

## AGENDA # 2

City of Madison, Wisconsin

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REPORT OF: LANDMARKS COMMISSION

**PRESENTED:** 6/24/19

TITLE: 134-140 S Blair St and 506-518 E Wilson  
St - Mixed-Use Development in the  
First Settlement Hist. Dist.; 6th Ald.  
Dist.

**REFERRED:**

**REREFERRED:**

**REPORTED BACK:**

AUTHOR: Heather Bailey, Preservation Planner

**ADOPTED:**

**POF:**

DATED: 6/28/19

**ID NUMBER:** 55514

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Members present were: Stuart Levitan, Richard Arnesen, Katie Kaliszewski, Arvina Martin, and David McLean.  
Excused was Anna Andrzejewski.

### **SUMMARY:**

*Lance McGrath, registering in support and wishing to speak*  
*Marc Schellpfeffer, registering in support and wishing to speak*  
*Paul Cuta, registering in support and available to answer questions*  
*Robert Lewin, registering in support and wishing to speak*  
*Sharon Long, registering in opposition and wishing to speak*  
*Kurt Stege, registering in opposition and wishing to speak*  
*Juli Wagner, registering neither in support nor in opposition and wishing to speak*  
*E. Edward Linville, registering in opposition and wishing to speak*  
*Gary Tipler, registering in opposition and wishing to speak*  
*Gene Devitt, registering in opposition and wishing to speak*  
*Daniel O'Brien, registering in opposition and wishing to speak*  
*Fred Mohs, registering in opposition and wishing to speak*  
*Franny Ingebritson, registering in opposition and wishing to speak*  
*Alex Saloutos, registering in opposition and wishing to speak*

Levitan opened the public hearing.

Bailey described the proposed work to consolidate lots and construct a new principal structure that is partially in the First Settlement local historic district. She discussed the applicable standards for lot combinations and displayed a map of the parcels and lot lines that exist under those parcels. She discussed the applicable standards for new construction of a principal structure, and noted that for some of the standards, the Commission needs to consider all structures within 200 feet of the property, which includes resources outside of the district, while for other standards, they need to consider only the pre-1930 structures within 200 feet. She said that for the siding materials, they must consider adjacent buildings directly abutting the subject property, so the proposed aluminum panels do not meet the standards. She said that the height, scale, proportion, and rhythm of the proposed structure make it read to a proportion and scale that no other property within 200 feet would convey. She explained that the Landmarks Commission has purview over the portion of the development in the First Settlement local historic district; they do not have the ability to grant a Certificate of Appropriateness for the portion of the building that extends into the East Wilson National Register Historic District, but can provide comments to the Plan Commission and Urban Design Commission when they review the project. She showed images of pre-1930 structures within 200 feet, and pointed out that none have the

level of articulation that we see on the front of the proposed structure. She said that she is particularly concerned about the deep recesses on the street level on the north side of the S Blair Street frontage. She said that staff's recommendation is that the land combination does not meet the standards and recommends referral. She suggested that the Commission could make the decision on the land combination conditional upon approval of the construction of a new principal structure that meets the First Settlement standards. She said that the ordinance exists to prevent the construction of a large building that will fill the entire lot because it would be out of character for the historic district, but if the land is encumbered with a development that meets the district standards, then it could meet the intent for the lot combination standards. Regarding the construction of a new principal structure, Bailey said that in its current iteration, the proposal does not meet the standards, and suggested that the Commission provide detailed feedback to enable the applicant to meet the standards. She said that there is a lot of potential in this project, and there is an opportunity to have a successful development that meets the historic district standards. Bailey mentioned that staff received several public comments regarding this project, and many are at the meeting to speak tonight.

McGrath said that he disagrees with a lot of the staff report. He said that parts of the ordinance are clear, while others are subjective and will be interpreted differently by different people. He explained that this is a challenging site, and he is trying to balance working with the Landmarks Commission, City Zoning, neighbors, parking concerns, and trying to create affordable housing. He said that he is creating a project that will accomplish a lot, but it also needs to be financially feasible or it's not going to happen. He said that the project currently accomplishes those goals, and he can't see a smaller, intimate development ever happening on this site but is looking forward to getting feedback from the Commission.

