

Ad Hoc Landmarks Ordinance Review Committee  
Meeting of October 6, 2021  
Agenda Item #3, Legistar 56918

### 817 Case Study

Document #79 of the Legistar record is a case study of 817 Williamson. Attached is my analysis of the 817 case study (a comment letter I submitted to the Landmarks Commission).

### BUILD II

At the Landmarks Commission meeting of October 4, Willy Street BUILD II was described as a 15 year old plan, a plan that was written in response to the City's outdated zoning code, a zoning code that was causing all sorts of problems and has since been updated.

BUILD II was not the product of an old zoning code. BUILD II was adopted by the Common Council in 2005. The Common Council resolution adopting BUILD II, RES-05-00074, resolved that: "Planning Unit staff is hereby directed to prepare the necessary ordinance amendments to update the Third Lake Ridge Historic District Ordinance."

This land use plan was created, in part, by a Dane County Better Urban Infill Development ("BUILD") grant (matched by funds from the City of Madison, the Marquette Neighborhood Association and Greater Williamson Street Business Association). The BUILD program's purpose is:

"... to **plan and implement infill development** through planning grants. Infill development is defined as the economic use of vacant land, or restoration or rehabilitation of existing structures or infrastructure, in already urbanized areas where water, sewer, and other public services are in place, **that maintains the continuity of the original community fabric**. BUILD grants help pay for planning consultants who assist communities with preparation of infill plans." (emphasis added)

The fact that BUILD II was adopted 16 years ago does not make it irrelevant since it covers a historic district. BUILD II standards were designed to implement the purpose of the grant: plan and implement infill development that maintains the continuity of the original community fabric. Though some fabric has changed to some extent at the far western end, much of Willy remains intact. That historic character is still served by implementing BUILD II and extending those principles to the blocks of Williamson not covered by BUILD II.

I have also attached the first 1½ pages of my comment letter for the September 1, 2021 LORC meeting with discusses height of buildings along Williamson.

### Developed public right-of-way

I count 44 uses of this phrase in the proposed ordinance. What does it mean? It should be a defined term.

- Is 110 E Gorham, Period Garden Park, a developed public right-of-way? The backs/sides of homes can be seen from the park and enhance the character of the park. Will those homes be regulated from the back/side?
- What about structures that are sited on an easement (142, 144, 146, and 150 Langdon). That easement is publically used and is essentially treated like a street.

- Or 140 Iota Court? That building sits on an extension of Iota court that was provided by the developer of the Waterfront apartments.
- Or 130 Langdon? That building is only accessible through the easements and though it is visible right now, once 126 Langdon is redeveloped it will no longer be visible.
- 124 Langdon is also tucked behind another building, as is 12 Langdon and 108 Langdon and 122 E Gilman (built in 1956).
- Or 620 N Carroll (built in 1956), a building that sits at a street end that is used for parking and a turn-around?
- 1029 Spaight is a condo only visible from the dead end of Rutledge Street.
- 711 S Few and 1211 Rutledge are both homes on the lake which are accessed by a private drive.
- 1425, 1427½, and 1335½ Williamson are set back behind the street buildings.

Are these buildings less deserving of the protection offered by the ordinance? Will the historic character of the districts be compromised by allowing replacement by an incompatible structure? Yes, some of these lots are too small for a new structure (e.g., 1427½ is 2,739 sq.ft. and ordinances require 3,000 sq.ft.) – but PD zoning is always available.

Or look at the carriage houses that were at 1025-1027 Williamson, built in 2006 as a PD. Those carriage house condos are behind the street fronting buildings, and were designed to fit the historic context. But if that project, or a similar one, was being proposed under the new ordinance, the visual compatibility portion of the new structures language would not apply.

303 S Paterson is one of the old tobacco warehouses. The long side of the building faces the bike path. Is a bike path a developed public right-of-way?

Respectfully Submitted,  
Linda Lehnertz

Landmarks Commission  
Meeting of October 4, 2021  
Agenda #3, Legistar 67569, Review of Draft Historic Preservation Ordinance

The case study, document #4 of Legistar 67569, addresses the final version of 817 Williamson, the version that was approved. 817 Williamson was before the Landmarks Commission three times, plus one cancelled meeting, for four versions of the plans. And then there were also the plans as approved by the Plan Commission.

