

To: Economic Development Committee

CC: Mayor Dave Cieslewicz  
Common Council

From: Madison Landmarks Commission

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Regarding: **Recommendations for Development Review and Approval Process**

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Date: August 12, 2010

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At its August 9, 2010 meeting, the Landmarks Commission voted to forward the following information and recommendations to the Economic Development Committee in advance of their discussion about the development review and appeal process. This information includes: *Historic Parcel Data*, a *Landmarks Commission Activities Report* and *Recommendations to the Economic Development Committee*. The Landmarks Commission looks forward to responding to any future Economic Development Committee recommendations when they become available.

The Commission also wanted to inform the Economic Development Committee that they have taken the initiative over the past three months to review the Landmarks Ordinance for potential revisions. The Landmarks Commissioners stated that they have made great progress on proposing improvements to the Ordinance, including clarifying the appeals and variance processes, and hope to forward potential Ordinance amendments to the Common Council by the end of the summer.

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### **Historic Parcel Data**

**City of Madison Parcels (private and public): approximately 60,000**

**Historic Parcels (designated landmark or in a local historic district): 1,500 (2.5% of all parcels)**

### **Landmarks Commission Charge:**

The Landmarks Commission reviews and approves all exterior alterations, additions, new construction and demolitions for 178 designated local landmarks, as well as all structures located within the five local historic districts:

- University Heights Historic District
- Mansion Hill Historic District
- Marquette Bungalows Historic District
- Third Lake Ridge Historic District
- First Settlement Historic District

In addition, the Commission provides advisory opinions to the Plan Commission and/or Common Council on developments adjacent to landmarks, designation of local landmarks, creation of historic districts, and other matters by request of the Council and/or Plan Commission.

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**Landmarks Commission Activities Report**

The Commission asked Planning Division Staff to prepare a summary of the Landmarks Commission’s activities between 2005-2009, as well as a detailed summary of 2009 Commission activities. In addition, the Commission has included an approvals chart outlining the review process of projects that come before the Landmarks Commission.

**1. 2009 Landmarks Ordinance Administrative Approvals: 200 administrative approvals**

In order to expedite the Commission’s consideration of many routine Certificates of Appropriateness, the Landmarks Commission has adopted a “Policy for Designee Approval of Certain Projects for Landmarks and Buildings in Historic Districts”. Using this policy, staff was able to administratively approve approximately **200 Certificates of Appropriateness** for roofing projects, repairs, and minor changes. Some of these approvals were in coordination with administrative approvals for both the UDC and the Plan Commission.

**2. 2009 Landmarks Commission: 47 total cases (plus three proposed landmarks designations)**

-- 44 Certificates of Appropriateness and 3 advisory opinions to the Plan Commission

- Landmark Designations: 3 (2 of which were withdrawn, and the other (UW Field House) was forwarded to the Common Council with a positive recommendation.
- Landmarks (or adjacent to landmarks):13
- Local Historic Districts:
  - University Heights: 16
  - Mansion Hill: 4
  - Marquette Bungalows: 1
  - Third Lake Ridge: 11
  - First Settlement: 2
- **94% approval rate:** *Of the 48 Commission reviewed cases, 45 were approved or received a favorable advisory recommendation (sometimes with conditions), 3 were not approved (207 N. Spooner Street, 2021 Van Hise Ave., and 666 Wisconsin Ave.)*
- **Time for approval**
  - *1 case took 6 meetings (including 1 informational)*
  - *1 case took 4 meetings (including 1 informational)*
  - *5 cases took 2 meetings (of these cases, 2 included one informational, 1 was at the request of the applicant, 1 was required by Ordinance and 1 was alteration of previously approved Certificate of Appropriateness).*
  - *All other cases took 1 meeting.*

**3. 2005-2009 Landmarks Commission Activities Summary:**

Year	Admin. approvals	Landmark designations <i>(not included in regular cases – requires 2 meetings)</i>	Work Orders	Landmarks Commission Cases <i>(CoAs, advisory recommendations, etc.)</i>	Approvals / positive recommendations <i>(approval rate)</i>	Denials / negative recommendations	Average meetings per LC approval*
2005	-	1 <i>(1 went forward)</i>	4	33	32 (97%)	1	1.1
2006	-	4 <i>(3 went forward, 1 placed on file)</i>	0	23	21 (91%)	2 <i>(at same address)</i>	1.2
2007	-	4 <i>(4 went forward)</i>	0	41	38 (93%)	3	1.2
2008	-	8 <i>(6 went forward, 2 placed on file)</i>	3	28	27 (96%)	1	1.4
2009	200	3 <i>(1 went forward, 2 withdrawn)</i>	0	48	45 (94%)	3	1.25

