AGENDA # 2

City of Madison, Wisconsin

REPORT OF: LANDMARKS COMMISSION		**PRESENTED:** January 30, 2012	
TITLE:	Accepting a proposal from Bob Klebba and David Waugh for the purchase of the residential structure located at 704 East Gorham Street within James Madison Park and authorizing staff to negotiate final terms for the purchase of the residential structure and a lease of the land beneath it. (25054)	**REFERRED:** **REREFERRED:** **REPORTED BACK:**	
AUTHOR: Amy Scanlon, Secretary		**ADOPTED:**	**POF:**
DATED: January 30, 2012		**ID NUMBER:**	

Members present were: Stu Levitan, Chair; Erica Gehrig, Vice Chair; Christina Slattery, David McLean, Marsha Rummel, Robin Taylor, David McLean, and Michael Rosenblum.

SUMMARY:

David Waugh, 1213 East Mifflin, registering in support and wishing to speak and Bob Klebba, 1213 East Mifflin Street, registering in support and wishing to speak. Mr. Waugh explained that his proposal to have a Bed and Breakfast at Collins House was accepted by the Surplus Committee. Their design team has experience working with landmarks and historic preservation. The house will always be open to the public. Mr. Klebba said the James Madison Park Surplus Committee accepted their proposal by a 4 to 2 majority. Levitan asked about the change in proposal and alterations necessary to comply with the zoning code. Mr. Klebba explained the property served as a "transient guest house" for 20 years. The current zoning code does not allow two Bed and Breakfast establishments within 500 feet of each other. The zoning code should be revisited. Former owners had a commercial kitchen installed in the basement and basement egress issues were addressed (a stairwell to the outside on the front side of the house and a stairwell to main level). The basement is 2,100 square feet and will include a kitchen, bathroom, and living room. The kitchen on the main level was removed to add egress for the kitchen. Their proposal will repair cantilevered front porch, replace windows on back side, and remove window air conditioners. They understand that they will have to come back to the Landmarks Commission for approvals for exterior alterations.

Judy Karofsky, 317 West Pinckney, registering in opposition and wishing to speak. Ms. Karofsky explained that she has done research on bed and breakfast business models and has some concern about the proposal. She also expressed concern about the quality of the work that the contractor can provide.

Ald. Mark Clear, 19th District, registering in support and wishing to speak. Ald. Clear served on Surplus Property Disposal Committee. He explained that there were three good proposals for this property. He explained the process used for scoring the proposals and noted that this applicant met the criteria. Alder. Clear noted that he felt the best use of the property is a public use, so the public could have access to the architectural gem. He noted that the Landmarks Commission should consider two things – will the applicants be good

stewards of the landmark and is the proposal in the best interest of the City? Mr. Levitan clarified that the Landmarks Commission task is not to compare this proposal to other proposals.

Dave Furlan, 752 East Gorham, registering in opposition and wishing to speak. Mr. Furlan owns a Bed and Breakfast within a block of the proposed Bed and Breakfast. He notes that the accepted proposal is in violation of 500-foot zoning ordinance and would compromise long term success of both businesses. He urged careful consideration of the character of the proposal and the overall care of the Landmark.

Gary Tipler, 807 Jenifer Street, registering in support and available to answer questions. Mr. Tipler noted that both Bed and Breakfast locations existed successfully prior to the law and that he did not see any issue with compliance. He stated that he feels the proposal would provide potential for community engagement and access.

Barbara Fant, 1657 31st Street, NW, Washington, DC 20007, registering in opposition and wishing to speak and her daughter Delia Gallo, 733 East Gorham, registering in opposition and wishing to speak. Ms. Fant explained that her proposal, a single-family, owner-occupied residence is the best use and is what the neighborhood and the other Bed and Breakfast want. She explained that she understands the economics of a Bed and Breakfast because she operated one as a way to qualify for rehabilitation tax credits. She is concerned about the financial aspects of the Bed and Breakfast proposal.

Ms. Fant explained that their proposal would allow public access through docent-led tours, civic meetings, annual art walk, and other events. She noted that her proposal won the scoring on the merits by the Surplus Committee and that scoring and voting by some committee members was not done according to standards of the RFP. Ms. Fant requested that the Landmarks Commission reject the proposal.