- There was the version submitted for a March 16 meeting that was cancelled at the last minute due to a lack of a quorum. A staff report was done, recommending that the standards were not met.
- On June 1, 2020 the Landmarks motion was: "Refer the request for the Certificate of Appropriateness for new construction to a future meeting to allow the applicant to consider the commission's comments on height, volume, and the front façade design." The staff report recommended that the standards were met.
- On July 13, 2020 a motion to approve the new construction failed. The Landmarks motion that passed was: "Refer the request for the Certificate of Appropriateness for new construction to the August 17, 2020 meeting to allow the applicant to explore a solution that reads more like two street façades as opposed to a singular street façade." The staff report recommended that the standards were met.
- On August 17, 2020 the COA was approved.
- For the Plan Commission meeting of January 11, 2021, the plans were again revised. The building became 6 feet wider, 1 foot deeper, sited closer to the sidewalk (due to a City easement), height increased 1 foot, and the "L" portion at the back of the building was removed. Per the staff report, these changes were administratively approved by the Preservation Planner.

What would be interesting is an analysis of the prior versions under the proposed regulation and of the plans as approved by the Plan Commission -- whether those versions would meet the standards of the new regulation. Would the new regulation adequately address the Commission's concerns as expressed on the versions that were not accepted, or would the Commission's concerns no longer have relevancy?

The case study compares the final version of the project to the proposed ordinance. I have the following comments on selected sections.

Visual size

*Draft ordinance:* 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.

*Staff Analysis:* The building design presents a smaller scale at the front of the structure, with the bulk of the structure nested behind. The street frontage presents as two separate street facades, with a step back above the western façade. This mitigates the appearance of the structure, making the street presence compatible with the visual size of the historic resources within 200 feet.

*My analysis:*

#### Massing:

- The gross volumes of the historic commercial buildings (800, 805, 811 and 831, not including the non-historic separate structures on 805 and 831) which are the only buildings sited near the sidewalk, including attic space under gabled rooflines, range from about 27,000 cubic feet to 32,000 cubic feet.
- The July version of the proposed project had over 270,000 cubic feet (excluding the garage space). Even just the front half of the proposed building, going back only as far as the garage entry, was over 125,000 cubic feet. Thus, the front mass was almost 4 times larger than the largest historic resource, and the whole building, included the "nested behind" portion, was about 8.4 times larger than the largest historic resource.
- The approved August version had a volume of approximately 289,500 cubic feet. The front portion had about 156,000 cubic feet, or about 4.8 times more mass in just the front portion than the largest historic resource.
- The footprints of the historic commercial buildings range from about 1,200 to 1,500 square feet.
- The approved August version had a footprint of 7,900 square feet, with just the front portion at about 3,900 square feet.

#### Height in feet and stories:

- The heights of the historic commercial buildings are 20-28 feet.
- The approved version had a height of 40.64', including the cornice.
- The historic commercial properties are 2 stories.
- The approved version was 3 stories.

#### Gross area of the front elevation:

- The historic commercial buildings have street facades range from about 640 to 670 square feet. The facade of the approved project, not including the garage, was about 2,200 square feet. (The garage had a front elevation area of about 1,100 square feet.)
- The proposed ordinance says "the gross area of the front elevation (i.e., all walls facing the street)." It does not discuss what a building reads as, or what sort of gap is required to make a building read like two buildings. It also includes all walls facing the street, so the setback garage portion could not be excluded.
- Even if this is read as two buildings, and only looking at the portions sited at the sidewalk (not considering the garage walls that face the street), each segment would be 935 square feet – or about 40% larger gross front elevation of the historic commercial buildings.

#### Street presence:

- "Street presence" is mentioned just this one time in the draft ordinance, so exactly what this means is not clear. Perhaps the assertion that the building reads like two buildings would fall under this.
- This new building will clearly be the dominant street presence on the block face in terms of size. When one is looking down the block from the other side of the street, this building will read like a single building.
- Side note: Should any new structure ever overpower the existing historic resources?

