

Plan Commission
Meeting of March 25, 2024
Agenda #6, Legistar #81565

Last June, Plan Commission placed this demolition request on file without prejudice. The minutes state:

In finding that the standard [#7] was not met, members cited the statement of purpose in Section 28.185 regarding implementation of approved plans, specifically noting that Recommendation 75 in the Downtown Plan recommends "...the preservation, rehabilitation and adaptive reuse of sound older buildings that contribute to the district's character".

MGO 28.185(1) is the statement of purpose for the demolition ordinance. There are three policy goals.

It is hereby declared as a matter of public policy that the careful consideration of requests to demolish or remove existing principal buildings is a public necessity and required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this section is therefore **to ensure the preservation of historic buildings**, encourage applicants to strongly consider relocating rather than demolishing existing buildings, **aid in the implementation of adopted City plans**, maximize the reuse or recycling of materials resulting from a demolition, **protect the public from potentially unsafe structures and public nuisances**, and require the use of safe and orderly demolition or removal methods.

Protect the public from potentially unsafe structures

At the June meeting, some Commissioners mentioned the lack of any knowledge about the condition of the buildings. The applicant purports to address that concern in this new application. The letter of intent states: "These structures are well past their prime and have numerous structural and health issues with them. See attached photos and descriptions." It also states: "Several other areas of the building were not able to be reviewed as it was deemed unsafe to do so."

With all those purported structural and health issues, one might wonder why those buildings still housed businesses up until about 1½ years ago (when the applicant did not renew leases in anticipation of redevelopment).

Most of the issues reflected in the photos are the result of water infiltration. Yes, there is mold, but mold can be cleaned. Water infiltration can be fixed with a new roof. One might ask when the roof was last replaced. As can be seen in the attachment to this letter, 428-430 and 432-436 have not had a roof replaced since before 1996, which is the start of the City's permitting database. (440-444 had a roof replacement in 2002.)

A number of photos purport to show crumbling stone foundations. At least for some of these photos, the issue is not a crumbling foundation. For example:

- "Issue 5" shows the plaster over the lathe breaking apart, not the foundation.
- "Issue 7" looks to be a crumbling parge coat, not a crumbling foundation.

- “Issue 8” shows crumbling stairs, not a crumbling foundation. The stairs do have a considerable amount of debris on them, some of which could be sloughing off the walls. But some basement walls, such as those made of limestone, do shed and often that shedding is the result of moisture. Also, this is a photo of the foundation for 432-434 State. That building had a foundation repair in 2006 which cost about \$2000. It looks like a parge coat was applied and that could be what is shedding debris. (The parge coat is visible in the second photo on page 3.)
- “Issue 10” shows, per the caption, crumbled and collapsed foundation demise walls. Demise walls merely separate spaces in the building – they are not structural walls.

The photos for 434 include “unusable and non-accessible toilet facilities.” A historic building should not be demolished because of a bad toilet – the solution is a remodel.

The author of the photos and conclusions is the owner of a construction management company who has a B.S. in Building/Construction Site Management/Manager. Certainly knowledgeable, but to the extent that an applicant asks for historic buildings to be demolished based on structural concerns, the opinion of a structural engineer would be much more valuable. A structural engineer could identify the extent of any structural concerns and how those concerns could be addressed. And, as noted by staff at the June meeting, when the occasional condition report is submitted it generally is from a structural engineer or an architect.

For an example of a report prepared by a preservation architect, see document #5 of Legistar 73121. In it you will note that there is an actual assessment and not just pictures of what needs to be fixed. (For example, on page 13: “Overall, the condition of the structural systems is good. There are some isolated areas of repairs noted such as at roof leaks, parapet walls and the junction of the original building and west addition at the front façade.”)

<https://madison.legistar.com/View.ashx?M=F&ID=11119723&GUID=D8128559-8301-4EB5-9C9F-88AAB47F9371>

Ensure the preservation of historic buildings

Ensuring preservation is strong language – it is not merely having a goal of ensuring preservation. And “historic buildings” does not just mean landmarks or buildings in historic districts.

The 400 block of State Street is the last intact block on State Street. Of the 17 buildings in this block: 9 were built from 1855-1896; 7 were built from 1902-1927; and, 1 (440 State) was built in 1962. With only one non-historic building (non-historic as compared to the other buildings), a building which is only two stories and only 44 feet in frontage, the block retains its historical appearance. The context of the block is important.

