

Ad Hoc Landmarks Ordinance Review Committee  
Meeting of January 12, 2021  
Legistar 56918

The staff report (document #50) states:

"Moreover, because the Current Draft Ordinance is based on visual compatibility with historic resources in the immediate vicinity for new structures, the uniqueness of each district will be maintained even though it proposes a unified set of standards. The historic assets and cultural resources of a historic district are what gives it the unique character. Having the same process for protecting and supporting those resources also protects and supports the historic district."

I disagree. In my comment letter of 11.19.20 (document 34) I explained how Landmarks looks at "visually compatible" while the Plan Commission looks at BUILD II (which was adopted by the Council in 2005, and the adopting resolution directed Planning Unit staff to "prepare the necessary ordinance amendments to update the Third Lake Ridge Historic District Ordinance").

In that letter I focused on the need for better standards in commercial construction, using 817 as an example. 817 went before the Landmarks Commission three times before it was deemed "visually compatible" and twice before the Plan Commission before it was deemed to meet conditional use standards (5-3). This is an awful lot of effort on the part of the Commissioners and neighbors that could be avoided if the standards were actually standards.

This problem with "visually compatible" also applies to residential construction. For example, 902 Jenifer is a 2-story 18 unit apartment building built in 1969 with (1) a footprint of 4,176 square feet, (2) a height at Jenifer of about 20 feet and about 30 feet at the back (due to the hillside), (3) a length of 115 feet, and, (4) a lot size 132 feet by 132 feet. It is zoned TR-V2, and could, with conditional use, be 3 stories and 40 feet. The height of its immediate neighbor is about 33-35 feet. So would a 40 foot high apartment building be "visually compatible"? Based on past history, the answer is likely yes. Would a building 115 in length be visually compatible? Again, the answer would likely be yes, assuming the building had little setback nooks every 40 feet (the widest building in the visually related area is 40 feet). Would the mass of the building be appropriate? No, but as was seen with 817, a mass 350% bigger than the largest historic resource in the area can be deemed compatible.

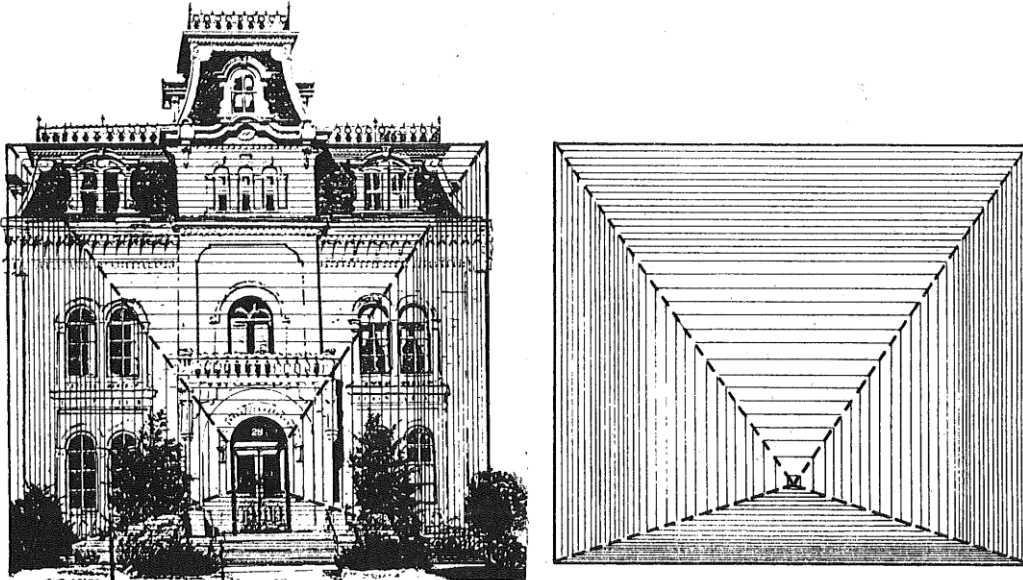
I believe there needs to be specific upper limits for height, gross volume, bulk, and street facade area. At a minimum, these items should be "mathematically compatible" rather than "visually compatible" (a distinction oft used by staff to explain why Landmarks cannot reject a proposal based on size factors). The 817 project has a height 10 feet higher than the new 803 corner building (which Landmarks had capped at 30 feet), and has a front volume more than double the largest historic resource on the block, a corner building. Yet 817 was deemed visually compatible, even at a mid-block location.

*The Mansion Hill Historic District Preservation Plan and Development Handbook* and the *Third Lake Ridge Historic District Plan* had illustrations for compatibility factors – examples are attached. The Mansion Hill document said: "The following illustrated guidelines are primary concepts on which the Commission may act to issue or not issue Certificates of Appropriateness." Illustrations could potentially be used to define "visually compatible."

Respectfully Submitted,  
Linda Lehnertz

ILLUSTRATIONS AND STANDARDS

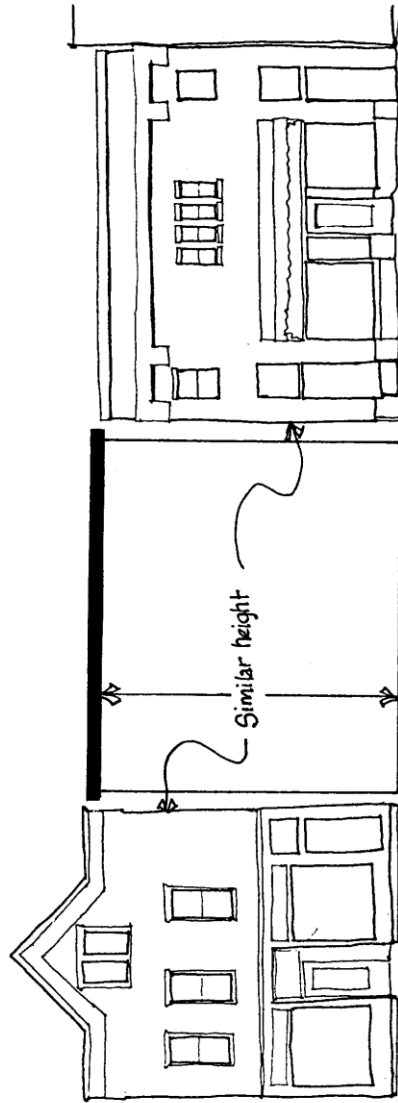
1. The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.



The illustration purposely indicates no prescribed structure, but merely addresses the scale and bulk of a proposed structure. Given a streetscape with a mix of scale and bulk, averages will be used to indicate an appropriate "envelope". Spaced setbacks will be encouraged in proposed buildings that will cover more than one lot in order to relieve the visual impression of bulk (see No. 6). Questions of siting will be of key importance in the exercise of judgment regarding this criterion.

# Development Handbook

## Commercial Criteria



In new construction the height of a new building shall be compatible with its older neighbors. Additions to existing buildings shall be made in compatibility with larger older buildings in the area.