Ms. Gallo explained that their proposal is based on the prior experience in restoring numerous historic properties. She brought handouts of letters of support and explained that they would provide generous public access. Ms. Gallo said the commercial kitchen in the basement would be used for a Farm-to-Fork catering enterprise. The first floor and kitchen would be "public" space. Second floor would be family space and third floor would be used for grandparent's living space. Conditional use permit would be obtained for parking of a limited number of catering-related vehicles.

Jim Glueck, 116 North Few, representing Bob Klebba and David Waugh, registering in support and wishing to speak and available to answer questions. Mr. Glueck feels that the accepted proposal will maintain and restore the property. He stated that accessibility is feasible without changing the look of the front and the front porch restoration is a priority. He explained that projects will be based on priority and completed as budgets will allow over time. He explained that there are different costs for Bed and Breakfast operation compared to a single family house. He expects that this will be a continuation of use and that code items will not be triggered but stay as they are.

Charles Quagliana, 5018 Holiday Drive, representing Barbara Fant, registering in opposition and wishing to speak. Mr. Quagliana explained that the Collins House has been vacant for many years and needs a project team who is experienced in maintenance, rehabilitation, and restoration and an owner who can provide commitment and stewardship. The project should minimize interventions, retain character defining elements, and restore the first floor to original condition.

Bill White, 2708 Lakeland, representing Barbara Fant, registering in opposition and wishing to speak. Mr. White noted that a Bed and Breakfast is not allowable in the current zoning code. The change to a lodging house has different ramifications and has come about since the proposal was selected. The change to a lodging house has not been shown in budget or financial statements in the proposal. He explained that there has not been a use on this property in 7 years and that Building Inspection would not allow this to be a continued use. The process has not played out fairly. He requests that the Commissions do the "right thing" with their part of the process.

Alder. Bridget Maniaci, 916 East Gorham Street, registering in opposition and wishing to speak, and available to answer questions. Alder. Maniaci has concerns about the application. This proposal would put two Bed and Breakfasts in landmark buildings within a block of each other. She is not comfortable with the financials of the proposal. The other applicant scored higher and is coming to the table cash in hand and ready to go with $100,000 per floor. This proposal will require habitable basement unit with potentially larger egress openings. Fant proposal shows minimum impact to landmark structure. In 1985 a conditional use for catering was approved. Landmarks should consider either recommendation. Scoring criteria did not relate directly to landmark issues. Code standards have been changed and none of these issues have been addressed in the proposal. She noted that she would not sponsor a change to the zoning code.

Levitan asked how it is with the process that one applicant scored 10% higher than other and then loses. Ald. Clear explained that intuition and emotional intelligence factor into the process. He also explained how he scored and voted.

Franny Ingebritson, 516 Wisconsin Avenue, registering in support but did not wish to speak.

Julia Ziemer, 826 Ottawa Trail, registering in opposition but did not wish to speak.

Mark Gallo, 733 East Gorham Street, registering in opposition and not wishing to speak, and available to answer questions.

Peggy Furlan, 752 East Gorham, registering in opposition and available to answer questions.

Scott B. Thornton, 1104 Jenifer Street, registering in support but not wishing to speak.

Boyce Johnson, 416 West Doty Street #2E, registering in opposition but not wishing to speak.

Dan Rolfs, City staff, addressed many issues:

- For scoring, Mr. Rolfs explained that by ordinance, the City and by extension the committee, can use the scores or choose not to use the scores. The action should be in the "best interest" of the City.
- He explained that the Landmarks Commission can accept the proposal or reject the proposal, but the Landmarks Commission cannot recommend a different proposal.
- He explained that the continuation of use is a zoning matter and he will defer to Building Inspection/Zoning.
- He further explained that as the RFP was being developed, the Committee determined that scoring related to landmarks was not necessary as any requests to alter the buildings would follow the prescribed process.

The was general discussion about the purview of the Landmarks Commission and what criteria should be used to review the proposal as it relates to the best interest of the City.

ACTION:

A motion was made by Rummel, seconded by Taylor, return to the Board of Estimates with the recommendation to the Common Council to accept the proposal and adoption of Resolution/Legistar File No. 25054. The motion failed on a 3:3 vote. Aye: (3) Rummel, Taylor, Slattery, Nay: (3) Rosenblum Gehrig, McLean. Levitan abstained.