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August 7, 2023

City of Madison Landmarks Commission
Planning Division
215 MLKJ Blvd.
#017
Madison, WI

Dear Commissioners:

RE: Old Spring Tavern Property and Proposed House at 3701 Council Crest, Legistar File ID No. 79099

Thank you for providing the opportunity to submit written testimony to the City of Madison Landmarks Commission regarding the application for a Certificate of Appropriateness to build a new home on the landmark property at 3701 Council Crest, known as the Old Spring Tavern. The application does not meet the standards for approval in MGO 41.18(1)(b), which incorporate the Secretary of the Interior's Standards for Rehabilitation of historic properties. As such, a Certificate of Appropriateness should not be granted.

Madison General Ordinance 41.18(1)(b) states that the Landmarks Commission shall approve a Certificate of Appropriateness for exterior construction only if, in the case of construction of a structure on a landmark site, the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation. The Secretary of the Interior's Standards for Rehabilitation are required by MGO 41.18(1)(b).

Applicable Secretary of the Interior's Standards for Rehabilitation for Granting a Certificate of Appropriateness

- "A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment." **The new construction proposed on the landmark site at 3701 Council Crest does not require minimal change to the defining characteristics of the land adjacent to the Old Spring Tavern. In fact, new construction of a massive size and scale (4,500 sq. ft.) home as proposed requires maximum change. The proposed construction is clearly more than a minimal change to the defining characteristics of the building and its site and environment and, as such, is contrary to the standard for approval.**

- "The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided." **The historic character of this landmark (which includes the zoning lot on which the proposed home will be built), the land, sounds, sights, and the big walnut tree that brought lead miners to Madison to water horses and oxen will be obliterated by new construction. New construction that obliterates the character of the historic property does not conform to the standard.**

- "Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken." **If the proposed home is built, more than half of this landmark will no longer be recognized as a physical record of its time, place, and use. New construction that takes away the physical story that is stored there does not conform to the standard.**

- "Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved." **The genesis of the story begins with the land. The story loses meaning without the land. The remaining land, including the zoning lot where the proposed home would be built, is a significant part of this landmark. The land safeguards the significant cultural and historic heritage of the property. Preserving and retaining the land for historical purposes is necessitated to meet the standard.**

- "New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment." Following are excerpts from the Madison Trust for Historic Preservation letter to the Landmarks Commission, dated August 4, 2023, regarding differentiation of the proposed house and the Tavern itself: 1) Its highest point would be higher than the Tavern's highest point, its back wall would
  be only 26 yards from the front of the Tavern, and it would be built on a slope above the Tavern. All these aspects of the proposed house, along with its mass and bulk, would make it incompatible with the Tavern; 2) The back of the proposed house would be 37 feet high, facing the 30 foot tall front of the Tavern,

with 10 feet of height added to the proposed house because it would be built on a higher base because of the upward slope of the yard; and 3) That means that the top of the proposed house would be 47 feet above the bottom of the front door of the Taven, significantly higher than the top of the Tavern, which is only 30 feet above the bottom of its front door. **The proposed new construction is a 4,500 ft. sq. house that will stand on a hill, bearing down on the historic Tavern. The new construction being proposed is not compatible with the Tavern, its environment, and the land, and does not conform to the standard.**

Future considerations

1. Public hearings that impact landmarks, landmarked sites and historic districts should be noticed more broadly. Current policy is that ten days prior to a meeting of the City of Madison's Landmarks Commission, residents within 200 feet of the landmark receive notice of a scheduled public hearing to discuss proposals. Designated city landmarks, landmarked sites, and historic districts are for the benefit of the entire community. These are not decisions that affect a few neighbors within 200 feet of the subject property. Better public notice must be given.
2. It should be required that a minimum of four members of the Landmarks Commission or a simple majority of the Landmarks Commission membership (7 members) approve decisions that affect landmarks, landmarked sites and historic districts. For example, a decision for land division of the two lots that comprise the landmark site for the Old Spring Tavern at 3706 Nakoma Road was approved by just three members of the Commission.
3. Clear guidance should be enacted to ensure a more transparent process, clarification of the role of staff, and specific criteria that triggers efforts to engage developers, local authorities, historians and concerned citizens well in advance of the staff report being written, finalized and the proposal presented to the Landmarks Commission. Citizens are not informed of these discussions until 10 days prior, creating a sense of lack of openness and transparency in the decision-making process.