Aid in the implementation of adopted City plans

Comprehensive Plan

There is more to the Comprehensive Plan than increasing housing. The Comp Plan “is organized by six [now seven] Elements—major topic areas that influence the quality of life in the city.” (page 5) One of those elements is Culture and Character. That element has two goals,

one of which is: “Madison will be a vibrant and creative city that values and builds upon its cultural and historic assets.” (page 73) The introduction goes on to say (page 74):

Madison is a community that values its many special places, neighborhoods, and districts. They provide a wide range of opportunities for people to live, work, and play and offer something for everyone. While each of these unique places is important and should be supported, **the key is what they contribute to the culture and character of the whole of the community.**

Other statements from the Culture and Character element include:

- Context-sensitive design is particularly important in neighborhoods with an established character and where redevelopment or infill is occurring in close proximity to buildings of historic or architectural value. **Restoration of historic assets can be an important part of context-sensitive design.** (page 75)
- Historic preservation also has many other benefits. It contributes toward establishing a **sense of place that makes Madison feel unique** and embodies the social aspects of the city’s history that helped shape Madison. (page 76)
- One of the greatest challenges for the City regarding historic and cultural resource preservation is balancing preservation with infill and redevelopment. Community feedback received during the Imagine Madison process indicated a general preference for accommodating more growth through infill and redevelopment over new development on the edge of the city. Madison will need to **balance encouraging redevelopment and infill with protecting the qualities that made existing neighborhoods appealing to begin with.** Redeveloping existing auto-oriented commercial centers and other areas identified in the Growth Priority Areas Map, Generalized Future Land Use Map, and sub-area plans will help accommodate needed growth while respecting the historic character of older neighborhoods. (page 76)
- **Old buildings, even if they are not formally recognized as landmarks or part of a historic district, often establish the character of a place.** These buildings often have a level of design, detail, materials and craftsmanship not typically found in newer buildings. They also often represent connections between certain segments of the community to the history of a particular neighborhood. Reuse or rehabilitation of these buildings can extend their life beyond the originally intended purpose and achieve many sustainability goals, such as keeping materials out of landfills and not wasting the embodied energy contained within the existing building. In addition, older buildings are often less expensive for residential and commercial tenants than new construction. (page 77)

Downtown Plan

The Downtown Plan holds a unique place under the Comprehensive Plan – the Comp Plan does not defer to any other sub-area plan. Map note #7 to the GFLU map states: “Refer to the Downtown Plan for the area bounded by the lakes, Blair Street, Regent/Proudfit Streets, and Park Street for viewshed preservation, mix of land uses, building design standards (including heights and stepbacks/setbacks), streetscape design, **and other land use and design elements.**”

Preservation of historic buildings is a land use that has prominence under the Downtown Plan. The Downtown Plan recognized that there would be a measured amount of new development that preserves and reflects the area’s historic attributes. Historic buildings and groupings of buildings that contribute to the essential character of the downtown were to be retained.

- The vibrancy and intimacy of State Street is largely attributable to the rhythm of its buildings, with their typically narrow, small first floor commercial spaces that accommodate a wide variety of small businesses; and it is essential that both the scale of rhythm of the buildings and the diversity of uses be retained. (page 44)
- Recommendation 75: Encourage the preservation, rehabilitation and adaptive reuse of sound older buildings that contribute to the District's character. (page 45, State Street Recommendations)
- Objective 7.1: Preserve historic buildings and groupings of buildings that contribute to the essential character of Downtown and its neighborhoods. (page 85)
- These recommendations will create a more complete experience for Downtown's historic areas, including properly restored buildings, distinctive streetscape amenities, and a measured amount of new development that preserves and reflects the area's historic attributes. (page 85)

State Street is one of those places that makes Madison feel unique. It contributes to the culture and character of the whole of the community. If, as quoted above, Madison will balance encouraging redevelopment with protecting the qualities that made existing neighborhoods appealing to begin with, the 400 block of State Street is a place to engage in that balancing since the 400 block is the last intact block on State Street.

The 20 additional housing units that the redevelopment would bring does not outbalance the preservation of the 400 block of State Street. The Downtown Plan speaks to a "measured amount of new development" which implies that not every inch needs to be redeveloped. That measured amount of redevelopment should preserve and reflect the area's historic attributes, which would not happen if the last intact block is disrupted. The intent to have a restaurant of 3353 sq. ft. does not encourage the "vibrancy and intimacy of State Street."

In sum, approval standard #7 is not met. The structures have been subject to deferred maintenance and need work but have not been shown to be unsafe, necessitating demolition in order to protect the public. Approval of the demolition would not ensure the preservation of historic buildings. While demolition approval would aid, in a limited way, in creating more housing, it would contravene many other goals of the Comprehensive and Downtown plans. The health, prosperity, safety, and welfare of the City of Madison would be undermined by approval of this demolition request.

