

Bailey, Heather

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Sent: Tuesday, October 05, 2021 1:10 PM
To: Furman, Keith; Martin, Arvina; Heck, Patrick; Vidaver, Regina; Evers, Tag; Marsha Rummel
Cc: Bailey, Heather; Fruhling, William
Subject: The need for better standards for new construction
Attachments: Comparison of New Construction Standards in Historic Districts.docx

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Tomorrow LORC will consider a case study for 817 Williamson Street. This is a classic case where even today's ordinance standards should have been sufficient to cause all parties to deny a COA for the project. This point is forcefully made by Linda Lehnertz in her compelling memo dated October 4, 2021, which I hope all LORC members will read and discuss.

However, there can be no doubt that existing ordinance standards for new construction are weak and should be clarified and strengthened. In fact, it was because existing ordinance standards are weak and ambiguous that staff and landmarks commissioners were forced to spend a ridiculous amount of time on this project and why the developer was able to persuade staff and commissioners that the 817 somehow met the standards!

Attached is a three column chart that will allow LORC members to see why existing ordinance standards for new construction (left column) are weak and ambiguous, why proposed standards are not enforceable (middle column), and why the only valid solution (right column) is to craft clear, comprehensive, and enforceable standards that require new projects to be visually compatible with all qualities that constitute historic character. The Alliance provided these 10 clear and enforceable standards in Tab 2 of their ring binder.

The question that LORC and staff should answer is: Which of the three alternative new construction standards will most effectively preserve the historic character of Madison's historic resources. In my mind, the answer is clear.

COMPARISON OF NEW CONSTRUCTION STANDARDS IN HISTORIC DISTRICTS

As you read this chart ask yourself: Which set of standards will provide superior protection for historic resources?

Today's ordinance, 2015	Staff draft, October 26, 2020	Alliance draft, 02-02-21
<p>Today's ordinance (41.11(2)) requires the landmarks commission to "consider" a list of "standards or guidelines."</p>	<p>The staff proposal only requires the Landmarks Commission to "consider such factors as..." and then provides a long list of qualities. This means that the Commission may consider all, some, or none of the listed qualities, or by implication, even use <i>other</i> unlisted qualities that are deemed consonant with listed factors.</p> <ul style="list-style-type: none"> • Such lax language cannot function as enforceable standards. • Note below the subjective term "visual size." How about <i>actual quantifiable size</i>? 	<ul style="list-style-type: none"> • This draft assumes that the key to effective regulation is to create a <u>clear, coherent, and complete list of ALL qualities that constitute historic character and then to translate those qualities into enforceable standards.</u> We have distilled those qualities into 10 enforceable standards noted below. • The draft assumes that these generic standards must be supplemented by district-specific standards to effectively preserve the distinctive qualities of the districts' historic character.
<p>(2) Development Standards and Guidelines. Any proposed ordinance under this section, the Landmarks Commission should consider including the following as standards or guidelines:</p> <p>(a) Any new structure located on a lot that lies within two hundred (200) feet of a designated historic resource shall be visually compatible with that historic resource, particularly in regards to:</p> <ol style="list-style-type: none"> 1. Bulk and massing. 2. In the street elevation of a structure, the facade's proportion of width to height. 3. The proportions and relationships between doors and windows in the street and publicly visible facade. 4. The proportion and rhythm of solids to voids, created by openings in the facades. 5. Colors and patterns used on all facades. 6. The design of the roof. 7. The landscape treatment. 8. The texture and materials used in all facades. <p>(b) The existing rhythm created by existing structure masses and spaces between them shall be preserved</p> <p>(c) The amount, shape, and pattern of open spaces shall be sensitive to the character of the district.</p> <p>(d) The landscape plan shall be sensitive to the individual structure, its occupants and their needs.</p> <p>(e) All street facades shall blend with other structures via directional expression. When adjacent structures have a dominant horizontal or vertical expression, this expression shall be carried over and reflected.</p> <p>(f) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the historic character of the district.</p> <p>(g) Gross volume, height, and other quantitative measurements of the proposed structure shall be sensitive to similar quantitative measurements of historic resources within two hundred (200) feet of the proposed structure.</p>	<p>41.XX STANDARDS FOR NEW STRUCTURES</p> <p>(1) General</p> <p>(a) Primary Structures.</p> <ol style="list-style-type: none"> 1. Requirements. The design for a new structure in a historic district shall be visually compatible with other historic resources within two hundred (200) feet in the following ways: <ol style="list-style-type: none"> a. 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. b. 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. c. 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 d. Building Form. When determining visual compatibility for building form, the Landmarks Commission shall consider factors such as building type and use, roof shape, symmetry or asymmetry, and its dominant vertical or horizontal expression. e. 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>(b) Accessory Structures.</p> <ol style="list-style-type: none"> 1. Requirements <ol style="list-style-type: none"> a. Comply with requirements for new primary structures b. Minimally visible from the street c. Clearly be secondary to the primary structure 2. Guidelines <ol style="list-style-type: none"> a. New accessory structures should be of a similar architecture style as the primary structure while clearly being a new building so as not to create a false sense of history 	<p>41.11 PRESERVATION STANDARDS: GENERAL A historic district ordinance shall include all of the following general standards:</p> <p>(1) New Construction</p> <p>(a) New Primary Structures. A new primary structure shall be visually compatible with the historic district, and with each historic resource located within 200 feet of the new structure, with respect to the following factors:</p> <ol style="list-style-type: none"> 1. Its size as indicated by its <i>height</i>, number of stories above grade, <i>gross volume</i>, <i>bulk</i>, and <i>street facade area</i>. 2. Its relationship to the <i>lot</i> on which it is located, as indicated by its <i>lot coverage</i> and setbacks, and the size of its front, side and rear yards. 3. Its overall form as indicated by its shape, <i>massing</i>, ratio of width to <i>height</i>, symmetry or asymmetry, and roof shape. 4. The articulation of its <i>street façade</i> and other <i>visible facades</i>, including visual patterns created by building planes, wall recesses, wall protrusions, window and door openings, and <i>architectural features</i>. 5. The <i>character</i> of its roof, including roof shape, style, pitch and surface materials, as well as roof features such as dormers, skylights, chimneys, rooftop decks, green roofs, and attached appurtenances. 6. Its exterior wall and foundation surfaces, including surface materials, textures, detailing and trim. 7. The <i>character</i> of its doors, windows, and related features such as storm doors, storm windows, trim and shutters. Relevant considerations may include size, shape, style, proportion, materials and placement, as well as the patterns created by door and window openings on <i>visible facades</i>. 8. The nature, size, appearance and placement of exterior <i>architectural features</i> and appurtenances such as entryways, porches, decks, balconies, railings, stairways, rescue platforms, fire escapes, accessibility features, <i>signs</i>, awnings, lighting fixtures, <i>HVAC equipment</i>, electrical equipment, elevator equipment, solar equipment, telecommunications equipment and building mechanicals. 9. Its sensitivity to the site and surrounding <i>landscape</i>. Relevant considerations may include the nature, size, appearance and location of its parking accommodations, refuse storage facilities, <i>landscape features</i> and drainage systems, as well as its sensitivity to distinctive <i>natural features</i>, archaeological features, <i>historically representative landscape features</i>, and open spaces that materially contribute to the <i>character</i> of the <i>historic district</i>. 10. Its relationship to each <i>block face</i> of which it is part, including its effect on the collective visual pattern formed by the sizes of, shapes of, directional expression of, and distances between existing <i>structures</i> represented in the <i>block face</i>.

