

As Hoc Landmarks Ordinance Review Committee
Meeting of February 12, 2020
Agenda item #2, Legistar #56918

I would like to comment on: (1) a provision in the draft Historic Preservation Plan; and (2) two items reflected in the minutes of the January 23, 2020 LORC meeting.

Draft Historic Preservation Plan

"4E-ii. Review the boundaries of existing historic districts related to coterminous or overlapping National Register of Historic Places districts.

There should be consistency between local and national district boundaries.

Map and explain the differences and steps required to provide consistency."

The Comprehensive Plan supports historic preservation. The Council resolution authorizing this ordinance rewrite found, with respect to historic districts, that:

- the City of Madison has five local historic districts which constitute under 1% of the land in the city these local historic districts provide a physical connection to our past and help us understand who we are today and tell the story of Madison's unique historical development;
- much of Madison's architectural diversity and unique and quality construction are in our local historic districts;
- historic resources are finite and cannot be replaced, making them precious commodities; and,
- historic districts and landmarked buildings are important in many placemaking initiatives and support heritage tourism.

Should there be an effort to make consistent boundaries, the result would almost certainly be shrinking/elimination of the existing historic districts -- the National Register standards differ and are less forgiving of a property's lack of integrity, or the number of noncontributing buildings in a district.

Whether or not there should be consistency should be determined by LORC as part of the ordinance update.

Zoning Code alignment

"[Bill] Fruhling said that Rummel brought up a great point about the number of areas where the zoning code and historic district ordinances are not in sync and can send mixed messages. He said that he did not disagree, and *noted that one recommendation of the Historic Preservation Plan is to examine and align city ordinances and policies in the historic districts.* Heck asked for clarification on the zoning code and historic district ordinances, and Bailey said that whichever is more restrictive applies. In terms of the approval process, Bailey said that it goes in order beginning with the Landmarks Commission, then the Urban Design Commission, and lastly the Plan Commission; Fruhling said that process is now policy. Furman asked if the LORC should discuss what can be done to streamline that process, and Fruhling said that the Plan Commission will be discussing the alignment of policies at various working sessions this year. Furman said that he would like to add this item to the parking lot." (emphasis added)

Comment:

The Historic Preservation Plan's goal #4 is to "Coordinate municipal policies to protect historic resources." This goal, however, does not specify which way the alignment should go – should Chapter 41 align with the Zoning Code, or should the Zoning Code align with Chapter 41? Fortunately, this issue has already been decided by the Comprehensive Plan – the Zoning Code should align with Chapter 41.

- Update the zoning code and height maps to better link the code with the City's historic preservation plan and ordinance. (page 76)
- The zoning code should be reviewed with respect to the new HPP and the revised historic preservation ordinance and modified as needed to ensure that the provisions of the code are consistent with the HPP and the historic preservation ordinance. (page 77)

BUILD II

"[Bill Fruhling] said that staff's proposed draft ordinance also takes a number of the BUILD II recommendations even further than what had been recommended."

Comment:

BUILD II did have a number of recommendations regarding existing buildings, such as "retain, repair, and replace original architectural features." And the staff draft does often go beyond BUILD II on those sorts of items.

But the staff's proposed ordinance does *not* take BUILD II recommendations even further with respect to new construction. This is illustrated by Legistar 57170, document #5, attachment #3, the table of which is reproduced below. BUILD II's primary focus was on new structures – after all, it was a Better Urban Infill Development program. The staff's proposed ordinance does nothing more than already exists: lists visual compatibility factors that the Landmarks Commission shall consider, but without any guidance or standards to be applied. BUILD II, on the other hand, provides clear and definable standards.

- For the 702-706 Williamson project, Legistar 32584, as reflected in the staff report, the Commission requested information "about the interface between the BUILD II plan, the TSS zoning district and the Third Lake Ridge historic district." The Commission was told they were charged with only interpreting the words of the ordinance. The Commission's motion included: "The Commission discussed the importance of the review of the BUILD II plan including the 54 foot prescribed height and the MNA opposition in the approval process by bodies other than the Landmarks Commission."
- And two Landmark Commissioners, at the August 14, 2017 meeting, are reported as saying: "... the "visually compatible" areas are not the best barometer by which to measure appropriateness of new structures."

