

HISTORIC RESOURCE NOMINATION

Please refer to either the Landmark or Historic District Nomination Form Preparation Guide for instructions on completing this form.

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Landmarks Commission

City of Madison Planning Division
126 S Hamilton St
PO Box 2985
Madison, WI 53701-2985
(608) 266-4635



1.) Identification of Historic Resource

Resource type (choose one): ☒ Landmark ☐ Historic District

Common Name

Churchill Building

Historic Name

Gay Building

Current Use

Mixed - Commercial retail on ground floor, and professional office space on upper floors.

Location of Historic Resource

Street Address

14-16 N. Carroll St.

Parcel Number(s)

070923109023

Legal Description

ORIGINAL PLAT. SE 44 FT OF LOT 4, BLOCK 75

2.) Form Prepared By

Name and Title

Jason Tish – Archetype, Historic Property Consultants LLC

Organization Represented

Madison Trust for Historic Preservation

29 E. Wilson St.

Address

608-441-8864

Telephone Number

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Email Address

As the preparer of this document, I am signing below to signify that I believe this document is complete and contains true and accurate information.

Signature

Printed Name

Date Submitted

3.) General Historical Data

Original Owner

Original Use

Leanard W. Gay – Gay Building Company

Mixed – retail commercial and professional office

Architect/Builder/Designer

Architectural Style

James R. and Edward J. Law

Neoclassical

Date of Construction/Period of Significance

Moved or Original Site?

1913-1915

Original site

Physical Condition (excellent, good, fair, poor, deteriorated, ruins)

Good condition

4.) Describe Present and Original Character and Features

The Gay Building, known as the Churchill Building since 1974, is a nine-story mixed-use building located at 14-16 N. Carroll St., a prominent location on the Capitol Square. It is a simple, rectangular, slab-shaped building that presents its narrower elevation to Carroll St. A photo taken during construction of the building show a reinforced concrete framing system four bays wide and four bays deep. The bays on the secondary elevations (sides) are approximately twice as wide as the bays on the main façade and rear making the building twice as deep as it wide. At nine stories, the building's height is approximately three times the width of the main façade. The result is a strong vertical presence on the Square.

The ground floor of the main façade was designed to be a sidewalk-accessible retail storefront. Here the two central bays are combined into one to create a retail storefront entrance flanked by large display windows. The upper floors were designed to be professional office space. The building was built with a reinforced concrete frame that was poured in place using wood forms. The exterior is clad with light-colored brick on all elevations. The concrete frame is exposed on the side and rear elevations, clearly delineating the floors. The roof is flat and slanted toward the rear resulting in a parapet that steps down toward the rear. A brick chimney and a penthouse for elevator equipment rise from the roof at the northwest-facing elevation. There are brick chimney shafts attached to the northwest- and southeast-facing elevations that were added sometime after the building was completed.

The fenestration pattern is regular on the main façade, consisting of a grid of paired, 1-over-1, double-hung sash windows that clearly defines the interior levels. The ground-floor commercial space deviates from this pattern with fixed, single-light windows flanking commercial steel-and-glass entrance doors. A smaller peripheral entrance with a set of paired steel-and-glass pedestrian doors leads to a narrow lobby that provides stair and elevator access to the upper floors.

On the side elevations, fenestration is less regular, but still reflects the grid of the concrete framing system. The vertical arrangement of paired and single 1-over-1, double-hung sash windows clearly delineated the interior levels, but their horizontal rhythm is interrupted by the concrete framing system and, on the northwestern elevation, the interior structure of the elevator shaft.

On the rear elevation, windows are arranged in a grid pattern similar to that on the front and include paired and single 1-over-1, double-hung sashes. A series of steel fire escape stairs zigzags down the rear of the building from the top floor to the ground floor. Pedestrian and loading entrances built into the original construction have been filled with glass blocks or brick. Only one pedestrian entrance, at grade-level, remains in use on the rear elevation. All original windows in the building have been replaced with modern clad windows. Historic photos of the building show that original windows were also 1-over-1 double-hung sashes.ⁱ

The street-facing facade is the only elevation that was designed with ornamental features, which are extant. The ground floor commercial space is surrounded with cut sandstone carved to simulate Tuscan columns supporting a simple entablature topped by carved, bas-relief crests that extend up between the second-floor windows. There are two simplified Neoclassical cornices near the top of the front façade: one over the eighth-floor windows, and another over the ninth-floor windows at the vertical terminus of the façade. Both are supported by a series of tightly-space square dentils. The addition of painted panels between the eighth and ninth floor give the appearance of a base-shaft-cap composition further articulating the simple Neoclassical language of the façade.

