

Consultant Notes from Public Meeting - First Settlement

From: [Jason Tish](#)
To: [Jennifer Lehrke](#)
Cc: [Scanlon, Amy](#); [Fruhling, William](#)
Subject: HPP – Round 3 HD meeting, First Settlement – Dec. 13, 2018
Date: Thursday, December 13, 2018 6:55:47 PM

HPP – Round 3 HD meeting, Third Lake Ridge – Dec. 10, 2018

- What about the placement of metering? The recommendations don't address that, they should.
- Would the recommendations allow installing parking space (i.e. paving) on your property, e.g. in back yard
- Jim Skrentny asked for clarification on the recommendations on differentiation new additions.
- How will the Landmarks Commission be trained in the application of the new ordinance language?
- Life Safety – will the ordinance address the imperative to remediate lead and asbestos?
- Do these recommendations represent a universal application of standards to all HDs?
- Will the ordinance apply to my properties on Langdon St.? boundaries of National and local HDs are different.
- Which aspects of the FS regulations will still be intact when this process is over?
- Is there any consideration of expanding the POS in FS to include the buildings from the mid-20th-c.? I don't want to lose more mid-century buildings in this HD.
- If I want to repair some mortar myself would I need to get a CoA?. What if I want to paint my house? Would these be considered level 1 projects?
- How would the ordinance language handle the replacement of architectural details, whether I have historic photos or not? Conjecture? Based on mark/scars in the building fabric? Seems like the recommendations would make detailed restoration more difficult.
- Will the ordinance allow solar installations?
- Is the intention of the recommendations to regulate windows on secondary elevations at such a precise distance from the front façade?

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- Jason

Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Metals: Wrought and Cast Iron, Steel, Pressed Metal, Terneplate, Copper, Aluminum, and Zinc

Building Features & Systems

Roofs

Windows

Entrances & Porches

Storefronts

I wonder how the materials used will be able to change as more updated to allow for flexibility, especially, for roofs, etc.

Mechanical Systems

Building Site

Code Required Work

Accessibility

Life Safety

These really should be stressed as one wants to update the work — it should have life be most important.

Recommendations for the Standards for Review for New Additions

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements



Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Structures

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Recommendations for a Spectrum of Standards for Review

General Comments



Consultant Notes from Public Meeting - Marquette Bungalows

From: Jennifer Lehrke

Sent: Monday, December 10, 2018 3:05 PM

To: Scanlon, Amy; Fruhling, William; Jonely, Ryan

Cc: [Jason](#) Tish

Subject: Round 3 Marquette Bungalows Notes/Beginning of FAQs

Below are my notes from the Round 3 meeting in Marquette Bungalows and what may constitute the beginning of a Frequently Asked Questions link on the Historic Preservation Plan project website, which would be a living document through the end of the process:

What things are grandfathered?

Items that were altered, added, or constructed prior to the enactment of the ordinance for each district are grandfathered. For instances, a skylight on street facing facade that was installed in the 1980s, prior to the enactment of the ordinance, would not be allowed under the recommended Standards for Review. However, a property owner would be allowed to repair or replace the skylight, but the replacement should follow the ordinance as closely as possible, i.e. – the replacement skylight shall be flat, parallel to the slope of the roof, and painted to match the roof material. Grandfathering should be incorporated into the final recommendations for the Standards for Review for Alterations.

Take care with the word “original”

Perhaps the word “historic” should be substituted for the word “original.” For instance, when interpreting the Standards for Review, a 1928 house may have original and historic fabric and should be held to a high standard. However, a 1960s addition to the 1928 house may have original features dating to the 1960s, but those features are not historic and should be held to a lower standard. This word choice should be incorporated into the final recommendations for the Standards for Review for Alterations.

Standards for Review for Alterations for Wood

It would be helpful to include a list of materials that can be used in the final recommendations for the Standards for Review for Alterations in addition to the list of materials that are prohibited.

Take care with the phrase “If using the same kind of material is not feasible...”

“If using the same kind of material is not feasible...” is used in several locations throughout the document. Who decides what is feasible or not?

2017 Wisconsin Act 317 led to Statute 62.23(7)(em)2m which states, “In the repair or replacement of a property that is designated as a historic landmark or included within a historic district or neighborhood conservation district under this paragraph, a city shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities.” Does the new state statute language automatically allow compatible substitute materials and preempt the requirement to use the same kind of material?

The new state statute is poorly worded and can be interpreted multiple ways. To date, the Wisconsin Historical Society or other state agencies have declined to offer interpretation on the “in the repair or

replacement” portion of the statute. Instead, the Wisconsin Historical Society is focusing on educating commissioners about “materials that are similar in design, color, scale, architectural appearance, and other visual qualities.” As a preservation consultant, I make recommendations to, but don’t set policy for or make legal interpretations for, the City of Madison. This issue has been deferred to the City Attorney.

Standards for Review for Alterations for Windows

Perhaps the most widely discussed and debated issue in all of the Round 1 and Round 2 historic district meetings, the intent of this Standard was to give clear instruction on the sympathetic replacement of historic wood windows. Unfortunately, the language seems to mandate wood windows and preclude the use of clad wood windows, which was not the intention. The wording of this Standard should be reconsidered and clarified.