Current staff proposal vs. BUILD II standards for new construction on Williamson Street

July 30 staff proposal	BUILD II standards
<p>Visual Size When determining visual compatibility for visual size, the Landmarks Commission shall consider factors such as massing, building height in feet and stories, the gross area of the front elevation (i.e., all walls facing the street), street presence, and the dominant proportion of width to height in the façade.</p> <p>Architectural Expression When determining visual compatibility for architectural expression, the Landmarks Commission shall consider factors such as the building’s modulation, articulation, building planes, proportion of building elements, and rhythm of solids to voids created by openings in the façade.</p>	<p>Height In general, maximum 2½ stories above grade. Exceptions:</p> <ol style="list-style-type: none"> 1. A flat-roofed building on the north side of the 800 or 900 blocks may extend 3 stories above grade. 2. North 600 and 700 blocks, back half (along the bike path) 5 stories/54 feet. <ul style="list-style-type: none"> - 2 bonus stories, up to a maximum of 85 feet/7 stories, for preservation, affordable housing, structured parking 3. North 600 block, front half along Williamson, western approximate 2/3 maximum of 4 stories, eastern approximate 1/3 3 stories (preservation of the Capitol view) 4. North 700 block, front half along Williamson, western approximate 3/4 maximum of 5 stories/54 feet, eastern approximate 1/4 ½ stories <ul style="list-style-type: none"> - 3 stories at mid-block along the Livingston side street, with 1 bonus story for preservation, affordable housing, structured parking 5. North 700 block, back half (along the bike path) 5 stories 6. South 600 block 4 stories 7. South 700 block (Elks Club property), 4 stories. <ul style="list-style-type: none"> - 1 bonus story available for a project that incorporates significant publicly accessible green space along Lake Monona. 8. North 800-1100 blocks back half (along the bike path) 3 stories. <ul style="list-style-type: none"> - 1 bonus story for preservation, affordable housing, structured parking - Bonus story in 800 and 900 blocks (which are closer to Williamson than the 1000 and 1100 blocks) must be stepped back at least 45 feet from the property line for residential structures and 30 feet for mixed use, flat roofed structures. The fourth story must be stepped back from the street such that it cannot be seen at sidewalk level from the opposite side of the street 9. Corner features on corner buildings can be higher if the features are comparable in scale to historically representative corner features on Williamson Street. <p>Street Façades</p> <ol style="list-style-type: none"> 1. Maximum of 60 feet in width <ul style="list-style-type: none"> - A residential street façade more than 25 feet wide shall be divided into visually distinct masses that are no more than 25 feet wide and that are visually separated from each other by at least 5 feet. - Commercial mixed-use articulation and breaks buildings must be sufficient to maintain the rhythm of masses and spaces of existing commercial and mixed-use buildings in the visually related area <p>Residential facades</p> <ol style="list-style-type: none"> 1. Articulated with dormers, bays, porches, recesses, or other architectural features to visually reduce the apparent mass of the new building and to blend with the details of older existing residential buildings within the visually related area. 2. One or more porches and at least one entry door on the main street facade. 3. The main front entrance shall be scaled large enough to be a focal point on the facade. 4. Finished first floor elevation of the street façade shall be at least 18 and not more than 48 inches above grade (does not apply to north 700 block).

Commercial/Mixed-use facades

1. First floor storefronts shall be broken into bays similar in width to those on existing pre-1945 storefronts (does not apply to north 700 block).
2. Storefronts shall have the general historic pattern of large storefront windows, low kick panels, transom windows, side pilasters and cornices.
3. Finished first floor elevation shall be as close to grade as possible, and shall meet ADA requirements for entrances.
4. For corner buildings, angled corner entrances are encouraged.
5. For buildings with multiple commercial tenants, a sign band should be included in the design to maintain consistency in the building design.
 - Internal sign illumination, if any, shall be appropriately subdued and shall illuminate only characters or letters – not background.
6. Parapet caps or cornices should be incorporated to terminate the top of façade
7. The first floor window sill height shall be 18” to 36” above grade.
8. Primary entranceways should be easily identifiable as a focal point of the building. Recessed entrances are encouraged.

Street Setback

When determining visual compatibility for street setbacks, the Landmarks Commission shall consider factors such as the average setback of historic resources on the same block face within two hundred (200) feet, and the setback of adjacent structures.

Building Placement.

When determining visual compatibility for building placement, the Landmarks Commission shall consider factors such as lot coverage, setbacks, building orientation, and historic relationships between the building and site.

Street Setbacks

1. The street façade of a residential structure, other than a mixed-use structure, shall be located at least 15 feet from the public right-of-way that it faces.
 - A shorter setback of not less than 6 feet is allowed if the setback is not less than the average setback of other residential structures on the block face.
 - A one-story unenclosed porch, including stairs, may encroach up to 6 feet into the setback but may not be located less than 6 feet from the public right-of-way.
2. Commercial or mixed-use structure shall be located 2 feet from the public right-of-way that it faces, except that a setback of up to 8 feet may be allowed to accommodate outdoor retail space.

Side yard setbacks

1. Non-corner lots less than 44 feet wide shall have at least 4 feet on each side, with the sum of the side lot setbacks at least 10 feet.
2. Non-corner over 44 feet wide shall have at least 6 feet on each side, with the sum of the side lot setbacks at least 16 feet.
3. Side lots for corner properties is 8 feet for the side facing the street for residential and 2 feet for commercial and mixed-use.

Rear yard setbacks

1. Minimum 35 feet
 - 16 feet fine if the structure has underground or structured parking
 - 10 feet for the back half of the 600 block and for the 700 block