For the foregoing reasons, the application for a Certificate of Appropriateness to build a new home at 3701 Council Crest, a designated City of Madison landmark, fails to meet the standards for approval in MGO 41.18(1)(b) and the Secretary of the Interior's Standards for Rehabilitation. Therefore, the application for a Certificate of Appropriateness should not be granted.

Sincerely,
Kris Andrews

Bailey, Heather

From: As Polans <aspolans@gmail.com>
Sent: Monday, August 7, 2023 4:19 PM
To: PLLCApplications
Subject: Land Marks Commission Public Comment File # 79099

Caution: This email was sent from an external source. Avoid unknown links and attachments.

My name is Arthur Polans and along with my wife, we have lived on Seneca Place in Nakoma for the last twenty-eight years.

First, we are not NIMBYs. Rather, we simply try to follow lessons learned from such individuals as Aldo Leopold, Michael Olbrich and John Nolen, who believed in striking a balance between urban needs, natural settings, and historic preservation, including the preservation of architecture and landmarks.

These three individuals were members of the committee that helped steward the land now comprising the UW Arboretum, just across the street from the Nakoma neighborhood. If not for these visionaries, the Arboretum would have been lost. Like the Arboretum, Nakoma is a historic setting on the National Register of Historic Districts and the Old Spring Tavern is a landmark site, and both deserve protection.

First, the proposed project is a single-family house of more than four thousand square feet. To accommodate the construction of such a large house, the setback for the proposed construction facing Spring Trail and Council Crest would not meet the thirty-foot standard for the Nakoma neighborhood. Such setbacks have been supported not only historically but in recent years by the Landmarks Commission. As one example, see the Commission's decision regarding the property at 4022 Manitou Way which enforced the thirty-foot setback for new construction at that site.

Second, the housing comps cited in the proposal are erroneous. As one example, the home at 734 Huron Hill is large but it sits on a lot that is 2 1/2 times larger than the lot at the proposed construction site.

Third, the scale of the project is overwhelming, but its negative impact cannot be fully appreciated since no renderings were provided which accurately show the proposed construction in relation to the Old Spring Tavern and nearby homes.

Fourth, the height of the proposed construction does not conform to standards in the neighborhood. The construction facing the Old Spring Tavern and Nakoma Road would be approximately 38 feet in height (almost four stories); an anomaly in the neighborhood.

For these four reasons the plan as is should not be approved by this Commission.

The loss of historic neighborhoods, unique architecture, and natural settings does not occur all at once but rather bit by bit, exemption by exemption. We should learn from notable Wisconsin conservationists and act now to save invaluable assets that otherwise will be lost for future generations.

Thank you.

Bailey, Heather

From: Meg Gordon <mbgordon721@gmail.com>
Sent: Tuesday, August 8, 2023 8:29 AM
To: PLLCApplications
Subject: Support for 3701 Council Crest, City File # 79099

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Members of the Landmarks Commission,

I am writing in **support** of the 3701 Council Crest proposal, City File # 79099.
As a former New Englander who grew up in a colonial house in a town established in 1639, I am sympathetic to those who are objecting to the proposal as they clearly wish (like many people) that the newly created lot behind the Old Spring Tavern had remained with the Tavern and are arguing to preserve historic integrity to one of Wisconsin's unique sites.

That said, the lot was created, approved and sold for a high price. As a Nakoma resident for the past 13 years I have to say the historic appearance of "a solitary inn set on a road in an open, undeveloped landscape" was lost decades ago.

I understand the Tavern was designated a Madison landmark in 1972 and yet two years later a very large contemporary design home was built right next door (3714 Nakoma Road) ruining any pretense of a wide-open appearance.

