

Landmarks Commission
Monday July 6, 2015 Meeting Agenda
Item #10: Possible Reconsideration of Item, Legistar #37499

The July 2 Staff Report states that “Alder Rummel requested that the Landmarks Commission reconsider this issue and the item has been placed on the agenda. The Landmarks Commission may take up the motion to reconsider by requesting a second and a vote.”

I urge the Commission members to not second Alder Rummel’s motion, should she make such motion, or, if the motion is seconded, to vote against reconsideration.

I believe that reconsideration is a bad precedent for the Commission to make for two reasons.

- (1) If the Commission votes for reconsideration, this will encourage other developers to ignore Commission discussions, knowing that, if denied, they can obtain reconsideration and make changes at the reconsideration stage. If the Commission supports reconsideration for this project, based on new submittals, how can they deny the same opportunity to other developers?

Further, this developer was the beneficiary of the Commission’s April 27th discussion on design. The developer did not make changes in accord with those discussions and the Commission voted to deny demolition. It is not as though the developer was blindsided and needs reconsideration in order to be fairly treated.

- (2) The Commission denied the certificate for demolition based on two criteria: paragraph (b) that the house contributes to the distinctive architectural or historic character of the District as a whole and therefore should be preserved; and paragraph (g) that the new structure is not compatible with the buildings and environment of the district.

Although new submittals from the developer may address (g), the issue of (b) remains. Either 906 Williamson contributes to the character of the district or it does not. The Commission has already determined that it does, thus even with new submittals from the developer, the Commission would need to change its collective mind and determine that the building does not contribute to the district’s character.

Nor should the Commission be basing its demolition decision solely on (g). Technically, the Commission could say that the new building does suit the district and thus base its demolition decision on that fact. But if the Commission’s sole focus is this one criteria, then it ignores the purpose of the chapter: “the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value ...”

If (g) is the sole criteria used for this developer, then other developers should be treated similarly: a design that fits the district allows for demolition of the existing structure. And it would not matter how special that building was, or the building’s historical context. Further, few buildings are labeled as landmarks, and if any contributing building could be demolished just because the new building suited the district, there really would not be much purpose for having a historic district.

In addition, I would like to comment on other comments the Commission has received with respect to this reconsideration, and which have been posted on Legistar.

Lindsey Lee's comment letter for this meeting states: "I wish that Landmarks, during the first initial meetings with the architects of the proposed 906 building, sent the clear message that if they designed something that was of high quality (both in terms of architecture and material) then there was a decent chance they would receive your approval."

Mr. Lee is in error. The April 27, 2015 included extensive discussion of design matters. Randy Bruce "requested clear direction for how to meet the standards and requested referral to have time to reevaluate the proposed project." Various Commission members said:

- the proposed mass is much wider than its neighbors and the rhythm isn't similar; it's a larger piece than what surrounds it;
- exceptional design is not being provided and that the lack of window alignment was bothersome and did not relate to the context;
- compatibility of massing, roof form, and window alignment

<https://madison.legistar.com/View.ashx?M=F&ID=3770839&GUID=CF815D1E-9B26-4B37-BFBC-64DC88885F79> Report of Landmarks Commission

In response, the architect made changes as reflected in his submittal of May 26, 2015. "The proposed project will dedicate 2 units as affordable housing and incorporate sustainability initiatives, including a green roof, native plantings, rainwater harvesting, Green Built Homes certification, and energy efficient building systems." The design issues discussed by the Commission on April 27th do not appear to have been addressed (comparing the renderings of the proposed building in the June 15th submittal to the April 6th submittal, the massing, roof form and windows appear to be the same). The architect had a month to consider specific Commission comments and to make changes, had he chosen to do so.

Steve Gallo's comment letter for this meeting states: "Presently, we still have resistance to the project because it doesn't meet some ambiguous criteria in the build plan. ... Acting in resistance based on some criteria that is undefined and could mean almost anything to certain concerned parties is not being rational or intellectually honest."

The "ambiguous" criteria of BUILD are not at issue here. The Commission voted to deny a demolition Certificate: the Commission did not deny a new construction Certificate based on BUILD criteria. Staff's recommended denial of a demolition Certificate was based on the ordinance, not based on BUILD. Further, the Commission denied the demolition certificate because the existing building contributes to the district and because the proposed building did not suit the district as based on ordinance provisions.

Respectfully Submitted,



Linda Lehnertz