offer and gave it to Mr. White. He explained he is willing to repair the building to support the historic district. He has assembled a development team that would do the work.

Michael Schmudlach, registering in opposition and wishing to speak. Schmudlach explained that he is a contractor and carpenter who grew up in Greenbush. He explained that he has witnessed the loss of the Greenbush neighborhood. He explained that he has restored buildings that displayed worse conditions than 127. Financial feasibility for this project is possible.

McLean asked what he thought about the structural report by the City. Schmudlach explained that the building appears square which means the bones are still good.

Arlan Kay, registering in opposition and wishing to speak. Kay explained that he has been retained by Mr. Mohs to study the feasibility of restoring the building at 127. Kay provided estimates for restoration project costs and explained the price is reasonable for an income producing property. Kay explained that when the condition report was written in 2002, the economic climate was different and it is likely, given current low interest rates and tax credit options, the report conclusion would be different today.

Levitan asked how a \$350,000 purchase price and a \$500,000 restoration is aligned with the rental market. Kay explained that \$200,000 would be deducted in tax credits and that coupled with the addition of lower level units makes this restoration project economically feasible.

Scott Seyforth, registering in opposition and wishing to speak. Seyforth explained the history of the gay liberation movement and how the building at 123 W. Gilman relates to that history. Yeadon was the fourth openly gay person to be elected to public office in the country. Madison leads the nation in non-discrimination policies and in 1989 of the 14 openly gay elected officials, 7 of them were in Dane County. Many of the gay liberation sites have been lost which makes those that remain more important.

Rummel asked if the physical location of the building at 123 matters when interpreting gay liberation history. Seyforth explained that the actual location matters as it relates to social history and associated context.

Levitan asked why 35 years have passed without this historic information coming forward. Seyforth explained that education is necessary and that the conversation is relevant now.

Steven Fabick, registering in opposition and wishing to speak. Fabick explained that it is wrong to lessen the importance of standard f and to highlight the importance of standard g when the applicant is responsible for the condition and claimed that it is the condition that makes demolition necessary. Demolition of 127 will set a bad precedent. The proposed buildings are not extraordinary and are not worthy of the loss of historic fabric. Proposals like this make him nervous to invest in the area when the City of Madison doesn't invest in the Ordinance that protects the historic district. Development pressure in this area is common and that is why a historic district was created, to protect and preserve a special area of our city as a historic district.

Laura Fabick, registering in opposition and wishing to speak. Fabick explained that after plans to refurbish their carriage house didn't work out, they have been looking at options to remodel their home. She explained she is concerned that they will put money into their house and be surrounded by buildings that are allowed to fall into disrepair only to be replaced by larger buildings. Financially it would make the most sense to rent their house making minimal improvements, but they made a commitment to their neighborhood and the historic district. Sometimes what makes the most financial sense isn't the most important factor for the community. The Ordinance levels the playing field for major developers and owners of small single-family homes.

Richard Nordeng, registering in opposition and wishing to speak. Nordeng explained that he is representing a Mansion Hill organization. He explained that the Landmarks Commission is the only unit of government responsible for historic preservation, but there are many units responsible for redevelopment. As the only unit of government responsible for historic preservation, you look to the standards in the Ordinance. The first standard is related to gross volume and this proposal dwarfs the other buildings in the VRA. The demolition of the Highlander does not warrant a credit in the interpretation. The proposal replaces one building that does not fit the character of the district with three buildings that do not fit the character. The precedent that this proposal creates diminishes the historic district.

James McFadden, registering in opposition and wishing to speak. McFadden brought a 3D study model of the three buildings without context. McFadden explained that in a rental market that demands light, air, and views, this project does not provide those things. From the street one will experience the equivalent of one building which is in excess of 800,000 cubic feet.

John Martens, registering in opposition and wishing to speak. Martens explained that he believes the documentation provided by the Applicant is evasive and the drawings are not coordinated. The Landmarks Commission needs accurate information to make decisions. The Landmarks Commission should have specific requirements for drawings and information that should accompany each submission. Martens explained that the mass of this building does not fit the character of the VRA. He explained that the three buildings above grade are sitting on a visible plinth and that the articulation of the front façade also came with an increased building depth (from approximately 86 feet to 96 feet). This proposal will set a dangerous precedent.

Levitan asked if Martens believes the plinth is shown accurately. Martens explained the plinth is being misrepresented by the Applicants and that it will be visible.

Levitan asked if the gross volume totals provided by the Applicants were similar to his totals. Martens explained that his totals were greater than the Applicants.