The Gay Building is in good condition, and has a medium degree of integrity. There are no additions or major exterior alterations. It retains its original form, structure, and most exterior materials. Some original

material was lost when the windows were replaced. Four sconce lamps have been permanently installed at pedestrian level on the exterior of the ground-floor retail space. The retail commercial space has also been modified for changing tenants and aesthetic fashions, resulting in the loss of original display windows, doors, and refracting glass transoms. The building clearly exhibits the Law brothers' original design in terms of site, footprint, form, structure, fenestration pattern, height, and massing. It has never had an addition. It has continually served its original uses since it was completed, and is currently occupied, though it did go through a period of high-rate vacancy in the 1980s.ⁱⁱ

Eligibility:

Criterion (a)

The Gay Building is eligible for designation as a Madison Landmark for its association with broad patterns of economic and political history of the community (41.07(2)(a) of the Madison General Ordinances). It introduced the commodification of downtown property, and demonstrated that a dramatic increase in the density of private commercial space on the Capitol Square could be profitable. Its construction and subsequent commercial success was followed by a spate of privately developed "skyscrapers" on and near the Square. It also catalyzed debates among planners, developers, lawmakers, residents, and the business leaders that led to the passage of state and local legislation aimed at limiting building heights to preserve views of the Wisconsin State Capitol. Those laws have had a significant impact on the physical form of Madison through the 20th century and into the 21st.

Criterion (b)

The Gay Building is most closely associated with Leonard W. Gay, the building's developer and namesake. This nomination provides a sketch of Gay's career, but does not make the case for eligibility of the Gay Building based on the building's association with Mr. Gay. Gay was a successful real estate agent and property developer who, pending further research, may have significance as a leader and innovator in the field of real estate development and marketing in Madison and Dane County. Gay boosted his real estate career in 1899 by producing the *New Atlas of Dane County Wisconsin*. He gained broad respect as a leader in the real estate profession. Through his land companies he employed marketing strategies for his residential developments that, at the time, were remarkable for their patient and holistic approach. He was the first real estate developer to incorporate ideas about planning and zoning at a time when these concepts were new and rapidly developing.

Criterion (c)

The Gay Building is not eligible under Criterion (c).

Criterion (d)

The Gay Building is not eligible under Criterion (d). The fact that the Gay Building was the first example of a new building form in Madison, the "skyscraper," is of historical interest, but does not, in itself, meet the eligibility requirements in the Landmarks Ordinance. The skyscraper form had been developed and used routinely in Chicago and New York prior to 1900. The Gay Building was remarkable for its sheer height relative to Madison's built environment up to that time. It was designed and constructed at a time when the tallest buildings in the city were four stories and built with wood-frame or masonry construction. It's prominence as a new form made it a distinguished address for tenants, but the Gay Building is not an archetypal or exemplary model of an innovative building form.

The Gay Building was also remarkable for its engineering technology. Its structural framing system was a relatively new application of reinforced concrete, but this system had been used successfully in tall

buildings for a decade prior. It was an early, and perhaps the first, example in Madison, but not an innovation of the technology, just a new geographical extension of it.

Criterion (e)

The Gay Building was designed by James R. and Edward J. Law. The design is often credited to James Law, but Edward later admitted that he did much of the design work for the building. It was one of the first buildings designed by the brothers. In fact, they established their practice around the time construction began on the Gay Building. The Law brothers firm became one of Madison's most prolific and accomplished architecture firms of the 1920s and 1930s. While the Gay Building is associated with the early career and nascent expertise of the Law brothers, it is not representative of the artistic skill that their firm achieved during the peak of their design careers.

Leonard W. Gay

The Gay Building was named for pioneering real estate developer Leonard W. Gay who first proposed it in 1911 and financed its construction from 1913 to 1915. Gay was an aggressive land speculator and real estate developer in Madison who reportedly built the first 2-flat, the first 3-flat, and the first apartment house in Madison before his Gay Building became the city's first "skyscraper."ⁱⁱⁱ

Gay was born on January 4, 1864 to parents who reportedly came to Dane County in 1849.^{iv} His father established a retail tailoring shop in Madison.^v As a young adult Gay took over his father's business and operated a retail tailoring shop on N. Pinckney St. next to the site where the Belmont Hotel (extant as YWCA, 101 E. Mifflin St.) was later built.^{vi} Gay bought his first property in Madison in 1884, and built a house on it in 1885. He had enough success developing small commercial and residential buildings in Madison in the 1880s that he had a grand house built for his family at 1101 Rutledge St. in 1893 (extant). In 1899 Gay took a proactive step that may have solidified his reputation as a leader in real estate development in Dane County. He published, from publicly available surveys and property records, the *New Atlas of Dane County Wisconsin*. Gay worked with two draftsmen on the project to produce a high-quality, color-coded, fully-indexed, atlas of all of Dane County that delineated every legal parcel, urban and rural, and every existing building in all municipalities, including the entire city of Madison. The Atlas credited Leonard W. Gay & Co. prominently on the cover and credited Leonard himself as the preparer of the data.^{vii} The research would have given Gay a clear and thorough understanding of the real estate situation in Madison and Dane County.