\*Average meeting data does not include work orders or Landmark Designations

**4. Landmarks Commission Approval Chart:**

	<b>Project Type</b>	<b>LC Role</b>	<b>LC Public Hearing</b>	<b>Staff Approval of Minor Alterations</b>
1	Landmark / Landmark Site Designation	Advisory to CC	Yes	No
2	Creation of Local Historic Districts	Advisory to PC & CC	Yes	No
3	Certificate of Appropriateness for alterations to, and signs on, Designated Landmarks	Final Approval*	No	Yes
4	Certificate of Appropriateness in Local Historic Districts: Includes new construction, alterations of existing buildings, and signs	Final Approval*	Only for new buildings/ large additions in University Heights	Yes
5	Certificate of Appropriateness for Demolition of all or part of a Landmark or improvement in a Historic District	Final Approval * (but must also get separate approval from PC)	Yes	No
6	Development adjacent to a Designated Landmark	Advisory to PC/CC	No	Yes
7	Variances	Final Approval*	Yes	No
8	Sale of Landmarks and Rescinding of Landmarks Designation	No LC decision role - CC only	No	No
9	Misc referrals from other Commissions	Advisory	No	No
10	Voluntary applicant submittal for review of buildings in National Historic Districts	Advisory	No	No

*\* Appeal of final action goes to the Common Council where a 2/3 vote is required to overturn*

**Recommendations to the Economic Development Committee regarding the DMI memo and review of the Development Approvals Process**

Below is a response to the “DMI Recommended Changes to the City of Madison Property Development Approval Process: June 15, 2010.” It is based in the Commission’s discussion at the July 26 and August 9, 2010 meetings and was prepared at the request of the Commission.

- 1. Project a Customer Engaging Attitude**
  - a. The Commission noted its high approval rate and that should be promoted.
  - b. The Landmarks Commission meets two times per month to facilitate prompt review of projects.
  - c. The Landmarks Commission requires no fee for the approvals process.
- 2. Appoint a Project Liaison for Important Projects**
  - a. Preservation staff already serves as the liaison for historic projects.

- 3. Consider a Different Approval Process for Smaller Projects**
  - a. Regarding recommendation 3.b.i regarding *Defining a Simplified Process for “Small” Projects*: The Landmarks Commission has already adopted a well-utilized series of procedures and criteria for administrative approvals of projects. This has resulted in having only complicated, controversial, or larger projects necessitating a review by the Landmarks Commission. (Approximately 200 staff approvals and only 48 Commission cases in 2009.)
- 4. Other Efficiency Improvements**
  - a. Regarding recommendation 4.b.i regarding *shortening neighborhood notice requirements*: The only current notification required by the Landmarks Ordinance is for public hearings which include demolitions, variances, additions over 100 square feet in the University Heights District, and landmark and historic district designations.
  - b. Regarding recommendation 4.b.iii regarding *elimination of overlapping jurisdictions*: The Landmarks Commission is highly specialized in its knowledge of historic preservation. Its work would be difficult to administer by other commissions (Plan Commission, Zoning Board of Appeals, or Urban Design Commission).
- 5. Improve the Functionality of Committees and Commissions**
  - a. The Landmarks Commission regularly allows presenters to have extra time to present projects at meetings.
  - b. The Commission agreed that there should be an established procedure for projects that have to get approvals by more than one commission. This could include:
    - i. Requiring the Landmarks Commission to see projects before UDC and provide some flexibility in their Certificate of Appropriateness to allow staff to review any changes required by UDC that do not greatly affect the appropriateness of a project.
    - ii. A sub-committee of UDC and Landmarks Commission members could meet on some larger projects to avoid trips to multiple commissions.
- 6. Decision Making Authority Should be Retained by the Council**
  - a. The Landmarks Commission reaffirmed their interest in retaining the 2/3 (two-thirds) vote for appeals of Landmarks Commission decisions, considering the overwhelming approval rate of projects. The Commissioners also noted that the appeals process should be for the exception and not the rule. A 2/3 vote assures the community that a higher bar is set for those special cases in which an appeal is merited.
- 7. City Staff**
  - a. The Commission took exception to the implication that staff is not qualified.
  - b. The Commission agreed that staff should be encouraged to attend and be given financial support to attend training, educational seminars and conferences.
- 8. Committee Members**
  - a. The Commission agreed that Commissioners should be given training/ provided educational opportunities for open meetings, ethics, and procedural training as well as specialty training for land use/ design historic preservation etc.
- 9. Neighborhood Plans** (*no comments submitted*)
- 10. Neighborhood Associations**
  - a. Commissioners said that it would be difficult to absolutely determine the validity of the neighborhood associations, and that they rely on the Alders’ facilitation of neighborhood input.
  - b. The Commission added that neighborhood association input/recommendations are valuable, but are not determinative.
- 11. Further Research** (*no comments submitted*)