

From: [Katherine Rankin](#)
To: [Scanlon, Amy](#); [Stu Levitan](#); [christina \[REDACTED\]](#); [Rummel, Marsha](#); [Erica Gehrig](#); [David Mc Lean](#); [michael \[REDACTED\]](#); [jason \[REDACTED\].com](#); [David Mollenhoff](#); [Fred Mohs](#)
Subject: Landmarks Commission Ordinance Revisions
Date: Sunday, June 15, 2014 10:44:42 PM

Dear Landmarks Commission –

Please accept my apologies for submitting this to you so close to the meeting. I cannot claim that I was as busy as Dave, but I still had several family events this weekend and didn't have enough time to carefully consider the most recent changes in depth. It would have been much easier if the City Attorney had used the original draft and changed it, instead of making changes to the latest drafts one-by-one, so it would be easier to see exactly how the original ordinance was being changed. I didn't have time to compare the serially updated draft against the current ordinance, but I did have time to read through the most recent draft and have the following comments.

(3) I agree with some others that it might be hard to find two members who are qualified to meet the Secretary of Interior's Standards. I found when I was staff to the Commission that it was not easy to find a registered architect who was familiar with historic preservation because many architects are afraid of running into a potential conflict if they do work that would need review by the Landmarks Commission. Some also don't want to be in the position of reviewing a fellow architect's work. The conflict problem might apply to people doing historic preservation work, for which the pool would be pretty small to begin with.

Second, I would ask that you consider having nine members. Over the years in controversial issues, the criticism would arise that out of a total of seven members it might take only three or four citizens to vote the wrong way and put an end to a development project. I think Urban Design and Plan have nine members.

(4)(a) Reference to Secretary of Interior's Standards. I strongly believe that the Secretary of Interior's Standards are not a good model for a Landmarks Commission. The standards are designed to help educated professionals decide whether or not a preservation project has been done in a way that the historic elements of a building have been retained and that any additions or alterations respect the historic character of a building as a whole. The wording of the standards is intentionally vague to give the professionals leeway to deny projects that they believe harm the historic substance or detract from the historic substance. The professionals that administer this program have 30 years of experience in interpreting the standards which gives them a history of precedents for the work they do. I believe it would be difficult for lay people to understand the wording because it is written for professionals and uses terms that the average person might not understand. In addition I believe that the Secretary of Interior's Standards are

too strict. An applicant for tax credits has a high bar to clear, much higher than the average homeowner in an historic district may be able to reach. For instance, in most historic districts a homeowner is allowed to use artificial siding (provided, of course, that they retain the historic look of a building) but artificial siding does not meet the Standards. Also to get the tax credits, the colors of the exterior must meet the Standards, while Madison's regulations do not address color. The historic district criteria that I helped author (University Heights, Marquette Bungalows and First Settlement) were written with the intent of making it as clear as possible so that the property owner, surrounding property owners and Commission members are likely to understand what they can and cannot do.

(4)(f) In regard to development adjacent to a landmark, the terms "so large and visual intrusive" were intended to make it clear exactly what standards the commission would use in reviewing adjacent development. Removing them would give no guidance to the Commission on such projects.

(5) I don't know why part of the preservation planner's job description needs to be in the ordinance.

(7)(b) The requirement to send notices of landmark designations to several City departments became obsolete soon after the original ordinance was passed. I continued to comply with it for the 29 years that I served the Landmarks Commission and in that time I only received one comment, basically, "glad you are landmarking that one, I always thought it was a neat building." I recommend eliminating that requirement.

(9)(b)3. I think referring to open spaces could open up a potential can of worms. The most heated neighborhood arguments before the Commission have been when someone has proposed building in a side yard. The main argument against such development is that it changes the open spaces between houses that have existed for a long time and have been gotten used to. I recommend letting the regular zoning requirements apply. I don't know what has happened in the new zoning code, but when Mansion Hill was established, different side, front and rear yard requirements for Mansion Hill were in the Zoning Code. You may want to check into that.

(10)(d) In regard to enforcing maintenance requirements, I recommend making sure the Building Inspection people are willing to enforce Landmarks requirements. They did not want to get involved when I worked there, so we wrote our own work orders with approval of each work order by the Commission.

(10)(e) The sandblasting prohibition was included in the ordinance because it was

such an onerous thing to do to an old brick building. You should know, however, that sandblasting and other harmful applications will be hard to enforce because such work doesn't require a building permit. I recommend an education campaign so that owners know ahead of time that such work is harmful and will require a CofA.

(11)(b) Make sure Building Inspection knows it is being charged with knowing when a Certificate of Appropriateness is required. Obviously they know when a permit is required, but they may not know about or want to enforce other Landmarks Commission regulations.

(11)(d) I think this has gotten garbled in translation. The point is that the Landmarks Commission authorizes the Preservation Planner to issue Certificates of Appropriateness for certain routine activities, like roofing with the right kind of materials, things that won't change the appearance, sheds, etc. There should be a list of such activities that have been approved by the commission in the Preservation Planners files. Sometimes someone wants a building permit for such routine activities, but the preservation planner is unavailable. The Commission can authorize another person – a designee – to approve projects, such as a building permit counter person or other Plan Division people that the Preservation Planner trusts will enforce the ordinance. Mostly this policy was set up so that other members of the Plan Division would stop going up to the counter and inadvertently approve a project that really shouldn't have been approved. I don't know why the head of the Department needs to be involved, it should be the responsibility of the Commission, as it has in the past.

(13)(f) What is the recompense fee for? The ordinance has provisions for fines already.

(14) Add the underlined to the heading: Regulation of Signs Painted on Brick.

(21)(c) Mansion Hill Criteria. I strongly recommend that a committee of residents and property owners be established to reassess the standards for considering issuance of Certificates of Appropriateness. There are no criteria for alteration to existing buildings, except for a broad statement that any such work must be compatible with the building and the criteria for new development are vaguely worded and do not address important aspects to a design such as materials.

I hope this is useful to you.

Katherine H. Rankin

--

Katherine Rankin
Preservation Consultant