By 1900, at age 36, Gay was a prominent real estate developer, having developed over 30 business blocks and residential homes as well as residential subdivisions on the North Side and in the Greenbush neighborhood.^{viii} He was married and had four sons (he eventually had five: John W., Sidney L., Len R., David G., and Randall M.). That year, as a respected businessman but a political novice, Leonard W. Gay ran for Mayor of Madison on the issues of easing the tax burden for residents, fixing the city's decaying sewer system, and unseating two-term incumbent, Matthias J. Hoven, who was facing accusations of using the position to further his political ambitions.^{ix} Gay lost the election and decided to turn his energy to his real estate career where he had remarkable success over the next 30 years. He established several land development companies to subdivide and develop unplatted parcels of Madison land including Wingra Land Co., North Side Land Co., Monona Bay Land Co., and the Gay Land Co., and others. Gay was a charter member of the Madison Real Estate Board and served as their president. His engineering company was the general construction contractor for Tenney Park.^x

One particularly intriguing piece of land runs through much of Gay's real estate career and illustrates his innovation. Gay purchased a 481-acre parcel along the southern and eastern shoreline of Lake Wingra in 1902. Ostensibly, his ambition was "to establish a pure-bred stock farm and operate milk routes in the

city.”^{xi} He did that for about a decade, but as true land speculator he established the Lake Forest Land Company in 1915 to plat and develop what the company claimed would be “the greatest community development yet undertaken in the State of Wisconsin, and one of the greatest in America.”^{xii} It would be fully planned and zoned with a “civic center” where commercial buildings would be corralled, and over 3000 parcels ready for residential and commercial development. Gay conceptualized this before Madison had adopted its first zoning code in November of 1922, and before the city had established a planning department. Gay and his business partner Chandler B. Chapman, acting as President of the Lake Forest Land Co., embarked on a long and innovative campaign to market the subdivision. During the “first unit in [the] campaign” their intent was to develop “public confidence in a worthy object[ive].” They even considered it a public service.^{xiii} For 3 years (1917-1920) they scarcely mentioned the development itself. Rather, they presented, in markets statewide, the forces that would ensure Madison’s continued growth.^{xiv} They asked for advice from lay people about how to design the subdivision, and offered prize money for it.^{xv} Marketing also relied on the reputation of Leonard Gay himself and his success in developing the Gay Building.^{xvi} Gay and Chapman so deeply believed in the development of Lake Forest as a public service that in 1917, without seeking official permission, they authorized an unidentified collaborator to lower the level of Lake Wingra by chopping away one of the planks in a wooden spillway installed to maintain the lake’s water level. At a hearing to determine why the water level had been lowered, Chapman stated, “We contend that the interests of the public and the Lake Forest Land Company are the same. We have 3200 lots in the Lake Forest tract and we figure that the lake and Vilas Park are our biggest assets. It is to our interest to have the lake and the park in good condition.”^{xvii} In 1920 the Lake Forest Company transitioned to a new phase of the campaign – an aggressive one that relied heavily on hyperbole, idyllic suburban imagery, and endorsements from public officials. A significant piece of the marketing program was a slick 4-page pamphlet titled *Lake Forester* published regularly for about 2 years. Between 1920 and 1922 Gay and Chapman used the *Lake Forester* to present Madison’s amenities and lifestyle options, data on the city’s housing situation, photos of the streets, sidewalks, and homes that had been built in Lake Forest, their development philosophy, and their “new ideas” for traffic control (a roundabout), and zoning (a civic center). Over the next several years Gay and Chapman gradually gave up on their plan for Lake Forest. They eventually transferred most of the plat to the University of Wisconsin for development of the UW Arboretum,^{xviii} a benevolent gesture for which Gay was recognized at and after his death.^{xix} Today much of the Lake Forest land is part of the Arboretum and is often referred to as the “Lost City.” Had Gay and Chapman been able to fully develop their vision for Lake Forest, it certainly would have been an innovative and significant plan for suburban land in Madison for its time.

By the time Leonard Gay died in October 1934 he had established at least a dozen land development companies. He was remembered for the Gay Building, his large apartment buildings and commercial properties, the Lake Forest property, and his construction of Tenney Park.^{xx} He left significant holdings for his five sons who stewarded the Gay properties through the middle decades of the twentieth century.

First Skyscraper

The Gay Building was Madison’s first “skyscraper.” It is noteworthy as the first construction project in the city using a relatively new building form whose prototypes were designed and built in nearby Chicago. It is also noteworthy as an early use of reinforced concrete framing in a tall building in Madison. It is historically significant, however, for the ripple effect that the building’s presence had on the use pattern of downtown property in Madison, and the regulatory response it garnered from local and state legislators.

The skyscraper as a building form was relatively new in 1911 when the Gay Building was first proposed. The earliest examples of the form were built in Chicago and New York. Two engineering innovations enabled construction beyond what was possible with wood or masonry construction. The first was the

skeletal metal frame. This framing system was stronger than wood and lighter than stone. It allowed builders to achieve heights beyond those that wood or stone could tolerate without collapsing under its own weight. The earliest metal-frame buildings used cast iron and were built in New York in the 1840s and 1850s. After iron was shown to be susceptible to dramatic failure in a fire, steel became the standard material for metal-frame buildings.