But perhaps the biggest intrusion is Nakoma Road itself, a very heavily traveled thoroughfare. When we moved to the Nakoma neighborhood and walked by the Tavern, the impact of constant fast-moving traffic and accompanying noise (plus the crumbling wall along the sidewalk that has since been repaired) gave the impression of a property few would want to own.

I think we are fortunate that the owners of this newly created lot are long-time Nakoma residents now looking to return to the neighborhood where they raised their family.

They have gone to great lengths and expense to address a plethora of concerns regarding the historical integrity of the Tavern, preserve the integrity of Nakoma's look, address pre-existing water flow issues, and acting in good faith to preserve our congenial community feel, all while recognizing the value of living and paying taxes within the Madison city limits. It seems that a well landscaped well drained lot with strategically placed foliage could alleviate many concerns.

The big picture view really is that the greatest threat to our beautiful tree-rich neighborhood is not construction but the shifting climate bringing unpredictable and more extreme weather. One fierce storm could bring down the old black walnut the lot owners are already going out of their way to preserve.

Madison has stated climate ideals and obligations. Supporting well-designed local construction must follow like it or not. We need to welcome individuals who wish to live within city limits. They help support the many vital climate-responsible city services like water management updates, mass transit and bike paths.

Local fights must be considered within the very real context of the challenges facing our city. And for this reason I hope you will recommend the 3701 Council Crest, City File # 79099 go ahead.

Thank you for your consideration,
Meg Gordon

Members of the Landmarks Commission:

We are writing to join our many neighbors in opposition to the new construction proposed for 3701 Council Crest. Because the city listed the lot on which the owners want to build in the National Register of Historic Places in 1974, the new construction requires the approval of the Landmarks Commission.

As reported last week in the Wisconsin State Journal, the proposal fails to meet the US Department of the Interior's Standards of Rehabilitation for properties listed on the Register: it is too tall and much too large, it is much too close to the landmark Spring Tavern, it fundamentally alters the uses to which the property has historically been put — no one has ever built a house behind the tavern before, much less one of this magnitude — and it threatens a centuries-old walnut tree, older even than the Tavern itself.

Our principal objection, however, is to the sheer scale of the building. Although the owners are arguing that the proposed edifice is "consistent in size and style" with other homes in Nakoma, even a casual glance at the rendering published in the WSJ clearly shows that that's not true. The house the owners are proposing to build positively lowers over the Spring Tavern, which can scarcely be seen in the background; it completely obliterates the Tavern from the view of anyone passing by on Council Crest.

We can think of no other house in Nakoma that's as crowded onto its lot as this one would be. It will turn the driveway behind the Spring Tavern into an urban alley; the proposal essentially asks future owners of the Tavern to be content with looking out their back windows at a three-story wall, blocking out the afternoon sun. It it will make the Tavern much less attractive to future owners — would you want to invest in a historical property at the foot of a high rise? — and it's the Tavern, we should remember, that the Commission is charged with protecting.

Yes, housing in Nakoma is an eclectic mix, and previous owners have made other alterations to the property; that's hardly surprising for a building that's 200 years old. But neither consideration is a legitimate basis for arguing that the Standards of Rehabilitation should simply be set aside, and that anything goes. If that's the case, then the Landmarks Commission should delist the property from the Register.

As for style, the proposed house would fit in perfectly in Harlan Hills, along a golf course in west Madison, or in any of a number of other subdivisions in some of the outlying communities — though we're unaware of a single Madison suburb that would allow two houses to be built so close together — but not in Nakoma.

We urge the Commission to listen to residents in the neighborhood and deny approval.

Brian Hyer and Margaret Miner
710 Seneca Place

August 7, 2023

Bailey, Heather

From: Jill Davis <jill.ldavis@gmail.com>
Sent: Wednesday, August 9, 2023 9:39 AM
To: PLLCApplications
Subject: re: file #79099

Categories: Heather

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I am writing to report an inaccuracy on the application to build a house on the lot that used to belong to the historic Spring Tavern. In justifying the size of their house, the owners of the lot state the following

We first compared houses by "living area" sq./ft as reported by Madison property tax records (1st, 2nd, 3rd floor). Using this measure, there are at least 20 houses in Nakoma (and at least 5 two on the surrounding blocks) that are larger than our proposed house.