Mary Jo Walters, registering in opposition and wishing to speak. Walters explained that there is no affordable housing in Madison and this project will only increase this problem. Buildings like those proposed for demolition in this proposal could be used for affordable housing.

Franny Ingebritson, registering in opposition and wishing to speak. Ingebritson provided copies of the report prepared by Building Inspection after SBA purchased the property. She explained that standard f must be considered. She explained the foundation repair costs in the condition assessment reports. She explained that in a letter (dated October 12, 2011) to Inspector Vorhees from the property manager said that “if negotiations continue to move in a positive direction we would be introducing our redevelopment plan to the City.” She explains that this claim that negotiations were moving in a positive direction is false. The fact is that the property has composted under SBA tenure. Ingebritson discussed Kitty Rankin’s letter and that she toured the property in 2003 because SBA was interested in demolishing the building and using the site for redevelopment. Rankin further explains that the condition has continued to deteriorate since that time. On May 15, 2013, neighborhood residents met with SBA and learned that Steve Brown had met with Steve Cover and others from the Planning Department and that they liked the project. If that occurred, the Planning Department needs to let the neighborhoods know and become involved.

Gary Tipler, registering in opposition and wishing to speak. Tipler explained the historic significance of the properties involved in this development proposal. His compiled research will be posted to Legistar. His conclusion is that the social history of these properties is very important.

Sue Pastor, registering in opposition and wishing to speak. Pastor explained that there are profound connections to TAA and the gay rights movement and the house at 123. She explained the history of the TAA and the work of Clarenbach. The house at 123 should remain on site to preserve the significance of this period. The City has an interest to maintain these places. All issues weighed together make this project not able to be realized.

Levitan asked why this information is coming out now, 35 years later. Pastor explained that it has recently come into public awareness.

Bill White, Steve Brown Apartments, registering in support and available to speak. White explained that they retained Charlie Quagliana to advise SBA on this project and following his advice, the project has taken this shape. He explained that SBA is not getting credit of the removal of the Highlander. He explained that the historic significance of 123 related to the gay rights movement was not common knowledge when this proposal was submitted and the proposal relocates 123 to a better place with appropriate context. White explained that the Landmarks Ordinance, the Zoning Code, and the Downtown Plan must all be considered.

Levitan asked if any part of the plinth is visible above grade. White explained that according to the SBA architect, the parking structure is not visible above grade.

Heather Stouder explained that in the DR-1 zoning district, the parking structure must be below grade including those areas between buildings.

Slattery asked if the overall length of the building increased to achieve the front articulation. Fry explained that the upper story stepback was achieved by redistributing the parcels to change the setbacks. The footprint of the buildings grew.

Zellers asked where the gross volume measurements for the other buildings in the VRA come from. Seeley explained that they used the numbers provided by John Martens.

Zellers asked if the numbers are apples to apples. Seeley and Martens explained how the gross volume numbers were calculated. Seeley explained that it is not apples to apples. Consistent methodology has been different due to the lack of a standard method for calculation.

Seeley confirmed the proposal is 4-5 times the gross volume of the other structures in the VRA.

Levitan asked for the gross volume of the Highlander. Seeley explained that it is approximately 320,000 cubic feet.

Rummel and Gehrig expressed their concern to staff about the revisions to the staff report.

Slattery asked if the Applicants could address the conditions of approval in the staff report. Fry explained that the SBA team is willing to make these changes. He also explained that some windows have been added in the area of the front articulation.

Kyle Bunnow, P.E. Building Inspection Supervisor, provided information about the condition assessment report. Bunnow explained the foundation needs to be replaced and that other members need to be replaced which results in a reconstruction. He explained that he reviewed Building Inspection reports, but not the condition reports provided by SBA.

Levitan asked how much the condition has worsened over the last 19 years. Bunnow explained that it is difficult to determine the exact amount, but it has certainly gotten worse recently due to the hole in the roof that was not there when the building was rented.

Levitan asked if the building had been restored in 1994, would it be habitable now. Bunnow explained that it would currently be livable if repairs had been made and the building had been.

Levitan asked if, in Bunnow's professional opinion, a portion of the physical condition is the result of the lack of maintenance by the current owner. Bunnow explained that the condition is a combination of factors stemming from past ownership and current ownership. He explained that the majority of the damage has occurred in the last 19 years.

Gehrig asked how much of the frame structure is salvageable. Bunnow explained that there is damage to floors and walls, finishes, and infrastructure. There is not a lot of salvageable material. The exterior of the building is more difficult to assess.

McLean asked if Bunnow would discuss the issues related to water infiltration. Bunnow explained that moisture is the primary cause of deterioration. When water is allowed into the foundation, it exerts pressure on the foundation walls and rapidly accelerates the process of deterioration.