The second innovation allowed reasonable and comfortable use of tall buildings. It was the safety elevator patented by Elijah Armstrong Otis, and first installed in the E.V. Haughwout and Company store in Manhattan on March 23, 1857.^{xxi} William LeBaron Jenney is generally considered to be the first to refine the combination of metal framing and the safety elevator in what would become known as the world's first "skyscraper."^{xxii} Jenney's Home Insurance Building in Chicago was completed in 1885. The term "skyscraper" first appeared in print in 1890 in John J. Flinn's thorough guide to Chicago.^{xxiii}

While some construction engineers were developing the skeletal metal frame to achieve taller buildings, others were experimenting with concrete framing to achieve the same end. Concrete, on its own, does not have the tensile strength necessary to serve as a structural framing material for tall buildings, so engineers developed a system for reinforcing it with metal rods.^{xxiv} A reinforced concrete wall was patented in 1860. Widespread acceptance of reinforced concrete for building construction is credited to the publication in 1877 of Thaddeus Hyatt's *An Account of Some Experiments With Portland-Cement-Concrete Combined with Iron as a Building Material*.^{xxv} Concrete had the additional benefit of being a reliably fireproof material. Through the 1890s engineers refined processes for casting concrete framing and flooring units for tall buildings, as well as for pouring and shaping concrete in place using wood and metal forms. The first reinforced concrete skyscraper in the United States, the 15-story Ingalls Building built in Cincinnati in 1903, demonstrated that the material was viable for the construction of tall office buildings.^{xxvi} Other methods and formulae evolved after 1900, but Leonard Gay and his architect chose the cast-in-place method in 1913 for his skyscraper.

James R. and Edward J. Law

Gay chose James R. Law to design the building, but it was James' brother Edward, with whom he practiced for many years, who designed the Gay Building. James Law was a young architect who had worked in the offices of Madison architecture firm Claude and Starck before studying architecture at the University of Pennsylvania. He returned to Madison and worked in the office of state architect Arthur Peabody before Leonard Gay hired him to design his skyscraper. The Gay Building was the project that gave James Law the confidence to strike out on his own. He established his own architectural practice in 1913 just before construction began on the Gay Building. James was joined in his practice by his brother Edward J. Law. In fact, it was Edward who did much of the design work for the Gay Building. Edward commented for a 1981 *Wisconsin State Journal* profile that, "The first tall building in Madison, besides the capitol, was the Gay Building. My brother, Jim, was an architect here, but Jim didn't like design so much, so I designed the Gay Building for him."^{xxvii} The Law brothers' firm gained prominence after the construction of the Gay Building, and became prolific designers of private residences, institutional buildings, fraternity and sorority houses, and commercial and industrial buildings in the early 1920s. By 1925 the brothers took on Ellis J. Potter as a partner, and the firm became known as Law, Law and Potter. The firm designed buildings in Madison, other Wisconsin towns, and Illinois. Law, Law and Potter achieved prominence throughout the 1920s and early 1930s with an extensive portfolio of designs of high artistic value. They are considered master architects for the purposes of evaluation of eligibility for the *National Register of Historic Places*.^{xxviii} The Gay Building does not exhibit the artistic proficiency seen during the peak of their practice, and is not representative of the level of expertise that the brothers achieved as a team or with Ellis Potter. James Law was most active as an architect through the 1920s, a decade when his firm designed dozens of buildings for prominent citizens, businesses, and organizations. In 1932 he was appointed Mayor of Madison in 1932 to serve out the unexpired term of Albert G. Schmedeman who had been elected

Governor of Wisconsin. After his initial appointment, Law was re-elected and served five terms as the city's Mayor until 1943.

For Gay, Law designed a slab-like, eight-story building using a reinforced-concrete framing system. The design included minimal ornamentation applied only to the street-facing façade. Construction of the foundation of the building began in late 1913.^{xxxix} On August 3, 1914, while the building was under construction, the Gay Building Company applied for a permit to add a ninth floor to the building.^{xxx} The addition of the ninth floor to the original design is readily apparent today. The eighth floor features a cornice and applied column capitals that would have completed the vertical extension of the façade as initially designed. At the top of the ninth floor, and capping the vertical terminus of the façade, is an additional cornice with a parapet. The face of the ninth floor is also decorated with painted panels and other applied ornamentation, and serves as a cap to complement the building's base and shaft. Also, the internal concrete structure, exposed on the side elevations of the building, does not appear above the eighth floor.

Construction of the Gay Building was completed in early 1915. On February 21, a full-page advertisement appeared in the *Wisconsin State Journal* Sunday edition in which contractors and suppliers who contributed to the construction proudly promoted their association with the building.^{xxxi} By March 10, the building was mostly rented. Tenants included physicians, surgeons, dentists, lumber companies, lawyers, insurance companies, engineering and construction companies, and even a Florida grapefruit company.^{xxxii} On March 20, the "first anniversary of the laying of the ground floor," Leonard W. Gay opened the building for a public tour.^{xxxiii}

Leonard Gay took offices on the second floor of the building for himself, his land development companies, his business partner Chandler B. Chapman, and his engineering and construction company, then run by his son John W. Gay. James R. Law also took advantage of the address and rented an office on the sixth floor.

Trepidation, Celebration, Consternation, and Legislation

The Gay Building was a triumph and a pariah from the day it was proposed until several years after it was completed. Its presence sparked a debate that led to legislation that has had a dramatic impact on the form of downtown Madison throughout the 20th century, and is still in effect today. The debate revolved around its visual impact on the new Wisconsin State Capitol building. The capitol was under construction when the Gay Building was proposed, and still under construction when the Gay Building opened in 1915. The former capitol building was destroyed by fire in February of 1904, and construction of the new capitol building began in 1906. Pride in the new capitol ran high, and the Square was still perceived as the center of civic life in Madison, not just the hub of a commerce-driven downtown. The Square was dense with storefronts, hotels, and banks on (and just off) the Square, but they were balanced by a concentration of civic, religious, and fraternal buildings including Madison's City Hall, the U.S. Postal Service building, G.A.R. Hall, the Elks Club, and four houses of worship.