Arnesen asked if there was an affordable housing component, and McGrath said they are working with WHEDA and have a tentative approval that 20% of the units will be affordable housing.

Schellpfeffer gave a presentation on the proposed project. He said that the structure will be 5 stories tall with 153 apartments and 220 internal parking stalls. Projects on a separate track include demolition of the Essen Haus buildings and restoration of 506 E Wilson, currently the Come Back In. He said that their approach was to analyze the existing conditions of the site in terms of activity, traffic and pedestrian movement, building use, and the uniqueness of the site within the city and First Settlement in order to develop a project that is appropriate for the site. He explained that the larger elements come out toward E Wilson and S Blair Street, and said that they used the rhythm of the buildings within 200 feet to assess the massing. He said that they also worked with neighbors to assess the variety of activity levels within the district, and pointed out that the proposed building steps down toward the residential area on S Franklin Street.

He said that they do not believe that the proposed land combination would affect the historic character of the district. He mentioned that the design along S Blair Street would enhance the Hotel Ruby Marie rather than pushing against it. He said that while he understands this would be a larger lot than others in the district, other properties such as Germania and Canal Place have frontage similar in length to the proposed design. He acknowledged that the other properties are not as deep or scaled to that, but said that this site is a unique location and you see that in the character of the neighborhood; there is a different feel on S Blair than on S Hancock Street. He pointed out that zoning, the Downtown Plan, and the First Settlement Neighborhood Plan all say to move density to S Blair Street, so it was their plan to create activity along S Blair and E Wilson Street. He said that as the building moves back toward the neighborhood, they created proportions that relate to the scale of the neighborhood context, and the units that flank Germania are two-story townhouses. He said that they understood that residents want to keep activity far away, so they limited the number of units on that side and created a rhythm sympathetic to Germania.

Regarding the standards for new construction, Schellpfeffer said that within the 200-foot radius, they see a variety of scale. He said that the Cardinal, 115 S Franklin, and MG&E are all near the same height as the proposed building. He said that the rhythm of the north four houses on S Blair Street is picked up on the S Blair Street façade of the building, and the scale and proportion drags across the building elevation. He explained that the storefronts along the commercial component will be 10-12 feet wide with canopies installed over each storefront bay so the rhythm moves along S Blair Street. He compared the proposed windows to those of the

Hotel Ruby Marie in terms of rhythm and proportions. He mentioned that they are trying to keep the development and density on E Wilson and S Blair Street and allow the project to step down toward the residential area on S Franklin Street. He said that the townhome units flanking Germania are 40 feet away and there will also be a landscape buffer in between. He provided information on the materials they intend to use, including a dark brown and a lighter cream-colored brick. He provided images of the brick samples set against MG&E, Hotel Ruby Marie, and the Cardinal, and said that he thought the colors would be complementary to those buildings. He said that the metal paneling would be installed along the S Blair Street elevation as a highlighting component, and would be perfectly compatible with the era of the surrounding buildings. He spoke about the façade design and looked at the wall to window proportions on the Cardinal and Hotel Ruby Marie, noting that the simple window rhythm in the proposed design is in line with what is happening in those buildings. He pointed out that the articulation on E Wilson Street has been toned down from the previous iteration, with subtle rhythms and cues that break up the elevation. He said that the roofs are all flat and will not be seen from the street. He said that overall, he feels that this design meets the requirements for the Certificate of Appropriateness and will not frustrate the public interest.

Rummel asked if there are any renderings of the service entrance on S Franklin Street. Schellpfeffer said that they did not take any direct renderings of that area. He said that there is a large planter that runs between the driveway and Germania, and they will add more screening than what is currently there.

Long said that she lives on S Franklin Street, and while she is in support of development that improves the economic value and use of downtown property, she is opposed to the plan as submitted. She said that the massing of the building is an issue because while stepped down slightly, it is still bringing urban congestion from S Blair Street into the oasis that S Franklin and S Hancock Street are now. She said that the quiet, one-way residential streets with canopy trees and having that feel blocks from downtown are very unique to First Settlement. She expressed concerns about the truck entrance on S Franklin Street that will bring congestion and a more urban feel. She pointed out that there is not currently a driveway on S Franklin Street, it is a walkway with no curbcut. She said that the current plan will completely change the nature of the district and impact the historic feel of being in a residential downtown area.