Dominant proportion of the width to height in the façade:

- Of the historic commercial buildings, 2 have gabled roofs, so I am not sure how to factor in the attic for the width to height calculation. One is a true flat roof, about 24' wide and 28' high, or the width is about 86% of the height. One has a false front, and the width is about 79% of the height.
- The width of 817's two segments are each 57% of the height. The front portion sited at the sidewalk, as a whole, is 150% of the height.

What is the Commission to do with this information? The ordinance merely states that the Commission "shall consider" these factors, and the guidelines do not provide further guidance. When should an application be approved or denied? If a building is 30% taller than the historic resources within 200 feet, should that proposal be denied? Or 9 times the volume? Or if it has a 40% larger front elevation? Shouldn't developers, as well as neighbors, have some idea of what visual compatibility means? Wouldn't the Commission find more substantive guidance useful and time saving?

### Building Form

*Draft Ordinance:* "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."

*Staff Analysis:* "There are flat-roofed commercial structures within 200 feet, and one false front historic structure that gives the appearance of a flat roof. The building form is in keeping with the form of historic commercial structures in the vicinity."

*My Analysis:*

- The design of the roof, a flat roof, is only compatible with one historic resource – 800 Williamson, on the north side of the block and on a corner. All other 22 historic resources have a peaked roof. The one building with a false front does appear to have a flat roof if one looks at directly from the front – its peaked roof is apparent from other angles.
- Having a mid-block historic resource with a flat roof is rare on the south side of Williamson: 937 is a 2-flat, and 1019 is Nature's Bakery which is 2 stories with partially exposed basement, both of which are narrow, have a vertical expression and appear under 30 feet in height.
- The building type is a commercial block building. This type of building was generally found on corners, not in the middle of a block.

### Garage Doors

*Proposed ordinance:* "Garage doors shall be similar in design, color, scale, architectural appearance, and other visual qualities prevalent within the historic district."

*Staff analysis:* "The garage door will be minimally visible from the public right-of-way, but should be of a compatible appearance with the structure and doors found in the district. Applicant should provide specifications on the garage doors."

*My analysis:*

- The garage door, as approved by Landmarks, would have been highly visible to anyone of the sidewalk - it would have been 18' wide, and about 9-10' tall. I doubt that scale of door is found anywhere on a historic resource in the Third Lake Ridge.

- The proposed ordinance does not limit garage door standards to what is visible from the public right-of-way. Rather, it lays out the standard that all garage doors have to have visual qualities that are prevalent in the district. So even a garage entrance at the rear of the building needs to meet this standard. And, it is hard to say what counts as visual qualities “prevalent” in the district. Do 10 examples, or 50, or 100, need to be found?
- As a side note, it certainly makes sense that a new residential garage needs an appropriate door. But a commercial door is never going to be similar in scale to a historic garage door – just one example of why commercial needs different standards.

### Balconies and Decks

*Proposed ordinance:* “Projecting, partially projecting/inset, and inset balconies are prohibited on elevations visible from the developed public right-of-way, unless there is precedent on the historic resources in the district.”

*Staff analysis:* “While there is a rooftop deck above the western projecting bay on the street façade the balconies on the rest of the structure are largely on the rear clapboard-clad half of the structure. Most of these are either not visible or minimally visible from the public right-of-way. The exception are three balconies above the garage entrance that face towards the street. These are substantially set back from the street and there is precedent of a street facing balcony on the residential-form historic structure at 839 Williamson.

*My analysis:*

- There were 6 inset balconies on the garage side, 3 facing the street and 3 facing the driveway, all of which were all visible from the “developed public right-of-way” (whatever that means). The proposed ordinance does not permit these balconies if visible from the developed public right-of-way – there is not an exception for those that are “minimally visible.”
- The proposed ordinance prohibits these inset balconies. There is no historic precedence for inset balconies.
  - The “balcony” at 839 Williamson is actually a second-story porch, atop a first floor porch. Porches are addressed separately in the regulation from balconies.
  - I am unaware of any historic resource in the Third Lake Ridge that has inset balconies.

Respectfully Submitted,  
Linda Lehnertz

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”?