As the Gay Building rose in the shadow of the grand new capitol, many became concerned about the shadow of the Gay Building, and what it portended for the capitol's position as the crowning jewel of the city's skyline, both visually and symbolically. If it were successful it would demonstrate two things. First, a successful skyscraper on the Square would show that the city's economy could support such dense development downtown. This was broadly interpreted as positive sign of the city's growth and economic strength, but some worried that such density would strain the city's streetcar system and cause traffic congestion. Second, it would show that city officials were willing to permit tall buildings on the Square, next to the new capitol. With no planning department or zoning code, a building of any height could be

permitted with a cooperative relationship and a convincing argument. Those who interpreted this as a negative development embarked on a campaign to protect views of the capitol building by restricting the height of buildings constructed around it. They were emboldened by a nationally recognized city planner and the Mayor of Madison himself.

John Nolen was the first to articulate the issue. He did so the same year the Gay Building was first proposed. Nolen was a pioneering urban planner hired by the city and the Madison Park and Pleasure Drive Association to make recommendations for the beautification of the city and its parks. In his influential 1911 proposal, *Madison: A Model City*, Nolen wrote:

Wisconsin is now erecting a new and fitting capitol building, which will cost six million dollars or more. Although it is many times the size of the first modest structure, the ground in which it is to be set is the same as that for the original capitol. And outside of this one limited block of ground the State has taken no steps whatever to control or improve the surroundings to its great building or the approaches to it. This is not a wise and comprehensive way of making large public improvements. It gives the impression that while Wisconsin may build a dignified and appropriate capitol, the State is too poor or too narrow in its views to surround the building properly and to treat the approaches to it so as to permit the great structure to be seen and appreciated at its true value.

The first need is to control the upbuilding around Capitol Square. At the present time, no special restrictions are placed upon this property and yet it is of the utmost importance that not only the height but the architectural character of all buildings around this square should be reasonably regulated; not to such an extent as to interfere with the effective use of the property by private owners, and yet so as to protect the large interests of the public in this locality. Action should be taken without delay for the demands upon these blocks are now rapidly changing, and the "sky-scraper" or other offensive structure may be begun at any time.^{xxxiv}

As an attachment to his document, Nolen included a copy of the city of Boston's ordinance language regulating the height of buildings in various zoning districts, presumably as a model for a similar policy in Madison.

Madison Mayor John B. Heim added passion to Nolen's ideal in June of 1912, after the Gay Building was proposed but prior to the start of construction. In his inaugural message Heim called for a height restriction for new construction around the Square.

The beautiful dome of the new capitol now under construction will be the guide for the stranger from the distance to beautiful Madison. It will be the ideal delight of the farmers surrounding Madison, the wayfarer, the pleasure seeker to see the dome in its grandeur on a clear day. We hope and expect to see Madison grow... This growth might be a temptation for skyscrapers, buildings that might obscure the vision of the dome at a distance.^{xxxv}

Heim went so far as to instruct the City Attorney to draft a resolution, to be presented at an upcoming Common Council meeting, that would limit the height of new buildings, using the cornice of the new capitol building as a measure.

The principle that Nolen and Heim articulated was that the capitol was the pinnacle of the city's skyline, and should remain so as a source of pride for residents, a source of way-finding for visitors, and a literal shining beacon on a hill for all who approach the city. It was a real-world illustration for one of Nolen's paper recommendations for why the city needed to start planning its growth at a time when the city had no comprehensive plan, no zoning ordinance, and no planning department.

It was in this largely unregulated environment that Leonard Gay proposed to construct a building on the Square that was twice as tall as any other at the time. Gay acknowledged “trepidation” about proposing a dramatic new building form. He said so at an event celebrating the Gay Building and honoring Gay himself just weeks after the completion of his skyscraper.^{xxxvi} The summary account of his comments in the *Wisconsin State Journal* the next day does not clarify the nature of the concern, but it does not matter. That there was trepidation at the proposal of a tall building on the Capitol Square in 1911 is illuminating, and not surprising. The emerging angst about the capitol’s prominence likely contributed to his uncertainty. Also, there was no model for developing high-density commercial space in Madison, and no answers to questions that likely arose when designing the building: was there demand to meet that much supply? Would Madison professionals want to be located in an experimental type of office building? How would concentrated office space affect traffic congestion downtown? Do Madison’s fire-fighting crews have the equipment and training to fight a fire in a tall building? Despite the uncertainty, Gay proceeded. At the same event where Gay admitted trepidation, over 100 people gathered to celebrate Gay’s achievement. Several Madison luminaries, including Bascom B. Clarke, Burr W. Jones, Paul E. Stark, Charles F. Burgess, and Wisconsin Supreme Court Justice Robert G. Siebecker toasted the development and declared it a bold gesture of optimism about Madison’s future growth.^{xxxvii}

Worries about the precedent set by the Gay Building continued during construction, and intensified after the building opened. On May 29, 1914 the *Wisconsin State Journal* ran an unattributed editorial that obliquely argued for height restrictions in Madison. It was based on controversies over new regulations adopted in other cities, including Chicago.^{xxxviii}

