



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved AD HOC LANDMARKS ORDINANCE REVIEW COMMITTEE

Thursday, July 3, 2014

5:00 PM

215 Martin Luther King Jr. Blvd.
Room LL-130 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Present: 5 - Marsha A. Rummel; Steve King; Mark Clear; Chris Schmidt and Shiva Bidar-Sielaff

APPROVAL OF May 28, 2014 MINUTES

A motion was made by Bidar-Sielaff, seconded by King, to Approve the Minutes of May 28, 2014. The motion passed by voice vote/other.

PUBLIC COMMENT

Susan Schmitz, representing Downtown Madison Inc., registering in support and wishing to speak. Schmitz explained that she supports the process. Using the TIF policy process as an example, the Committee provided an educational foundation from which the principles and goals followed. Schmitz requested that this committee use a similar approach.

Jeff Vercauteren, representing Urban Land Interests, Apex Properties, Inc., Steve Brown Apartments, and Wright 2102 LP, registering neither in support nor opposition and wishing to speak. Vercauteren explained that he represents numerous downtown property owners and requests a larger process to review principles and goals and what is best for the City. He explained that he compares other downtown historic districts to the Bassett neighborhood and its livability which is due to infill and new development in a historic context. Vercauteren explained that his group has begun reviewing the Ordinance and has some recommendations.

DISCLOSURES AND RECUSALS

None

1. Determining Committee Rules and Procedures

Schmidt suggested that the Committee adopt the following rules and procedures:

1. Speakers are limited to 3 minutes.
2. Only alders and staff are to be seated at the table, except when recognized to speak and to respond to questions by the committee.
3. Materials received at a meeting will be considered at the following meeting.
Individuals are encouraged to provide written materials at least 72 hours in advance of a meeting.

A motion was made by Bidar-Sielaff, seconded by King, to Adopt the rules. The motion passed by voice vote/other.

2. [34202](#) Ad Hoc Landmarks Ordinance Review Committee Materials

Schmidt explained that this Legistar file (34202) is where the materials will be located and will include the adopted rules, and the history of historic preservation document.

3. [34577](#) Repealing and recreating Section 33.19 of the Madison General Ordinances to update the Landmarks Commission ordinance.

Stu Levitan, representing the Landmarks Commission, registering in support and wishing to speak. Levitan provided an overview of the draft ordinance and the actions of the Landmarks Commission related to the revisions which began during the Edgewater approval process. Levitan explained that the Landmarks Commission completed the revisions for Phase I and that the Landmarks Commission will begin Phase II which relates to the individual historic district sections.

Clear asked if there was any conflict between the proposed revisions and the existing historic district sections. Levitan explained that the word "guideline" was removed from the entire document and replaced with the word "standard" because those words have specific meanings on the draft language, but there are no substantive changes.

Levitan explained that the largest change relates to the appeal language and that this proposed appeal language allows the Council to balance the public interest of preserving the subject property with the public interest of not preserving the property. Levitan explained that the language also allows the Council to consider the appeal related to whether the property owner has neglected to maintain the property and found that this balance was appropriate and worthy of the 2/3 majority vote to reverse or modify.

Levitan explained that the draft language of Phase I was based on the revised appeal section and that the draft language would be different if the appeal section is different.

He explained that "variances" have been changed to "waivers" and that two specific waiver sections have been added related to economic hardship and alternative design. Levitan explained other revision highlights which include the addition/revision of archaeological and anthropological resources to the purpose and intent section; demolition by neglect definition and a process to determine if it has occurred; visually related area (VRA) definition, guidelines and standards definitions; increase professional standards for composition and terms; review signs for Certificate of Appropriateness; review land divisions and combinations for Certificate of Appropriateness; clarification of duties of the Preservation Planner; description of voluntary additional preservation restrictions; clarification of process for creating or amending historic districts; and added a Section related to demolition by neglect.

Levitan explained that with the proposed new Certificate of Appropriateness reviews (signs, land divisions and preservation restrictions) the language is "shall approve unless" to make the default position an approval unless the Landmarks Commission finds that there is an adverse reaction. Conversely, for the existing Certificate of Appropriateness reviews the default is "shall approve, if..." the Applicant can show that the standards are met. These differences show the Landmarks Commission respect for a new review authority compared to review authority that has been held for 40 years.

Levitan explained that the Ordinance has been restructured and reorganized to be more concise and direct. He explained that the Landmarks Commission believes this draft language strikes an appropriate balance between preservation and development issues.