They then footnote several homes, including mine at 3710 Council Crest. The total living area in my home is 3357 square feet and it's my understanding that the house which they intend to build is significantly larger than this, about 4500 square feet. It concerns me that the document isn't accurate in terms of the comparisons they are providing. I will add that it is disingenuous to include all three floors of other people's homes to measure living space and then use that as a comparison to their house. Our house has two floors of actual, above ground living space, the main floor and the second story. Our house is about 100 years old and the basement reflects that. It is underground and has no above ground windows or egress. It is not comparable to a walkout lower level with access to the backyard which the proposed house has. The lower level of the proposed home, which repeats the footprint of the first floor, is planned so that it can actually have floor to ceiling windows to the backyard, which makes it actual living space. Even if you included the "finished" area of our basement, it only adds another 564 square feet, but I want to reiterate that a room with no windows is hardly "living space." In addition, a large portion of our basement is completely unfinished and can't be finished. In conclusion, I would hope that the Landmark Commission double checks the comparisons the owners are offering. They need to be both accurate and they need to compare apples to apples, which this comparison does not.

I will add that from the design plan on the website, the proposed home looks like it will tower over the Spring Tavern given that it sits so high above it. The other houses on that side of Council Crest have steps down to the front door which reduces the overall height and lessens the footprint for the homes on Nakoma Road behind them. My reading of the plans, if I am accurate, is that the owners plan to build up the land so the house is on the street level of Council Crest, which, if true, will very much dominate the landscape for the historic inn and rise significantly higher than the neighboring houses on that side of the street. I do not support this plan.

Jill and Jim Davis

Bailey, Heather

From: Kristine Andrews <kristinedandrews@yahoo.com>
Sent: Wednesday, August 9, 2023 2:25 PM
To: Bailey, Heather
Cc: Figueroa Cole, Yannette
Subject: Furlow COA Request and Lot Size Analysis

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Dear Heather,

Under Point 8, the Furlow proposal states that their planned home is consistent in style and scale with Nakoma development. They argue there are numbers of larger homes in the neighborhood, including some on adjacent streets, that are larger than their planned home. To support this assertion, they compared their proposed house to others in Nakoma using three different measurements from the Madison property tax records.
My home, located at 3618 Spring Trail, was identified as being compared with the proposed house by looking at total sq. ft. (all floors, porches, patios and basement) as a percentage of lot size. **The Furlow's information is inaccurate. Their proposed house is 36.4% of lot coverage. According to the City of Madison Assessor's Office, in an email dated August 3, 2023, my home, including attachments, is 17.78% of lot coverage.**

I thought you should be aware of this. While it may not have anything to do with the Secretary of the Interior's standards, it does misrepresent comparisons of their development with existing homes in the neighborhood.

Take care,
Kris Andrews
3618 Spring Trall
Madison, WI 53711

Alex Saloutos

3318 Hammersley Avenue
Madison, WI 53705
Phone: 608/345-9009
E-mail: asaloutos@tds.net

August 9, 2023

Email:
landmarkscommission@cityofmadison.com

Heather Bailey
Preservation Planner
Landmarks Commission
City of Madison
Madison Municipal Building Suite 017
215 Martin Luther King Jr Blvd
Madison, WI 53703

Re: **Application for a Certificate of Appropriateness to Build a New Home at 3701 Council Crest, a Designated City Landmark**
Legistar ID No. 79099

Ms. Bailey:

Based on the facts and the evidence, the application for a Certificate of Appropriateness to redevelop the zoning lot at 3701 Council Crest—a designated a city landmark—for use as a single family home, does not meet the standards for approval and should denied.

Factual Background.

1. The subject landmark, known as the Old Spring Tavern, consists of two contiguous zoning lots, i.e., Lot 1, which is 16,694 square feet and where the primary structure is located, and Lot 2, which is 10,783 square feet and is unimproved.