By early 1915 commentators could direct their criticisms directly at Madison’s own recently completed skyscraper, the Gay Building itself. On March 31 another unattributed editorial argued for the widening of State St. because “...the street will seem all the narrower when it is lined with higher and better buildings. A few of the class of the Gay Building would make a canyon of it.”^{xxxix}

In April, the Civics Club of Madison held a panel discussion on “What nature has done for [Madison], and what man has done to it.” Panelist Dudley Crafts Watson of Milwaukee had high praise for the new capitol building, but suggested that the Gay Building will eventually need to be demolished. “Few capitols can equal that of Wisconsin,” Watson said. “However, you have not as yet realized the aesthetic value of that capitol – the surroundings assist the beauty of the building...Things seem necessary now from a commercial standpoint, but in a very short time you will need to remove these things.” He clarified, “I see no excuse in a town of this size for skyscrapers.”^{xl}

In May of 1916 the Common Council and city officials heard an opinion on tall buildings from a disinterested, professional third party. Lawrence Veiller, a housing reform advocate who had a career with the city of New York as a Progressive-Era urban reformer, was invited to Madison to consult with city officials. Veiller recommended that the city establish a planning association, and limit the height of new construction on the capitol square. “Your capitol square,” Veiller said, “which is the center of every citizen’s interest, should not be marred by sawtoothed skylines drawn about it by indiscriminate buildings.” He suggested a height limit of new building on the square of five or even four stories.^{xli} Veiller’s suggestions got some traction with the Common Council. After the visit Alder William Dowling, president of the Council at the time, remarked “Some of Mr. Veiller’s suggestions, particularly as to limiting the height of square buildings, should be considered.”^{xlii}

The first indication that the Gay Building was not just an anomaly, but a model for capitalizing on downtown property came in 1916. That year, in the wake of early commercial success of the Gay Building, four brothers from the local Piper family (known locally as the Piper brothers: Howard, Samuel,

Alfred, and Charles) announced plans to build a “seven or eight story business or office building” on the Square. They owned parcels at the corner of E. Mifflin St. and N. Pinckney St where they operated a grocery business.^{xliii}

That same year zoning ordinances and building regulations had become part of the intellectual wallpaper for city officials involved in very young practice of planning their cities. American cities like San Francisco, Los Angeles, and Boston had experimented since the 1880s with the regulations that later became the foundation of modern zoning codes: geographic separation of uses and regulation of the form of new construction. In 1916 New York became the first American city to adopt a city-wide zoning ordinance. It was drafted in response to a similar situation that the Gay building presented in Madison. The 42-story Equitable Building was completed the prior year (1915, the same year as the Gay building). Neighbors of the Equitable Building, citing concerns about light and air reaching the public realm demanded that the city do something to regulate buildings. Rather than regulating overall height of new buildings, New York’s ordinance required that buildings be stepped back at certain heights.^{xliv}

City officials in Madison had shown interest in pursuing a zoning ordinance here, and an editorial in May 4, 1920 edition of the *Wisconsin State Journal* declared it inevitable. “Zoning,” it said, “is the next logical step in the development of all American cities, that is, in those which do not already have zoning legislation.” A month later the Common Council and the planning commission met with planning consultant Harland Bartholomew. Bartholomew, a pioneering planning consultant who helped define the field of urban planning, promoted the implementation of zoning legislation to Madison officials.^{xlv} In June of 1921, after several months of public debate and consideration, the Council passed a resolution to hire Bartholomew “to prepare a major street plan, a transportation plan and a zoning plan ordinance.”^{xlvi} Mayor Isaac M. Kittleson approved it.^{xlvii}

As Bartholomew was conducting his work, and Madison was moving toward adoption of a municipal zoning ordinance, the debate about height limits and capitol views ignited by the Gay Building reached the state legislature. The 1921 Wisconsin legislature passed a state law limiting the height of buildings on the Capitol Square to 90 feet on the grounds that taller buildings create a fire hazard.^{xlviii} The state law would be challenged by the Piper Brothers in 1923, but in the meantime Madison was moving ahead with a municipal zoning ordinance that was expected to include a height restriction for new buildings.

By May of 1922 Bartholomew had completed his work and submitted a “tentative zoning ordinance” which the *Wisconsin State Journal* supported and called “undoubtedly the most important piece of legislation ever undertaken by the Common Council.”^{xlix} The draft included a 90-foot limit on the height of buildings around the Capitol Square, concurring with the state law passed a year earlier.

The Common Council held meetings and deliberations on Bartholomew’s draft. It was opposed by downtown property owners who intended to follow Leonard Gay’s lead on downtown property development.ⁱ Arguments for and against the legislation were aired at public hearings and in local newspapers. On November 20, 1922, after six months of debate, the Common Council passed Madison’s first zoning ordinance. Among its provisions, it placed a 100-foot limit on the height of future construction in commercial and light industrial areas, and on the Capitol Square.

By 1923 the Gay Building had demonstrated that the level of density provided by a skyscraper could be profitable downtown. With that model in place and tested for seven years, other property owners began to propose similar projects. Walter Schroeder, a developer of hotels throughout Wisconsin, proposed a new 10-story hotel (the 1924 Loraine Hotel, extant) on West Washington Ave. (one of the blocks affected by the state law).ⁱⁱ Charles H. and William D. Tenney began discussing a new, taller, mixed-use office building (the 1929 Tenney Building, extant) on the corner of E. Main and S. Pinckney

Sts. on the Square where they already owned a smaller building.^{lii} The Piper brothers, too, were ready to move ahead with the proposal they first announced in 1916.