Respectfully Submitted,
Linda Lehnertz

Building Permits issued since 1996 (not including signs). Structural and ADA permits are highlighted

Date	Record Type	Address	Status	Description
3/19/2018	Sanitary Commercial Kitchen Permit	430 STATE	Approved	SENCHA TEA BAR
12/16/2016	Repair or Replace Plumbing Permit	428 State	Closed	water heater replacement
12/28/2015	Commercial Electrical Permit	430 State	Issued	Sencha Tea Bar - replace service counter, remodel ceiling, track lighting, floor boxes & receptacles
12/9/2015	New Commercial Construction Permit	430 State	Inspections Complete	Sencha Tea Bar - replace service counter, remodel ceiling
9/11/2012	Commercial New HVAC Permit	430 State	Closed	The Steepery alteration
9/6/2012	Commercial Electrical Permit	430 State	Closed	The Steepery alteration
8/20/2012	Commercial New Plumbing Permit	430 State	Closed	The Steepery alteration
7/25/2012	New Commercial Construction Permit	430 State	Inspections Complete	The Steepery alteration
4/13/2010	New Commercial Construction Permit	430 State	Closed	FACADE; 4/13/2010 OK per A Martin
1/27/2010	Permitting/Zoning/Sign/NA	430 STATE	Closed	non-illuminated awning
1/15/2010	Permitting/Building/Repair/Replace/HVAC	430 STATE	Issued	HVAC DUCTWORK ALTERATION
11/2/2009	Permitting/Building/Commercial/Construction	430 State	In Process	REMODEL EXISTING MERCANTILE SPACE FOR RESTAURANT ADD TWO ACCESSIBLE BATHROOMS OCCUPANT LOAD 24 Taste of Tibet
11/2/2009	Permitting/Building/Commercial/New HVAC	430 STATE	Issued	REMODEL EXISTING MERCANTILE SPACE FOR RESTAURANT ADD TWO ACCESSIBLE BATHROOMS OCCUPANT LOAD 24 Taste of Tibet
11/2/2009	Permitting/Building/Commercial/New Plumbing	430 State	Closed	REMODEL EXISTING MERCANTILE SPACE FOR RESTAURANT ADD TWO ACCESSIBLE BATHROOMS OCCUPANT LOAD 24 Taste of Tibet

5/30/2007	Permitting/Building/Commercial/Construction	430 STATE	Issued	TWO STORY REAR ADDITION AND ALTER FIRST FLOOR RETAIL AND SECOND FLOOR APARTMENT THE PLAN REVIEW IS EXTENDED FOR ONE YEAR PER ARCHITECTS REQUEST AJH
5/30/2007	Permitting/Building/Commercial/New Electrical	430 STATE	Issued	TWO STORY REAR ADDITION AND ALTER FIRST FLOOR RETAIL AND SECOND FLOOR APARTMENT THE PLAN REVIEW IS EXTENDED FOR ONE YEAR PER ARCHITECTS REQUEST AJH
5/30/2007	Permitting/Building/Commercial/New HVAC	430 STATE	Issued	TWO STORY REAR ADDITION AND ALTER FIRST FLOOR RETAIL AND SECOND FLOOR APARTMENT THE PLAN REVIEW IS EXTENDED FOR ONE YEAR PER ARCHITECTS REQUEST AJH
5/30/2007	Permitting/Building/Commercial/New Plumbing	430 STATE	Closed	TWO STORY REAR ADDITION AND ALTER FIRST FLOOR RETAIL AND SECOND FLOOR APARTMENT THE PLAN REVIEW IS EXTENDED FOR ONE YEAR PER ARCHITECTS REQUEST AJH
4/20/2006	Permitting/Building/RepairReplace/Plumbing	430 STATE	Closed	WATER SERVICE
3/30/2006	Permitting/Building/RepairReplace/Construction	432 STATE	Closed	REPAIR EXISTING FOUNDATION
4/23/1996	Permitting/Building/RepairReplace/Plumbing	434 STATE	Closed	ADD SINK
4/12/1996	Permitting/Building/RepairReplace/Construction	432 STATE ST	Closed	
8/14/2015	New Commercial Construction Permit	440 State	Issued	Rell'ia - ZONING CHANGE OF USE. WOMENS CLOTHING RETAILER FROM TOBACCO SHOP
12/23/2013	Repair or Replace HVAC Permit	442 State	Closed	REPLACE FURNACE
7/6/2011	Repair or Replace HVAC Permit	440 State	Closed	REPLACE A/C

4/26/2011	New Commercial Construction Permit	440 State	Inspections Complete	zoning change of use from DVD/ video game store to tobacco shop selling tobacco and tobacco products. No change to building.
2/1/2006	Permitting/Building/Commercial/New Electrical	444 STATE	Closed	ALTER ELECTRICAL
12/17/2002	Permitting/Building/RepairReplace/Construction	440 STATE	Closed	NEW MEMBRANE ROOF Reroof flat roof
12/14/2000	Permitting/Building/RepairReplace/HVAC	442 STATE ST	Closed	REPLACE 2 FURNACES