

Ad Hoc Landmarks Ordinance Review Committee  
Meeting of September 1, 2021  
Agenda item #2, Legistar 56918

I have limited time to comment in these few days between the posting of the materials and the LORC meeting, so I will just address a few highlights.

### **Height**

Document #68 of the Legistar record, LORC Memo 9-1-21 states: "The process for implementing the height map for Williamson Street based off of the BUILD II Plan had such strong opposition that the alder asked for that proposal to be placed on file with Plan Commission."

Yes, there was strong opposition. That opposition was based on the fact that the proposed map did not implement BUILD II. My concerns included:

- It permitted 14' per story above the maximum allowed in the base zoning district (3 stories/40 feet).
- Parapets were not included in the height calculation (though Plan Commission consensus was to include parapets).
- Usable rooftops would not count as a story for purposes of determining height, which would result in Williamson be treated differently than all other parts of the City.
- Zone 1, 2½ stories per BUILD II (a 2-story plus livable attic) was upgraded to 3 stories (so 3 stories plus livable attic space or 3-story flat roofed structures anywhere along the 600-1100 blocks).
- On the north 800 and 900 blocks, where a 4<sup>th</sup> story could be added if the stepback was enough, the stepback was proposed at 30 feet back from Williamson. BUILD II has approximately an 80 foot stepback.
- BUILD II had bonus stories in certain areas if certain conditions were met. The proposed map granted the bonus stories by-right. This included the Elks Club, a site specifically reduced by the Plan Commission in intensity during the Comprehensive Plan process.
- The Capitol view preservation on the north 600 block may or may not be met under the proposed map (especially when one adds in useable rooftop space and mechanicals on top of a 40 foot high building).
- Plan Commission had directed staff to include BUILD I and BUILD II. Staff only addressed BUILD II. Having only the 600-1100 blocks with protection would push higher developments to the 1200-1500 blocks.

I, am many others, would support a height map that actually implemented BUILD II provisions – even a BUILD II map with some modifications.

Document #68 goes on to state: "Staff continues to recommend that specific height standards need to remain in the Zoning ordinance. However, the contextual height, setback, and massing in the historic districts is still addressed by the 200 foot compatibility requirement will address the height concerns in historic districts."

There is no reason for heights to remain in the Zoning Ordinance. Madison ordinances provide that the more restrictive ordinance controls (as is fully explained in a City Attorney

memorandum). Height maximums could easily be added to the historic ordinance and would control heights in the commercial district even if the Zoning Code remains the same. In fact, it would be easier for people to understand because BUILD II provides other limitations that a height map does not address (and which should be addressed in an ordinance) – such as no building should be wider than 60 feet. The BUILD II criteria that are needed to retain the historic character of the commercial district would all be in one place if addressed in the historic ordinance. And it is worth remembering that the Council, in 2004, instructed staff to update the historic ordinance in accordance with BUILD II: “BE IT FURTHER BE RESOLVED that Planning Unit staff is hereby directed to prepare the necessary ordinance amendments to update the Third Lake Ridge Historic District Ordinance.”

Does the 200 foot compatibility requirement address the height concerns in historic districts? I would say it does not. Take, for example, 817 Williamson. This building, a flat roof, was approved at approximately 43’ including the parapet. Its neighbors that sit along the sidewalk within 200 feet along Williamson are at 20-24 feet plus a gabled roof (overall height perhaps up to 32 feet). 817 became the tallest building on this relatively intact block of Williamson. The only other non-historic resource on the block was capped at 33 feet in height. Is this building visually compatible? I would say not, and nothing in the revised ordinance would change the result. Or look at 706 Williamson which was 75 feet when BUILD II called for 54 feet (the height of the tallest historic resource, the Olds Building). Is a building 21 feet taller than its neighbor, or almost 40% taller, “visually compatible”?

### **Interpretation of Standards**

Document #68 states: “While the ordinance sets a 200-foot context in order to preserve the unique character of each district, it is helpful to set the larger context of each district as a means for interpreting the standards.”

I am not sure what this means. Does it mean that a large 3-story building on the north side of Williamson at the western end (where there historically were large buildings) could be used to justify a large 3-story building in the south 1300 block – a block zoned TSS with several one story commercial buildings and 2-story (per the Zoning Code definition) homes?

Or that the Marquette Bungalow District could build up? There are 48 buildings in the District, 47 of which are contributing. Of those 47, 45 are one-story (per the Zoning Code definition). Would the 2-story buildings be able to be used to justify adding height to an existing house anywhere in the District?

### **Design Guidelines**

Document #70 is the Draft Historic District Design Guidelines. For each district a list of building forms are included as are the historic materials. But is this enough to convey the sense of each district?

For example, The Mansion Hill Historic District Preservation Plan and Development Handbook talks about the core area and the buffer zone – “an elite social neighborhood with a middle class buffer zone surrounding its core” with the core having substantial residences often made of brick or stone, some of local sandstone, elaborately detailed and decorated. And the Mansion Hill Design Criteria speaks to the various styles and the materials appropriate to each

style (e.g., stucco is listed for Art Moderne, Prairie, Craftsman, as a filling for the half-timbered portions of Tudor Revival, and Dutch Colonial).

Or how closely should the descriptions track prior materials? Document #70 states: "The significant architectural styles found in the [Marquette Bungalows] district include:

1. Arts & Crafts
2. Colonial Revival
3. Mediterranean Revival
4. Tudor Revival"

Yet the national register application for the district states: "The concentration of 47 Craftsman Bungalows and Craftsman-influenced vernacular houses in the two blocks that form the Marquette Bungalows Historic District is unique in Madison. In addition, the Craftsman Bungalows in the Marquette district are well designed and exhibit a high degree of integrity."

For Third Lake Ridge, Document #70 states: "The majority of resources are vernacular expressions of Victorian residential architecture." Compare that to the Third Lake Ridge Historic District Plan which states: "Executed in frame and masonry are examples of the full range of nineteenth century architectural styles: Greek Revival, Italianate, Late Picturesque, early twentieth century Revival styles, and of vernacular design and construction" with about a dozen residences of Prairie School derivation. And "A substantial part of the housing stock of the area is composed of the gable roofed, two-story residences, covered in wooden or asbestos siding, with little architectural ornament. Constructed roughly between 1880 and 1910, the uniform street façade and roof pitch of this house type has left significant visual impact on the area." The Third Lake Ridge Historic District Plan also speaks to differences in the district.

### **The need for visuals in design guidelines**

The Mansion Hill Historic District Preservation Plan and Development Handbook, pages 19-25, has illustrations to further explain the standards.

The Third Lake Ridge Historic District Plan also contains illustrations, see pages 58-75.

In 2009 the City Attorney's Office was asked:

Some of the content of "The Mansion Hill Historic Preservation Plan and Development Handbook" is reproduced word for word in the ordinance. In the plan there are illustrations showing the intent of the words. What standing would these illustrations have in interpreting how the words of the ordinance should be applied?

ACA Strange replied:

If the language of the ordinance is ambiguous, the plan (including illustrations) could be used to help interpret the meaning of the ordinance. The same would be true of any other relevant legislative history of the ordinance.

The use of visuals in the Design Guidelines would better explain the intent of the standards than does the use of only words.

Respectfully Submitted,  
Linda Lehnertz