Lewin said that the Landmarks Commission has to walk a tight rope because they have to preserve the history of Madison while also addressing the growth of the city and the housing that is needed to keep up with that growth. He said that the footprint is important when constructing a new development, and the developers had to accommodate the Hotel Ruby Marie and the four houses along S Blair Street in their design that are not part of the footprint. He said that it is a large footprint they are proposing, most of which is currently a parking lot, and he spoke about the importance of the iconic, vital corner of E Wilson and S Blair Street. He said that putting in over 100 apartments at this location will be terrific for downtown, and will echo what we have seen happen along E Washington Avenue. He said that it makes for more people to live, work, pay taxes, and shop downtown. He suggested that everyone help to find ways to make this project work rather than ways to pick it apart.

Stege, representing the Madison Trust for Historic Preservation, pointed out that historic districts comprise less than 1% of Madison and a little over 10% of the area in the Downtown Plan. He said that as long as it meet the standards, the Trust supports infill. He mentioned that a good example of a successful effort is the MG&E campus. He said that the Landmarks Commission is trusted to enforce the standards, and the standards clearly state that they are mandatory, not optional. He said that this project would take what is already the largest lot in the district and add additional lots to it; the median lot size in First Settlement is 1/11 the size of this. He said that given the mandatory nature of the standards, the COA for the proposed lot combination must be denied. He said that the COA for the new structure does not meet the standards either and must be denied. He explained that the Trust interprets historic resources to include any building or area adding significant historic or cultural value, which goes beyond landmarks or historic districts. He said that they must consider the effect of this project on the East Wilson National Register Historic District as well; the project will demolish 100 linear feet in that district, all of which was constructed during the period of significance, and includes one contributing structure.

Levitan asked if Stege disagrees with staff's recommendation that if there were a project appropriate for the site that meets the standards that the Commission could then find the lot combination acceptable. Stege said that he disagrees because if the proposed lot is incompatible in terms of lot size or pattern, the COA fails. Levitan pointed out that the lot is already not compatible with other lot sizes, and asked if that should be considered. Stege said that looking at the original lot sizes is significant; one can see that portions of the original lots already had a large combination that is totally outsized for the district, and now we would be adding significantly to that.

Wagner said that she is a Germania condo owner and First Settlement district chair. She referenced a document the First Settlement district submitted prior to the meeting with an analysis of the proposal and the applicable standards. She read the ordinance language regarding lot combinations and said that the proposed lot is 10x larger than the average size of adjacent lots and 10x larger than the size of all lots in the historic district. She said that the proposed lot is also 13x larger than lots with pre-1930 construction. She said that on all accounts, the proposed lot is substantially larger than the rhythm of current lots, and they are concerned that this could encourage development out of scale with the district. She said that their analysis shows that the proposed development is incompatible with adjacent lot sizes and fails to maintain the general lot size pattern of the historic district, so it does not meet the standards for a land combination. She said that to conclude otherwise would ignore the standards and set a dangerous precedent.

Linville said that he thinks the people working on the project have people's best interests in mind, and while there are many issues still to solve, a framework exists for the project. He said that he is not the type of person to save every brick in Madison, but respects historic structures. He said that he is a proponent of scale and proportion, and historic rhythm is important. He said that he doesn't want to lose sight of the fact that over 50% of the E Wilson Street block would be a new building, so how it is created is important. He said that in the current iteration, it blows the block apart and creates bookends of history with no thread that respects that history. He said that there is potential that it could, but it doesn't yet. He referenced an earlier comparison to E Washington Avenue and said that this is not the same, as it is a more fragile area. He said that he knows the project can be better and would like to be helpful in that, though he said that they need time to make that happen.

Tipler provided drawings of a potential E Wilson Street frontage with setbacks that respect the historic buildings. He also showed historic photos of the 500 block of E Wilson Street and current photos of pre-1930 structures within 200 feet of the proposed development. In these photos, he pointed out that it is a matter of scale that is reflected, and said that they need to construct something on the site that knits the buildings together to become a vital, important destination location. He pointed out that whether one is biking, walking, or driving, there is great street front in all directions. He said that this site deserves the best; he has high regards for McGrath and hopes they do the right thing and configure this to make it work. He suggested they have better quality construction and higher height along S Blair Street. He said that this part of E Wilson Street is a gem downtown, and worthy of reinvigorating.