Unlike Leonard Gay's unconstrained project, these developers had to negotiate the limits placed on their properties by the city's new zoning code and a 1921 state law. The Piper brothers were the first to challenge the restrictions. By 1923 their concept for a tall building on the square had morphed into a proposal for an eleven-story, 125-foot hotel, the Belmont (extant as YWCA). They started with a challenge to the state limit of 90 feet, likely calculating that if the state law were ruled unconstitutional, Madison's height limit would fall as well. The challenge was appealed to the Wisconsin Supreme Court, and on May 25, 1923 the Court ruled in favor of the Pipers.^{liii} Madison's height ordinance, however, did not fall. Later that day the City Attorney for Madison opined that the city maintained the legal right to regulate the height of new buildings within its municipal borders despite the decision affecting the statewide law. The Pipers' attorney agreed. That left them contending with the 100-foot height limitation of the city's zoning code, which would have prohibited their 11-story proposal. That evening, at a meeting of the Common Council, the Pipers found an ally in Alder D. C. Sullivan. Alder Sullivan proposed an amendment to the zoning code that raised the height limit to 115 feet from 100. The Council passed the amendment, allowing the Pipers to build the planned eleven stories.^{liv}

A week later, on May 31, Harland Bartholomew suggested that the special amendment of the ordinance for the Pipers was a "mistake," and clarified the legal disposition of the law with a nuanced professional opinion:

"The state law was overruled by the court, I think, as it has merely passed for an aesthetic purpose, that of preserving the beauty of the capitol. The city law, I'm sure, will be upheld in this instance, as it is city-wide and passed for the purpose of health and fire protection."^{lv}

Two weeks later, on June 12, the Piper brothers secured a permit to build their 11-story hotel.^{lvi} However, their fight was not over. State legislators were scrambling to try again.

Meanwhile, Walter Schroeder and the Tenneys saw an opening to proceed with their skyscrapers. Both started making plans for their developments. Schroeder wasted little time, expecting to begin construction early the following spring.^{lvii}

Less than a month after the Wisconsin Supreme Court's first ruling striking down the statewide height law, the state Legislature considered another measure that would impose a height limit around the Capitol Square. State Attorney General Herman Ekern drafted a bill, known as the Holly Bill, to "meet all objections on the grounds of unconstitutionality." It limited the height of new construction statewide: 125 feet in first-class cities (including Madison), and 100 feet everywhere else. On June 26 the legislature passed the bill.^{lviii} Governor John J. Blaine signed it. The measure appeared to have the intent of limiting the Piper Brothers hotel project. That intention was confirmed when the District Attorney for Madison sought, and won, an injunction restraining the Pipers from continuing construction above the 125-foot limit. The Pipers immediately appealed the matter to the Wisconsin Supreme Court who ruled against them on October 16 by ruling that the law was valid. However, the justices exempted the Piper's project from the law because contracts had already been let and construction had begun.^{lix} The exemption also applied to Walter Schroeder who had begun construction on the Loraine Hotel prior to the ruling.^{lx}

The state tried a third time to limit the height of the Pipers' hotel. This time based on a contingency clause they found in documents submitted by the Pipers that allowed termination of contracts if the state passed a height limit law.^{lxi} Again, the state appealed the case to the Supreme Court again. Again,

the Court upheld the law, and exempted the Pipers project from it.^{lxii} The Belmont Hotel, built to 12 stories, opened on September 20, 1924.^{lxiii}

In the subsequent decade several new buildings rose in downtown Madison that pushed up to the codified height limitation: the 10-story Loraine Hotel opened in early June 1924.^{lxiv} The 10-story Wisconsin Power and Light Building opened in 1927. The 10-story Tenney Building opened in 1930.

The state law survived a repeal attempt in 1925, and has endured in varying forms to the present day. The height limit in Madison's zoning code endured as well. In 1966 the city adopted a height limit ordinance that was explicitly designed to preserve views of the State Capitol building. The "Capitol View Preservation" provision is still in place today. It is based on the height of the base of the columns supporting the dome of the capitol building. Its height-limit provision is identical to the current state law.

The Gay Building was sold out of the Gay family in 1974 when local developer Donald Hovde bought it from Donald. D. Gay and the Gay family partnership.^{lxv} Hovde changed the name of the building to the "Churchill Building" reportedly "to skirt association with a lifestyle."^{lxvi}

The Gay Building represents two phenomena that have had tremendous agency in the development of the physical form of Madison's downtown. First, its early commercial success established a commodification of downtown property. Leonard Gay, using a new building technology on a relatively small parcel of land, monetized downtown property at a level previous unattainable. It was a trend that had been established in larger cities prior to Gay's project, but it was the Gay Building that became the model in Madison. By fitting twice the amount of rentable office space previously feasible on a downtown parcel, Gay demonstrated that private developers could make far more money by building up. That new potential increased the value of downtown, and especially Capitol Square, property. Private developers were in a better position to exploit that potential value than were civic organizations, religious congregations, or government agencies. This ultimately resulted in the dominance of commercial over institutional land uses that eventually pushed civic, parochial, and government buildings further from the Square. Second, it ignited a struggle for visual dominance in downtown Madison that was fed by pride in the new capitol building. State and local legislators responded with legislation that has given the capitol building the upper hand in that struggle for just over a century. Today the visual primacy of the capitol dome is a direct result of that legislation.