2. Both the land and improvements are designated city landmarks.

3. In 1854 the landmarked property was developed as an inn and tavern primarily serving travelers on the Madison to Monroe stagecoach road until 1895. The inn was surrounded by rolling pastoral farmland. The primary structure was sited on the side of a hill overlooking Lake Wingra on ancestral lands of the Ho-Chunk, who had a village on the ridge behind the inn. Six prehistoric mounds were found on the property, each containing a skeleton and artifacts, including copper knives. The original front door faced northwest to the first location of the stagecoach road, and the nearby railroad line. Clay for the red brick the structure was built with was taken from the nearby hillside and the brick made on site. A 250-year old black walnut tree with a large canopy continues to occupy a large portion of what was once the front yard and is now Lot 2.

4. In 1972 the subject property was designated a city landmark to preserve and protect it. It is significant for its historic use as a rural inn and tavern that served guests during the second half of the 1800s—which is the historic purpose of the property—and as a prime example of Georgian Revival architecture.

5. In the early 20th Century, primarily from the end of World War I to the end of World War II, the farmland surrounding the landmarked property was developed as a modern subdivision that featured platted lots on paved roads with concrete sidewalks and gutters, electric hookups, and water and sewer connections. It was a pattern of development unlike the historic use and character of the landmarked property.

6. The application proposes to redevelop Lot 2—almost 40% of the landmarked property—for use as a single family residential home that is similar in character and use to the modern subdivision that now surrounds the landmarked property.

Relevant Standards for Approval.

The Landmarks Commission shall approve a certificate of appropriateness for exterior alteration or construction only if in the case of exterior alteration or construction of a structure on a landmark site the proposed work would meet the Secretary of the Interior's Standards for Rehabilitation. MGO 41.18(1)(b). The SOI's Standards for Rehabilitation referenced in MGO 41.18(1)(b) include ten standards. 36 CFR Part 67.7. Of the ten standards, (1), (2), (3), (5), and (9) are relevant to the subject application:

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

(9) The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Analysis and Conclusions Regarding the Subject Application.

1. The application fails to use the landmarked property for its historic purpose or place it in a new use that requires minimal change to the defining characteristics of its site and environment, contrary to the SOI's Standards for Rehabilitation.

   The historic purpose of the property was as a rural inn and tavern serving travelers in the late 1800s on an unpaved stagecoach road before electrical hookups, and municipal water and sewer were available. Defining characteristics of its site and environment include the location on a rural, unpaved stagecoach road that was originally located to the northwest of the inn on the ridge behind the home; the rolling and pastoral farmland it was surrounded by; its location on a hillside overlooking Lake Wingra; its location on ancestral Ho-Chunk land; its relationship to an ancestral Ho-Chunk village that was located on the ridge behind the inn; the hillside that produced the clay for the unique red bricks the inn was built with; and the majestic 250-year old black walnut tree that dominates what is now Lot 2 of the landmarked property. The proposed redevelopment of almost 40% the landmarked property for use as a new single family home does not maintain the property for its historic purpose as a tavern and inn, and it is more than a minimal change to the defining characteristics of

the site and environment. In fact, it is a dramatic and significant change to the site and environment.

While the applicant has compared the proposed development and use to the development in the modern 20th century subdivision that surrounds the landmarked property, this is an apple to orange comparison, and is not relevant to the applicable standards. In fact, its similarity or compatibility to the development of the adjacent properties or the surrounding subdivision is contrary to the SOI's Standards for Rehabilitation and prima facie evidence the application should be denied. The current landmark property is all that remains after the surrounding farmland was developed in the early 20th century as a modern subdivision with paved roads and city services, and prior to it being designated a city landmark in 1972 to preserve and protect it.

2. The application fails to maintain or preserve the historic character of the landmarked property, contrary to the SOI's Standards for Rehabilitation.

   The historic character of the landmarked property is as an inn and tavern on a stagecoach road that served guests during the second half of the 1800s when horses were the primary mode of transportation. The primary structure was built in 1854, prior to the Civil War, on a hillside below a ridge occupied by an ancestral Ho-Chunk village, and it was surrounded by rolling pastoral farmland. A 250-year old black walnut tree still dominates what is now Lot 2 of the landmarked property. The proposal would redevelop almost 40% of the landmarked property for single family residential use that is similar to and consistent with the modern 20th century subdivision surrounding it. It fails to maintain or preserve what remains of the historic character of the landmarked property.

