

Landmarks Commission
Meeting of May 4, 2020
Agenda item #6, Legistar #60204

When 7-9 N. Pinckney Street was approved as a local landmark in 2008, it was part of an effort to preserve what the Madison Trust for Historic Preservation called "an extraordinary collection of intact 19th and early 20th century buildings." 1 N Pinckney, 7-11 N. Pinckney, 21-23 N Pinckney, 27 N Pinckney are all landmarked properties, as is 101 E. Mifflin. The Madison Trust said: "It is imperative that we preserve the last remaining group of architectural and historical heritage on the square." The Landmarks Commission agreed. Yet, now the applicant's materials essentially address 7-9 N. Pinckney as a stand-alone building, without consideration being given to the context of the entire block.

MGO 41.13 states: "The Common Council finds that it is in the public interest to preserve and maintain landmarks, landmark sites, and improvements in historic districts, and to vigorously enforce this chapter and other City ordinances that have a related purpose." A demolition variance can be granted if the Commission finds a competing public interest necessitates demolition of a landmark.

A variance is necessary in the public interest if the proposed building "provides unique, high priority benefits to the general public." The applicant does not make a case for a "*unique, high priority*" benefit – ordinance language requires that the public benefit be both unique and high-priority. If there is not a unique benefit, a variance cannot be granted.

- The applicant talks of increasing the tax base. Well, demolition of any historic structure and replacement with something bigger increases the tax base. There is not a "*unique, high priority*" benefit.
- The applicant claims that its project will "maximize the life and activity on Madison's Capitol Square." Again, even if true, this is not a "*unique, high priority*" benefit.
- The applicant claims that the property it is redeveloping is underutilized. Again, that could be said of many, if not most, historic buildings on the isthmus. Increasing utilization is not a "*unique, high priority*" benefit.
- The applicant states the 200+ person conference center will be an amenity for local community organizations and non-profit groups. Again, not a "*unique, high priority*" benefit.
- The applicant claims that the "only way for responsible density to be created in new developments on the Capitol Square is through the creation of underground parking" and that their site is one of the only two on the square that can support an efficient underground parking structure. Creating density is not a "*unique, high priority*" benefit. (Plus, should the City, in this time of climate change be looking to approve an 840-stall parking garage? Is that additional amount of traffic appropriate?)

As part of its narrative, the applicant makes other claims.

- The applicant talks of the Capitol Square being able to attract and serve the people of Madison, and that the building detracts from Madison's downtown. However, would not restoration to a more pure historic look equally, if not more, provide a benefit to the downtown?
- The applicant claims that the historic storefront will be once again be used for the retail purposes that the original builder intended. Yet the applicant also states "downtown

Madison has been decimated by the COVID-19 virus and the closure of restaurants and retail shops, many of whom may never recover and reopen. The retail heart of downtown Madison along State Street no longer exists, with even the most well-known shops closing." So what will make the replacement project so exceptional that retail will be attracted to the proposed redevelopment when other retail is declining?

- The applicant argues: "With the exception of the American Exchange Bank Building that we have invested significantly in saving, the old wood frame buildings on Pinckney Street are functionally obsolete and have been stripped of almost all historic detailing." And that the "building that remains today has little resemblance to the original Olson and Veerhusen Building/Hobbins Block constructed at the turn of the 20th century." Yet the block, and the 7-11 building, appear to be in the same condition as the properties were landmarked in 2008.

The proposed structure would not provide *unique*, high priority benefits to the general public. To the extent any benefits are provided (e.g., an increased tax base), those benefits do not "substantially outweigh the strong public interest in preserving historic resources expressed in this chapter." This is not just a balancing test – the *unique*, high priority benefits must substantially outweigh the strong public interest in preserving historic resources.

Respectfully Submitted,
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