The Gay Building in recent literature

One of the earliest uses of the word *historic* in reference to the Gay Building happened in 1974 when the building was sold from the Gay family to Donald Hovde. The building was almost sixty years old. A brief story in *The Capital Times* in April said that Hovde "will acquire the historic nine-story office building."^{lxvii} It was not an official designation. The building has never been officially designated as historic. It has, however, been noticed as a building that retains enough integrity to convey its story and the values of its historic period. It has also been recommended for designation under Madison's Landmarks Ordinance.

The Gay Building was recorded in a 1974 survey of historic buildings in downtown Madison. Professional architecture historians who conducted the survey determined that the building met a baseline threshold for age and integrity, but did not fully evaluate the building for eligibility under local or federal criteria.

The building was recorded again in 1983 and included in the Wisconsin State Historic Preservation Office's *Architecture and History Inventory*.^{lxviii}

In 1994 the building was recorded in an intensive survey of historic buildings in Madison's downtown and isthmus areas. The survey report called the building an "example of [a] neo-classical commercial building in fairly intact condition."^{lxix}

The City of Madison's 1998 *Downtown Historic Preservation Plan* identified the Gay Building as "potential Madison Landmark." The *Plan* also included it in a proposed "Commercial Preservation Review Area," an area of downtown that the *Plan*'s task force believed retained a significant collection of older buildings with a scale and urban texture that add greatly to the pedestrian and aesthetic interest of the downtown area."^{lxx}

Two contemporary Madison historians, in their respective histories of the city's early decades, singled out the Gay Building as Madison's first "skyscraper," and a key downtown development. David V. Mollenhoff, in the 2003 edition of his history, credited the building as "the first of many high-rise buildings," and also with touching off "a squall line of reaction that swept through the city."^{lxxi} Stuart D. Levitan, in 2006, called it an "unexceptional design," and linked it to "swift but unsuccessful" opposition at both the local and state levels."^{lxxii}

A *Historic Structure Report* on the state capitol building completed in 2004 after a complete restoration of the building also pointed to the Gay Building as the catalyst for state legislation restricting the height of buildings around the Square.^{lxxiii}

ⁱ Wisconsin Historical Society image. Unknown creator, "Gay Building in Madison". Image ID 11137, <https://www.wisconsinhistory.org/Records/Image/IM11137>. Viewed on Jan. 9, 2018.

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ⁱⁱⁱ "High Board Fence Around U.W. When Gay Family Came," *Wisconsin State Journal* (Madison, WI), March 16, 1931 p. 4.

^{iv} Ibid.

^v "Leonard W. Gay For Mayor," *Wisconsin State Journal* (Madison, WI), March 27, 1900, p. 1.

^{vi} "Sunday Thoughts by Henry Noll," *Wisconsin State Journal* (Madison, WI), Nov. 4, 1934, p. 4.
^{vii} *New Atlas of Dane County Wisconsin*. 1899, Madison, Leonard W. Gay & Co.

^{viii} "Leonard W. Gay For Mayor," *Wisconsin State Journal* (Madison, WI), March 27, 1900, p. 1.

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^x "Leonard W. Gay, Civic Leader and Realtor, 70, Dies," *Wisconsin State Journal* (Madison, WI), October 27, 1934, p. 1.

^{xi} "Top Stock, Dairy Farm Once Stood On Part of Arboretum Site," *Wisconsin State Journal* (Madison, WI), Nov. 28, 1948 p. 10.

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^{xiii} Ibid.

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HISTORIC RESOURCE NOMINATION

Gay Building – 14-16 N. Carroll St

Landmarks Commission

City of Madison Planning Division
126 S Hamilton St
PO Box 2985
Madison, WI 53701-2985
(608) 266-4635



Appendix A: Photographs



Figure 1: Gay Building under construction, 1914.
Wisconsin Historical Society, Photoart House, Gay Building, Image ID 36696, Viewed online at <https://www.wisconsinhistory.org/Records/Image/IM36696>



Figure 2: Gay Building recently completed, 1915.
Wisconsin Historical Society, unknown creator, Gay Building in Madison, Image ID 11137, Viewed online at <https://www.wisconsinhistory.org/Records/Image/IM11137>

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Figure 2: Gay Building in 2018

Jason Tish

HISTORIC RESOURCE NOMINATION

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Landmarks Commission

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Figure 4: Gay Building, ground floor retail space, 1973.

*Wisconsin Historical Society, Bruce Garner, The Gay Building, Image ID 135960,
Viewed online at <https://www.wisconsinhistory.org/Records/Image/IM135960>*



Figure 5: Gay Building, ground floor retail space, 2018.

Jason Tish

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Figure 6: Gay Building in 2018

Jason Tish



Figure 7: Gay Building in 2018

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Figure 8: Gay Building, rear elevation, 2018
Jason Tish



Figure 9: Gay Building, elevator lobby, 2018
Jason Tish



Figure 10: Gay Building, detail of rear elevation, 2018
Jason Tish