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215 Martin Luther King Jr. Blvd, Suite 017
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Re: 619 & 621 N Lake Street Appeal

Dear Julie & Colin:

This is our formal statement of appeal regarding the Plan Commission's decision to place on file Alpha Chapter of Alpha Chi Sigma Fraternity, Building Corporation's request for Demolition and Conditional Use permits to redevelop the properties located at 619 & 621 N Lake Street.

RATIONALE FOR APPEAL - SUMMARY

At the 11/23/20 Plan Commission meeting, the demolition and conditional use proposal for 619 & 621 N Lake St was placed on file following nearly two hours of public comment which overwhelmingly supported the application and which outlined, in detail, the merits of the proposal and how the standards for demolition and conditional use were met. Uncharacteristically, Plan Commission members had no questions of registered speakers, nor any comments or discussion. The disposition letter and staff report regarding the proposal reference two points regarding demolition standards and two points for conditional use standards which were not met as the basis for the Plan Commission's action:

- Demolition: Downtown Plan's recommendations for the Langdon neighborhood
- Demolition: Report of the 10/5/20 Landmarks Commission meeting
- Conditional Use Standard 4: "the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district"
- Conditional Use Standard 9: "when applying the...standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district."

Two documents, which were provided to city staff and Plan Commission members in advance of the 11/23/20 meeting, provide critical analysis and evidence which demonstrate that these standards are all met—an architecture and historical preservation analysis by Legacy Architecture (Attachment #13, Legistar File #[62598](#)) and a memo from former District 2 Alder Bridget Maniaci (Attachment #15, Legistar File #[62598](#)). The authors of these documents provide a further level of credibility to their respective contents which needs to be considered. Jennifer Lehrke and Rowan Davidson, of Legacy Architecture, are the very same individuals who served as the primary authors of the Historic Preservation Plan adopted by Landmarks Commission, Plan Commission, and Common Council in spring 2020. Bridget Maniaci served as Alder during the development and adoption of the Downtown Plan in 2012. Neither the staff report nor the silence of Plan Commission members during the 11/23/20 meeting give any clear rationale in response to the analysis & logic within these documents which supports their positions & actions. Additional documents were also provided describing the owners' history of use and upkeep for the properties, the non-viability of existing incentives for historic preservation, alignment with City Plans, and other relevant information. Further detail outlining specific grounds for appeal regarding the four standards summarized above is in the subsequent sections.

DEMOLITION: DOWNTOWN PLAN'S RECOMMENDATIONS FOR THE LANGDON NEIGHBORHOOD

The staff report mentions discrepancies with the Downtown Plan, but neglects to highlight many ways in which the demolition and conditional use proposal align with the Downtown Plan, as well as the 2018 Comprehensive Plan. A letter from Bill White (Attachment #19, Legistar File #[62598](#)) provides a detailed listing of these points of alignment, including the primary Objective (4.9) for the Langdon neighborhood per the Downtown Plan:

"The Langdon neighborhood should build on its history as a traditional student neighborhood, including a concentration of fraternities and sororities. It should continue to accommodate a limited amount of higher-density residential redevelopment on selected sites while maintaining the area's historic and architectural integrity. Preserving and enhancing Langdon Street as the spine of the district will be the key. The pedestrian walkway between the lake and Langdon Street should be formalized to enhance its aesthetics and safety and to make a stronger connection to the lakefront path."

As this project aims to create additional student housing while simultaneously preserving the home space of the founding chapter of Alpha Chi Sigma, this Objective is met. As the letter from Bill White explains:

"This project actively preserves a student fraternity that has a century of history located on this site and within the Langdon Street community. Allowing the organization to rebuild within modern fire, building code and ADA standards, will allow this historic organization the capacity to continue to [be a] student-resident stakeholder of the Langdon neighborhood."

Additionally, the proposed redevelopment is not located on Langdon Street proper, so if the key to preserving and enhancing the district is preserving Langdon, this project does not disrupt or endanger that emphasis or character of the street. Additionally, this project will further enhance the aesthetics and safety between Langdon Street and the lake and include improved lighting and security measures, especially for pedestrians using Mendota Court as part of the neighborhood's mid-block pedestrian walkway."

The Langdon Neighborhood and its corresponding National Historic Register designation mention 89 contributing buildings in the 1986 nomination papers (Attachment #22, Legistar File #[62598](#)), the vast majority of which are located northeast from the properties in question. The Legacy Architecture analysis further states "Some of this historic fabric still exists further to the northeast, but nearly all this character is gone from the western end of Langdon Street" where the properties are located.