Zellers asked if not heating the building would increase the problem. Bunnow explained that it would because then, in addition to water infiltration, the building experiences freeze thaw cycles and each winter the conditions worsen.

Levitan suggested that the Commission begin their discussion with the proposed new construction.

Levitan and Gehrig explained that the architecture of the proposal has improved since it was originally submitted.

Levitan suggested that they discuss the width the height ratio standard. The Commission discussed this standard and concluded that this standard was satisfied.

On the proportion of windows and doors, the Commission concluded the standard was satisfied.

On the rhythm of solid and voids, the Commission concluded that subject to the condition of approval change, as agreed to by the Applicant, this standard would also be satisfied.

For the horizontal and vertical expression, the Applicants brought material examples for review and the Commission concluded that this standard was satisfied.

The Commission discussed the gross volume standard and what would be an appropriate volume in the VRA. Gehrig explained that while she appreciates the continued work of the Applicants, she believes that this project would be a good one except in this historic district where the character is established. McLean explained that the proposed volume does not work in this historic district and that the gross volume of the buildings in the VRA should be used to determine a compatible project size.

Zellers suggested that the spaces between buildings are important to consider when determining compatibility.

McLean explained that current building codes require different standards than when the original buildings were constructed, resulting in larger new buildings.

Rummel asked if SBA looked at four buildings instead of three. Fry explained that numerous options were explored, but the one being proposed is economically feasible.

Zellers asked if the Applicants have considered using TIF. White explained that they have not looked into using TIF.

Levitan asked if a 50,000 cubic foot volume would be compatible.

Slattery explained that the proposal would not need to be exactly a 50,000 cubic foot volume, instead the proposal would need to be of a visual compatibility of gross volume.

Levitan asked if the proposal should have greater variation across the three buildings. Rummel suggested that they not be all the same height and that the architectural styles should be more different.

Levitan asked if height and width is a better standard than gross volume. McLean explained that height affects width in proportion.

The Commission concluded that the proposal does not meet the gross volume standard.

Alyssa Hellenbrand-Best, registering in support but not wishing to speak.

Jaelyn Skjervem, registering in support but not wishing to speak.

Shannon Sloat, registering in support but not wishing to speak.

ACTION:

A motion was made by Gehrig, seconded by Rummel, to deny the Certificate of Appropriateness for new development on the basis of non-compliance with standard 1. The motion passed by voice vote/other.

The Commission discussed the demolition of 127 and relocation of 123. Levitan suggested that the Commission does not have an appropriate project to review and therefore, an action on the demolition is not appropriate at this time.

A motion was made by Rummel, seconded by McLean, to place on file without prejudice, the requests for Certificate of Appropriateness on the demolition of 127 and 123 W. Gilman. The motion was withdrawn.

McLean explained that the condition of 127 has deteriorated more recently than in the past due to allowing water into the foundation and the lack of heating. The deterioration has accelerated recently and neglect should not be rewarded. This treatment would set a precedent.

Gehrig explained that everyone in the historic district should live by the same rules. All of the buildings in a historic district count. McLean read recommendations from the Downtown Plan that relate to maintaining the house at 127.

Zellers explained that the Brown Carriage House was in poor condition and the Landmarks Commission had the owner repair the building.

Rummel explained that the quality and integrity of the original materials (old growth wood) would still be present in 127 after it is repaired.

Gehrig explained that historic districts are different and preservationists are different when considering economics and feasibility. They have a different ethic when it relates to preserving buildings.

The Commission discussed the appropriate action on the demolition of 127 and 123 W. Gilman.

A motion was made by Rummel, seconded by Gehrig, to deny the Certificate of Appropriateness for the demolition of 127 and 123 W. Gilman. The motion was withdrawn.

A motion was made by Rummel, seconded by McLean, to suspend action on the request for the Certificate of Appropriateness for demolition of 127 and 123 W. Gilman. The motion was withdrawn.

There was discussion about the responsibility of the owner to allow the further deterioration of the building while a determination is made. Fry explained that SBA would follow the rules. Seeley explained that there is not a cover over the hole in the roof.

A motion was made by Slattery, seconded by McLean, to refer to the first Landmarks Commission meeting following a final determination by the Common Council, the decision on the Certificate of Appropriateness for the demolition of 127 and 123 W. Gilman. The motion passed by voice vote/other.

A motion was made by Rummel, seconded by McLean, to refer the action on the land division to the first Landmarks Commission meeting following a final determination by the Common Council. The motion passed by voice vote/other.