O'Brien said that he lives on S Franklin Street and agrees that the lot size combination as it stands is not compatible with adjacent lot sizes and the lot size pattern of the historic district. He said that the massing, scale, rhythm, and proportion is also not compatible. He said that in discussion of compatibility with buildings within 200 feet, it was mentioned that the proposed structure is compatible with the Cardinal, MG&E, and the Franklin Row condos, and while that may be true, the footprint of the new building is much larger. He said that it is so much larger that he would argue it is not compatible with similarly tall structures within 200 feet. He said that the height, massing, and rhythm should be informed more by the Hotel Ruby Marie or the pre-1930 MG&E buildings. He stated that the bottom line is to scale back, which he thinks can be done; the site deserves a great project, but it cannot be that massive. He referenced the Downtown Plan, which said that the project should enhance the historic character of the district. He said that this project can do that, but it doesn't now. He said that he believes this project will have a traffic impact that has yet to be studied, but could adversely affect the residential corridors of S Franklin and E Main Street. He said that he hopes they can work with the developers to refine this project to the point where it is acceptable, while still being lucrative and maintaining the historic integrity of the neighborhood.

Mohs shared some history on the part played by MG&E in the early days of historic preservation in Madison. He explained that MG&E had plans to construct a new office and were planning to demolish the old depot, freight house, and wagon works so that they could create the presence of a modern building on S Blair Street. However, the early historic preservation movement was powerful and they did not back down. He said that sacrifices were made, and MG&E ended up saving the three historic buildings and incorporating them into their design for the new office building. He said that there was great benefit from this, as the Mayor gave a speech about what a great ally MG&E was and it was the start of a cooperative relationship between MG&E and the City that remains today. He said that he hopes this can work similarly to what MG&E accomplished on the other side of S Blair Street.

Ingebritson read from a statement from the Mansion Hill historic district. She said that it is imperative that the integrity of the First Settlement historic district be protected. She discussed various concerns, and said that if the City does not honor and protect the letter and intent of the historic preservation ordinances, it would break the trust of those living and investing in historic districts. She said that only approving buildings that are appropriately scaled is important to retaining the integrity of the historic district, and pointed out that the proposed lot combination would not be permitted under the ordinance. She also spoke of precedence, and said that if this project were approved, it would be looked on as a precedent and would be extremely detrimental to historic districts as well as to the city as a whole. She said that the approval of this project would harm the First Settlement historic district and pave the way for the desecration of other historic districts.

Saloutos said that he is excited for the redevelopment of this site that meets the historic preservation standards. He said that the architect and design team have done nice things with the details to visually try to get a building of this mass and scale to conform to the standards, but it is still big. He said that if the proposal is not compliant, they should focus on specific standards and provide measurable, specific feedback on how to comply. He pointed out that the historic structures report provided by the development team regarding the properties on E Wilson Street does not comply with the Department of the Interior's requirements for historic studies, and suggested they hire an independent architect to conduct a study that follows the standards and includes recommendations and the cost for rehab of those properties. He said that when he looks at the 1920s-30s streetscape along E Wilson Street, he gets goosebumps, and he does not get goosebumps from this proposal.

Rummel thanked Bailey for her staff report, and said that the development team has done a good job in including variety in the design, but she doesn't see any historic pattern running through. She said that she is concerned about the existing buildings along E Wilson Street and would like to study them more because they could be great buildings underneath the stucco. She said that she has a hard time with the demolition of those buildings without more research. She said that the S Franklin Street drive aisle is still a concern for residents, and there are questions that remain unanswered. She suggested that if they were to separate out the E Wilson Street properties from the new development, they could add public space in between that would be meaningful to the neighborhood. She said that the big openings on S Blair Street seem awkward and need more work. She said that she agrees with considering Tipler's suggestion to add height along S Blair Street and pull back from E Wilson and S Franklin Street, and mentioned that it needs to be done right, but could be part of a solution. She said that the historic pattern is an important concept, and she gives weight to the patterns along E Wilson Street and the four houses on S Blair Street as historic patterns that need to stay.