There is one Downtown Plan Recommendation (94) for accomplishing the aforementioned objective, which encourages "preservation and rehabilitation of contributing historic buildings." It should be noted that a recommendation is a suggested course of action to achieve a goal; it is not and should be a hard rule limiting the means of realizing the overarching Objective in the Plan.

Encouragement is not a mandate. Moreover, any purported "encouragement" since the Downtown Plan's adoption in 2012 is token at best. The plan recommends a local historic district to clarify the intent and desire to preserve the historic character, yet no such district has been established over the past 8 years. Existing incentives for preservation are economically unfeasible (Attachment #12, Legistar File #[62598](#)). Many redevelopments have occurred with contributing properties on the very same block in that timeframe as well.

There are only two major documents which indicate that 619 & 621 N Lake St are contributing buildings to the district—the original nomination form to the National Historic Register from 1986 and listings in the Appendix tables of the 2018 Langdon Neighborhood Character Study (Attachment #23, Legistar File #[62598](#)). Neither document speaks to the significance historically or architecturally of the properties outside of cursory descriptors of their physical

appearance. In the 1986 nomination form, 621 is listed as an example of Queen Anne style but described as suggesting a Tudor revival appearance. 619 bears the unique & dubious honor of having the shortest description of any property listed as contributing, a whopping 234 characters for 36 words in two sentences:

“This house also illustrates the half-timber interpretation of the Tudor revival style. It has a brick first story and porch, a half-timber second and third story with steeply-pitched gables, and dormers projecting from the hipped roof”

The “also” highlights that there are other, better examples of the style within the district (e.g., the still-extant 250 Langdon St). Meanwhile, the Legacy Architecture analysis states, for 619:

“The building has undergone considerable alterations since the end of the period of significance of the historic district... The inconsistency in the architectural details imply plenty of alterations to the exterior over time, and the interior has been significantly altered as a rental building and very little of its historic fabric remains. The lack of character defining features means that the building at 619 North Lake Street lacks architectural integrity”

Furthermore, NPS standards¹ state the following regarding contributing and non-contributing buildings:

(2) A building not contributing to the historic significance of a district is one which does not add to the district’s sense of time and place and historical development; or one where the location, design, setting, materials, workmanship, feeling and association have been so altered or have so deteriorated that the overall integrity of the building has been irretrievably lost.

It is only reasonable to conclude, therefore, that 619 would not be considered contributing to the district due to the numerous alterations.

Reports from structural engineers (Pierce Engineering, Findorff; see Attachment #10, Legistar File #[62598](#)) and historic architects (Legacy Architecture) alike note the significant structural instability within the 621 building, to the point where the costs and scope of rehabilitation is so extensive (up to \$1.2M) that it essentially amounts to a Ship of Theseus paradox—if rehabilitation entails replacing virtually all the structure's components, how is it different than replacing the entire structure? The deterioration of materials, insignificance to design or workmanship, and lack of other historic elements all point to 621 not contributing to the historic significance of the district.

The 2012 Downtown plan further notes that “a limited amount of new development to replace non-contributing, blighted housing will benefit the area” and virtually all testimony at the 11/23/20 Plan Commission meeting and analysis for 621 indicates it is on the verge of meeting the definition of “blighted” by [Wis. Stat. §66.1331\(3\)\(a\)](#).

DEMOLITION: LANDMARKS COMMISSION REPORT FROM 10/5/20

While the Plan Commission is expected to consider reports from the Landmarks Commission regarding the demolition standards and references the findings from the 10/5/2020 Landmarks Commission meeting, the process by which Landmarks Commission reviewed the proposed demolition was both inconsistent with Madison Code of Ordinances and general expectations of government regarding fair treatment.

The formal application for demolition and conditional use was not submitted to the City until Wednesday, 10/7/20. The applicants brought draft documents to a DAT meeting on the preceding Thursday, 10/1/20, which they requested an agenda slot for on Friday, 9/25/20, for preliminary feedback by various city agencies. The proposed demolition was added to the Landmarks Commission agenda for 10/5/20 at some point between 9/25/20 and 10/4/20, when a

¹ <https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol1/pdf/CFR-2012-title36-vol1-sec67-5.pdf>

member of the development team discovered its inclusion via a public social media post (ostensibly, it was added on or around 9/29/20 based on the [corresponding staff report by Heather Bailey](#)).

None of the development team members nor property owners were notified of this hearing as required by Madison Code of Ordinances [41.06\(3\)](#), nor does the timeline of events as outlined above even fall within the 10-day period stipulated within the ordinance. Given that the demolition was reviewed by Landmarks BEFORE an application was even officially submitted, this lapse in process further calls into question the integrity and veracity of the Landmarks Commission reports regarding this project.