3. The application alters features and spaces that characterize the property, contrary to the SOI's Standards for Rehabilitation.

   Features and spaces that characterize the landmarked property include its hillside location overlooking Lake Wingra; the hillside land that produced the clay for the unique red bricks it was built from; the pastoral landscape and rolling farmland that surrounded it; the vacant land between the inn and the stagecoach road that originally passed the property to the northwest where Council Crest is now located; the ridge behind it where an ancestral Ho-Chunk village was located; and the majestic 250-year old black walnut tree in what is now the backyard. The applicant proposes to redevelop almost 40% of the landmarked property, including all of the land on the ridge on the northwest side of the inn. The proposed redevelopment will significantly alter the features and spaces that characterize the landmarked property.

4. The changes proposed in the application create a false sense of historical development, contrary to the SOI's Standards for Rehabilitation.

   The historical development of this landmarked property was as a rural inn and tavern that was built in 1854 on a stagecoach road that served guests during the second half of the 1800s. It was located on a hillside that overlooked Lake Wingra and below a ridge where an ancestral Ho-Chunk village was located, and it was surrounded by rolling pastoral farmland. The applicant proposes to redevelop almost 40% of the remaining landmarked property as a single-family home in a manner consistent with the development of the modern subdivision that surrounds it, which is unlike the historical development of this landmark. It will create a false sense of historical development on almost 40% of the landmarked property.

5. The application fails to preserve distinctive features of the historic property, contrary to the SOI's Standards for Rehabilitation.

   Distinctive features of this historic property include its location in the country on a stagecoach road surrounded by rolling and pastoral farmland; it's setting on a hillside overlooking Lake Wingra, which produced the clay for the unique red bricks the inn was built with, and below ridge where an ancestral Ho-Chunk village was located; the orientation of the original front door to the northwest where Council Crest is now; and the majestic 250-year old black walnut tree in what is now the backyard. The landmarked property is all that remains of the farm the inn was located on after the surrounding land was developed in the early 20th century as a modern subdivision, and prior to the city designating it a landmark to protect and preserve it. The application proposes to redevelop almost 40% of this historic property, obliterating what remains of the distinctive features in what was the front yard of the inn. Regarding the 250-year old black walnut tree, which is a dominant feature of Lot 2, there is no evidence in the application that the proposed construction, which is three stories tall and about 20 feet from it, will not have a significant, if not catastrophic impact on the health of the tree.

6. The new work proposed in the application does not preserve the historic integrity of the property and its environment, contrary to the SOI's Standards for Rehabilitation.

   The landmarked property was developed as a rural inn and tavern on a stagecoach road that was surrounded by rolling pastoral farmland on a hill overlooking Lake Wingra on ancestral Ho-Chunk land. The applicant proposes to redevelop almost 40% of this landmarked property for use as a single family home that's located in a modern 20th century subdivision. It fails to preserve what remains of the historic integrity of the property and its environment. In addition, the standards for approval do not include an exception that exempts the applicant from preserving the historic integrity of the landmarked property and its environment simply because the integrity of the property and its environment may have been compromised by previous development.

Rebuttal of Applicants' Arguments in Support of Approval.

The applicant makes a number of arguments in support of their application that are minor points, while failing to address the most significant defects in their application. In addition, the applicant makes a number of arguments that are unrelated to the standards for approval, are irrelevant, and should be disregarded by the Commission.

1. Respecting Native American heritage.

   The evidence shows the proposed development is compliant with state law regarding protected burial sites.

2. The Landmark site has been altered and developed over time.

   This argument is not relevant to the standards for approval and should be disregarded by the commission. As previously stated, the standards for approval do not include an exception that exempts the applicant from compliance with the SOI's Standards for Rehabilitation because the integrity of the landmarked property was compromised by previous development.