Levitan said that he is still contemplating the threshold question of whether an acceptable new construction project can meet the standards for a land combination. Kaliszewski agreed, and said that she doesn't know how they can say yes to a land combination because it is extremely large. She said she is aware the parking lot is already large, but adding additional frontage is concerning. She pointed out that the parking lot was purposefully included when they drew the boundaries for the First Settlement historic district so that the Landmarks Commission could review proposed projects for that site. She stated that making a larger lot and putting a large building on top hurts why the historic district was listed and why this area was included in it.

Levitan asked for thoughts on whether an acceptable new construction project can meet the standards for a land combination. Kaliszewski said that she does not think it does. Arnesen said that argument is not constructive, and it would be better to provide constructive criticism than to simply say it cannot be done. He said that it is a combination of lots that are primarily outside of the historic district, and the ordinance does not apply to lots outside of the district. Bailey said that the ordinance does not contemplate lots that extend out of the historic district, but discusses lots that are within the historic district. She said that the Landmarks Commission has never approved a lot combination that creates a parcel that is inside and outside of the historic district. Kaliszewski said that the whole point of having these standards in the ordinance is so that it doesn't happen, and the developers could use the lot size that is already existing. Arnesen said that the existing lot is already not conforming. Kaliszewski said that the Commission needs to follow the ordinance, even if they like a development, and the ordinance is clear on this. She said that if it is already non-conforming, they shouldn't allow it to become even less conforming. She said that while there is no precedent in Landmarks, this could set a dangerous precedent.

McLean said that he agreed with Kaliszewski. He asked if the parking lot is currently one lot, and Bailey said that it is one parcel, but the underlying lot lines are still in place. Levitan explained that this proposal is to combine all the lots into one supersize lot that would reflect the parcel that currently exists. Arnesen said that if the Commission denies this request because of the lot combination, they still need to discuss the project and provide feedback. He asked what a denial from the Landmarks Commission would mean for the applicant. Bailey said that Certificates of Appropriateness are required for properties within First Settlement, so they must have these COAs to proceed. Arnesen asked if Plan Commission could still review it. Bailey said that the applicant would have to appeal the Landmarks Commission decision to the Common Council. Kaliszewski said that she agreed with Arnesen in that they should still provide comments on the building even if it is denied. She said that a denial of the lot combination would not completely derail the project, and offering suggestions on the building design will be helpful if the project comes back to the Commission again in the future.

Bailey said that Planning staff has provided comments to previous development teams interested in this site, and has recommended that developers look at a discrete project rather than one gigantic project. Kaliszewski agreed, and said the idea of bringing the E Wilson Street side and the S Blair Street side together is too large, and they have no jurisdiction over the E Wilson Street side. She said that the current iteration is better than what they were originally shown, but she agrees that two discrete projects would work better with this area. She said that she disagrees that the proposed windows follow any window patterns on adjacent buildings. She compared the design to images of nearby historic buildings and said that the window sizes are wrong with too many large 3-part windows, and the double windows should not be right next to each other because they are spaced further apart on the historic buildings. She pointed out that there are a lot of single windows on the pre-1930 buildings within 200 feet. She said that the largeness created of the windows versus voids does not follow what is found in adjacent properties. She explained that the first story is hard to compare because she understands that they do want to make modern commercial space and there is a need for large commercial windows there; however, the largeness of the windows proposed on the upper floors don't follow what is found in adjacent properties and don't create the right rhythm versus void. Arnesen said that Kaliszewski is describing a situation in which the pre-1930 windows would be replicated, but the language in the ordinance says they should be compatible. Kaliszewski said that large 3-part windows would not be found on a pre-1930 house and are not compatible with anything pre-1930. She said that the design does not follow the rhythm of solids to voids in the ordinance and it creates a larger space on the building than is found on other buildings. McLean asked for thoughts on the E Wilson Street façade. Kaliszewski said that she doesn't like the top floor of the building, but she likes the portions below that in terms of rhythm and voids, aside from the large 3-part windows.