King requested clarification about the Appeal process language. Levitan explained that in the consideration of all factors by Council, one important piece is whether demolition by neglect has played a role in the request.

Clear asked if a newly designated landmark would have to be improved based on ordinance standards once it is designated. Levitan explained that the Landmarks Commission did not review this situation. Staff explained that the landmark must have a certain degree of integrity to be designated and that designation does not impose a burden on the owner to make significant improvements to the property. Staff explained that one of the larger outcomes of

this process is finding appropriate incentives for historic property owners.

Clear asked if the Landmarks Commission discussed adverse designations and if the designation standards should be different if the property owner objects to the designation. Levitan explained that the Landmarks Commission did not review that because inherent in the existing designation process is a public process and that landmark designation is an objective reality where the historic value of the property is the concern of the Landmarks Commission.

Clear asked for an explanation of the definition of VRA. Levitan explained that the definition clearly describes the area the way it was originally developed and preserves those attributes that make it a historic district. Levitan explained that buildings constructed outside of the historic district period of significance and before the creation of the historic district should not relate to the visually related area.

Clear confirmed that the VRA definition was not used for landmarks. Levitan and staff explained the Ordinance language does not review the VRA for landmarks not in a historic district.

Bidar-Sielaff asked if the Landmarks Commission discussed how the period of significance works in a historic district like University Heights which is a living work of art where some buildings built outside of the period have gained significance in their own right.

Rummel explained that the area was designated a historic district for a reason and if the Landmarks Commission approves a larger building, setting the clock back to zero or returning the baseline allows for no precedent to be set and for VRA creep to be kept in check to maintain the original character of the district. Levitan explained that at one time the draft language included structures built after the historic district was created, but that language was removed for all of the reasons discussed here.

Clear asked for clarification on the land division language.

Levitan explained that this issue originally became important during a project in the University Heights historic district where new construction was being proposed on a subdivided portion of the Ely Residence landmark site. The discussion around this development and other developments has shown that land divisions and combinations can alter the character of a historic district. Levitan explained that Council gave the Landmarks Commission the authority to advise the Plan Commission on land division issues 2 years ago and given the number of requests and the impact this action can have on a historic district, the Landmarks Commission felt this request was worthy of Certificate of Appropriateness review.

Levitan explained the intentional wording in the proposed language and that the Landmarks Commission will approve the request unless the Landmarks Commission can demonstrate that it will harm the character of the district. Levitan explained the proposed language puts the burden of proof on the Landmarks Commission, not the Applicant and that the language created a balance between creating the authority, but limiting the exercise of it. Levitan explained that the new authorities and revised language were devised holistically as the Landmarks Commission is a sub unit to the Council.

Bidar-Sielaff asked if the Landmarks Commission discussed the purpose and intent section. Levitan explained that recent development proposals in Mansion Hill and Third Lake Ridge used the purpose and intent section of the Ordinance to justify the development and the Landmarks Commission took a close look at this section.

Levitan explained the language around "strengthen the economy of the City" and Steve Cover clarified the comments.

Schmidt asked for clarification about the work of Phase I and Phase II. Levitan explained that Phase I ends after the separability section at the top of Page 13 and that Phase II is the review of the district standards through an engaged public process. Phase II work also includes the preparation and adoption of the Landmarks Commission policy and procedures document.

Schmidt asked for clarification about the schedule for Phase II and acknowledges that the

Landmarks Commission work for Phase II cannot start in earnest until the Ad Hoc committee works on Phase I. There was general discussion about the Landmarks Commission public process for Phase II and that each historic district should have at least 3 public meetings.

Rummel noted that the draft Ordinance language explains that the more restrictive Ordinance applies. Rummel explained that there is an inherent conflict between some historic district standards and adopted neighborhood plans. She explained that she is looking for a better way to balance this conflict.

Levitan explained that the Landmarks Commission considered and rejected the idea of adding a section about the mathematical value that would be allowable when reviewing gross volume and height because those standards would not be able to adequately determine visual compatibility. He explained that there are numerous items that were discussed but were not added to the Ordinance language.

Bidar-Sielaff explained the Ordinance revision process is an educational opportunity and it would be beneficial to have a briefing about historic preservation ordinance best practices.

There was general discussion about the process the Ad Hoc committee will follow.

A motion was made by Clear, seconded by Rummel, to Refer the item to the meeting of July 23. The motion passed by voice vote/other.

ADJOURNMENT

A motion was made by King, seconded by Bidar-Sielaff, to Adjourn the meeting at 6:05 p.m. The motion passed by voice vote/other.