3. Preserving the black walnut tree.

   There is no evidence in the application that the proposed development, which places a three-story, 4,450 square foot home about 20 feet of this majestic 250 year old black walnut tree, will not have an adverse, if not catastrophic impact on the health of the tree, which is a defining characteristic of this historic site. In addition, the applicant appears to dismiss the harm the new development will have on this defining characteristic of the site because it may be old and, despite its good health, they think it could die soon. There is nothing in the SOI's Standards for Rehabilitation that provides such an exception.

4. Preserving existing site elements.

   Assuming the applicant's claim is true, this is a minor point. The applicant plans to use almost 40% of the landmarked property, which is undeveloped and is a defining characteristic of the property, to redevelop it for a use as a single-family home in a modern subdivision, which is inconsistent with the historic use and development of the property, contrary to the SOI's Standards for Rehabilitation.

5. Planning for a smaller second floor to reduce the profile.

   Assuming the applicant's claim is true, this is a minor point and should only be considered by the Commission after it finds that the proposed development complies with the SOI's Standard for Rehabilitation standard #1. Is the proposed use for the historic purpose of the landmarked property? No. It is for a single family home located in a modern 20th century subdivision, not a tavern or inn. Or does it require minimal change to the defining characteristics of the site and environment? No. It dramatically and significantly changes almost 40% of the landmarked property.

6. Our planned home is consistent in scale with the tavern residence.

   Assuming the applicant's claim is true, this is a minor point and should only be considered by the Commission after it finds that the proposed development complies with the SOI's Standard for Rehabilitation standard #1, which is does not. See rebuttal to argument 5 above.

7. Our planned home is consistent with adjacent development.

   This argument is not relevant to the standards for approval and should be disregarded by the commission. There is nothing in the standards for approval that require that the proposed redevelopment of this landmarked property be consistent with the adjacent development. The pattern of development in the adjacent development is not consistent with the historical development of the landmarked property during its period of significance. In fact, consistency with the adjacent development is contrary to the SOI's Standards for Rehabilitation and is prima facie evidence the application should be denied.

8. Our planned home is consistent in style and scale with Nakoma development.

   This claim is not relevant to the standards for approval and should be disregarded by the commission. There is nothing in the standards for approval that require that the proposed redevelopment of this landmarked property be consistent with development in the modern subdivision that surrounds it. The pattern of development in the modern subdivision that

surrounds it, including the massing, size, scale, and architectural features, is not consistent with the historical development of the landmarked property during its period of significance. In fact, consistency with the adjacent development is contrary to the SOI's Standards for Rehabilitation and is prima facie evidence the application should be denied.

9. We have reduced drainage toward the tavern.

   This appears to conform to applicable standards as it reduces drainage toward the historic structure, and will not destroy historic materials that characterize the property, consistent with the SOI's Standards for Rehabilitation.

Facts and Evidence Show the Application Fails to Meet Standards for Approval.

Based on facts and the evidence, the standards to approve a certificate of appropriateness for the proposed redevelopment of this landmarked property have not been met and the application must be denied. Should the commission find that all of the standards for approval are met, it would be helpful for members of the public that are interested in the preservation of our city landmarks to know:

- If the proposed redevelopment is a minimal change to the defining characteristics of the site and environment of this city landmark, what would be considered more than a minimal change to the defining characteristics of the site and environment?

- What are the facts and evidence in the record show that all of the standards are met?

On a personal note, the applicants have clearly spent a significant amount of time, energy, and money acquiring Lot 2 and preparing their application. I am surprised and feel badly about the investments they've made in light of how grossly out of conformance their application is to the applicable standards, in particular the SOI's Standards for Rehabilitation number 1, which requires the property be used for its historic purpose (an inn and tavern) or be placed in a new use that requires minimal change to the defining characteristics of the site and environment.

Thank you for your time and consideration. If you have any questions or need more information, please feel free to contact me.

Sincerely,

Alex Saloutos

pc: Yannette Figueroa Cole, Alder, District 10
Matt Wachter, Director of Planning and Community and Economic Development
Heather Stouder, Director, Planning Division