Bailey said that Ald. Rummel mentioned comparing this to other buildings outside of the period of significance, and said that she likes to look at properties like 115 S Franklin Street, Germania, and Settlement Place as products of their time that tried to blend into the neighborhood. She pointed out that there were different means of going about that at different points in time, but all are successful interpretations of complying with the character of the First Settlement neighborhood. She said that the ordinance doesn't consider newer buildings

in terms of the façade or windows and doors, but it is informative about how previous projects blended in with the neighborhood.

Martin said that looking at the S Blair Street façade in context with the Hotel Ruby Marie versus the E Wilson Street façade, she believes the E Wilson Street side is more successful in that she gets the reference to the adjacent properties, but doesn't see how the S Blair Street side reflects that or blends in.

Rummel mentioned that someone said the Landmarks Commission can't do anything about the E Wilson Street side, but the fact that they are reviewing the lot combination and can say no to it absolutely impacts E Wilson Street. She said that if the Commission were to say that they will not approve a lot combination that goes outside of the historic district, it totally changes the project.

Levitan asked for a response to Tipler's suggestion that there may be advantages to greater height on S Blair Street to lessen the pressure on the other sides. Kaliszewski said that she disagrees because it won't follow the ordinance.

Levitan returned to the threshold question of whether an acceptable new construction project can meet the standards for a land combination. He said that his reading of the ordinance is that if a proposed land combination is not compatible with adjacent lot sizes or fails to maintain the general lot size pattern of the historic district, that stops the project right there because this is not in conformity.

Arnesen said that if the purpose of that section is to prevent people from taking a lot of small lots and combining them into one large lot, that's not the same case here because they already have the lot made up that they are combining, which is not the spirit of the ordinance. Levitan clarified that it is one parcel, but many lots. Kaliszewski said that by combining this into one large lot, it will make it more difficult in the future to re-parcel out into smaller lots once the existing lot lines are gone, which is why it was previously made into one parcel and not one lot. Bailey said that it has functioned as one parcel, so they didn't need to deal with the underlying lot lines.

Rummel asked if any legal information is needed from the City Attorney's Office for this discussion. Bailey said that staff has not asked for an interpretation. Martin said that she would like to hear an interpretation from the City Attorney's Office so the Landmarks Commission can be sure they are doing what the ordinance intends in spirit and in letter.

Kaliszewski said that putting a dark color on the top of the E Wilson Street façade makes the massing stand out more. She said there are already serious issues with massing, and the dark color makes it look bigger than it is, as if it is hovering above you. Rummel said that the design team did that because in a previous iteration, she had said that the grey metal top didn't belong in a historic district. Schellpfeffer said that in discussions with City staff, they had also suggested a darker color. Kaliszewski said that generally, it should be lighter in color if you want it to disappear.

McLean said that on the E Wilson Street side, it looks weird how the building comes up behind the Hotel Ruby Marie. He pointed out that the proportions of the building that surround the hotel are different and none of the floor heights are the same. He said that the difference in proportions based on massing, voids, and solids are very evident in this image. He said that the E Wilson Street view from Williamson Street is probably the most visible part of the property because of the openness of that large, busy intersection. He said that having more mass on S Blair Street and less on E Wilson Street, as historical context, is a good plan. He said that he understands they would lose some building that way, but if there were a way to keep the E Wilson Street side lower and not hulking over the Hotel Ruby Marie, that would go a long way in presentation.

Kaliszewski said that based on the conversation, it sounds like the Commission would not approve the new structure based on the current plans. McLean agreed. Arnesen said that they didn't discuss height, but he thinks it is compatible. Kaliszewski said there are issues with scale, massing, rhythm, proportion, façade design, and windows and doors.

Levitan closed the public hearing.

**ACTION:**

**A motion was made by Martin, seconded by Arnesen, to refer consideration of a Certificate of Appropriateness for a land combination to the July 8, 2019 Landmarks Commission meeting and to request that staff bring a written statement from the City Attorney's Office regarding the interpretation of the ordinance. The motion passed by voice vote/other.**

**A motion was made by Kaliszewski, seconded by Martin, to refer consideration of a Certificate of Appropriateness for the construction of a new principal structure to the July 8, 2019 Landmarks Commission meeting. The motion passed by voice vote/other.**