Second, the Landmarks Commission report relied heavily on two sources—the 2018 Langdon Neighborhood Character Study and SHPO property files—as the basis for their statements regarding the property's historic value, along with public comment. It should be noted that the 2018 Langdon Neighborhood Character Study and its findings & recommendations were not officially adopted nor formally acted upon; in the [4/22/19 Landmarks Commission meeting](#), Bill Fruhling articulated that the Langdon Neighborhood Character Study was “provided to the consultants [Legacy Architecture] working on the Historic Preservation Plan to be included in the priorities of what the City should take on in its historic preservation efforts.”

As previously mentioned, the development team engaged the exact same individuals who authored the Historic Preservation Plan at Legacy Architecture to provide dedicated analysis on 619 & 621 N Lake St along with the broader Langdon neighborhood context. Their analysis concluded:

“the area on the west side of [this neighborhood] has been heavily compromised with numerous high-rise developments and a general change in scale and density since the 1960s that diminishes the building’s relationship to other similar fraternity and sorority houses further to the east. Individually, the houses are in poor to fair condition and lack architectural integrity to a degree that would disqualify them as historically significant examples of their style.”

SHPO files date to late 1985 and provide minimal contemporaneous justification for their historical & architectural significance, but the records further highlight substantive changes to both properties after these documents were completed (e.g., no longer a red roof on 621). It would be foolish to rely on 35-year-old documents as a definitive source of truth for historical & architectural significance today, and the Legacy Architecture findings are the most recent and relevant information regarding these factors.

CONDITIONAL USE STANDARDS 4 & 9

Some of the Legacy Architecture findings already cited speak to the factors by which the Conditional Use standards are met. Further evidence regarding the proposal meeting Standards 4 & 9 is also contained in their analysis, which highlights that contemporary high-rise apartments are the predominant examples of “normal and orderly development and improvement of the surrounding property”:

“The character of this section of the district [the block west of North Frances Street] is distinctly different from the rest of the neighborhood along Langdon Street and produces a wall of properties that are not historic due to their age or lack of architectural integrity. While some of the properties on the same block as 619 and 621 North Lake Street were constructed during the same era and reflect the history discussed in the National Register nomination, many neighboring buildings were not. Six modern high-rises were constructed from 1950 to 1969 including Lowell Hall, the Surfside Apartments, the Roundhouse Apartments, and the additions to the Sigma Alpha Epsilon Fraternity. In more recent years, from the 1990s to the present, five more high-rise contemporary apartment buildings have been constructed on the block. The 2018 Langdon Neighborhood Character Study recommends that another six of the properties within this area be changed to a non-contributing status because of their lack of architectural integrity. This change would leave the ratio of non-contributing properties to contributing

properties in this block of the district at twelve to eleven. More properties at the western end of the district would be non-contributing than contributing upon further assessment. This serious lack of integrity calls into question the continuation of protections in the name of historic preservation west of North Frances Street."

Standard 9 is further met as provided in the memo from Bridget Maniaci:

"The adopted [2018] Comprehensive Plan actively discusses the block that these properties are on as High Density Residential and are outlined as such on the Generalized Future Land Use Map. Additionally, within the 2012 Downtown Plan the project is located in a zone that is mapped for a maximum of 8 stories. Other sections of Langdon Street have height limits of 5, 6 or 7 stories. These properties have clearly been drawn into an area that was imagined for far greater density for redevelopment moving forward."

The development team and the Alpha Chapter of Alpha Chi Sigma Building Corporation acknowledge that thoughtful preservation of historic properties is a priority for the City of Madison and its residents, and they further recognize that the properties located at 619 and 621 N Lake St would be further scrutinized due to their location and listing status within the Langdon National Historic District. All of the individuals involved in producing this development proposal took these factors seriously, and they put an extensive amount of time and effort into research & analysis in order to establish a thorough, relevant, and up-to-date fact base so the proposal could be properly considered and evaluated. The actions (and lack thereof) taken by the Plan Commission in placing this proposal on file do not even hint at a credible evaluation nor do they give any clarity as to the underlying rationale. We welcome a vigorous debate on the proposal's merits and transparency in regards to the deciding factors for the proposal's outcome. But we cannot passively accept silence and obfuscation as valid treatment and process, nor should we, as citizens of a government which emphasizes openness and transparency, be expected to do so.

Respectfully submitted,



Josh Wilcox
Partner