Also, who decides when a window is beyond repair? An image from another community’s design guidelines was shared in the Round 2 meetings which depicted when repair would be the appropriate treatment and when replacement would be the appropriate treatment. In the preservation community, repair is always the preferred treatment. Below are additional resources on how to preserve historic windows as well as evaluating the energy efficiency of repaired historic windows vs. replacement windows:

- <https://www.nps.gov/tps/how-to-preserve/briefs/9-wooden-windows.htm>
- <https://forum.savingplaces.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=80dc79b4-3814-59ac-9abe-842685e77747&forceDialog=0>
- https://www.wbdg.org/FFC/GSA/GSA_Upgrading_Historic_Windows_TPG.pdf
- <http://syracusethenandnow.org/YourHome/KeepWindows.pdf>
- <https://dahp.wa.gov/sites/default/files/TheRightThing.pdf>
- <https://dahp.wa.gov/sites/default/files/Wood-Windows-Tip-Sheet-July-2008.pdf>
- <https://dahp.wa.gov/sites/default/files/WhatReplacementWindowsCantReplace.pdf>
- <http://www.windowrestorationne.org/topten.pdf>
- <http://www.siwimpactwindows.com/wp-content/uploads/2016/12/vinyl.pdf>

Standards for Review for New Structures

Information on garage doors should be copied to the Standards for Review for Alterations.

Property owners were concerned that very little attention was given to their input

Historic property owners love their homes and don’t want to ruin them. Other than the items above, there was very little input given specifically to the recommendations as presented. However, the property owners feel like their feedback was not incorporated into our recommendations. We don’t believe that’s the case. Here are some items that were brought up in previous meetings in the district:

- “There’s a fair amount of discretionary interpretation of the written word.” The recommendations are extensive, and it is our hope that they provide better clarity to the ordinance.
- “When we were looking at re-siding, we found out we couldn’t use a cement board product. However, we felt that it would be suitable. We wrote a 12-15 page persuasive paper and made an in-person appearance at a commission meeting. It was approved. However, we

had to spend a lot of personal effort and perseverance.” “I have a wood house that I’ve painted twice now. It costs about \$10,000 to paint it each time. I would like to use cement board in the future.” “The ordinance does not allow for new materials that keep the character.” “Flexibility of using new materials to replicate is needed.” Due to the new state statute, the ordinance will be revised to allow “materials that are similar in design, color, scale, architectural appearance, and other visual qualities.” Smooth fiber cement siding typically meets these criteria and would be allowed under the recommendations for replacement.

- “Putting storm windows on the second story of my house is doable at 45 years old, but am I going to be able to do at age 65?” There are a lot of ways to treat historic windows as described above. The intent of the recommendation was to give clear instruction on the introduction of storm windows and, if need be, the sympathetic replacement of historic wood windows. There are also many alternatives that would not require city staff or Landmarks Commission approval like interior storm windows such as Allied Window, Climate Seal, Indow Windows, Innerglass Window Systems, Mon-Ray, and Window Saver Company. They are lightweight and can be installed from inside your home without the use of a ladder.
- “We’re concerned about roof replacement in the future.” The recommendations give clear instructions on sympathetic roof replacement, materials that are allowed, and materials that are prohibited.
- “When the district formed, it was formed by because the residents asked for it, but they weren’t envisioning the restrictions imposed.” Our recommendations include a variety of options for historic property owners. Past standards to duplicate historic materials and details on additions and new structures have been eliminated because they are no longer acceptable preservation practice. The new state statute has lessened other standards. In addition, we propose a Spectrum of Standards for Review that are addressed near the end of the recommendations. It is our hope that treatment approaches that include Identify, Retain, and Preserve; Protect and Maintain; or Repair could be accommodated via simple staff approval, rather than having to go before the Landmarks Commission, with a secondary effect of speeding up the process. We hope that these approaches help to lessen the restrictions imposed.

That being said, a significant amount of input has been given that relates to the overall Historic Preservation Plan, which has been shared with the appropriate members of the consultant team. These items include input such as, “Education is important. Examples or a list of contractors that you can turn to would be helpful.” Unfortunately, relatively few of the property owners have been participating in that separate, public process.

Do we really need to write our comments?

Yes, please. We appreciate your feedback, no matter what form it comes in. Not everyone feels comfortable speaking in public, especially if there are differences of opinion, so the comments become a written record of your individual input. At many of the historic district meetings, for every vocal opponent in the room, there has been an equal number of quiet supporters who have shared their input in writing rather than getting into an argument with their neighbor. We do read all the comments, and they do influence the recommendations.

What about aging in place?

The recommendations address aging in place in the Code Required Work: Accessibility section which offers sensitive solutions for accessibility code-required work, barrier-free access, ramps, paths, lifts,

and modest re-grading. Other aging in place issues are often addressed on the interior of a building, like non-slip flooring, upgrading bathrooms with slip-resistant shower and tub surfaces and accessible shower and tub design, wide doorways, and lever door handles, which are certainly allowed, but not covered by the ordinance.

More information will be provided in the Historic Preservation Plan.

What about economic feasibility?

The property owners would like to strike a balance between historic preservation and economic realities. Unless one lives in an apartment, maintenance and upkeep expenses are expected for any type of building, old or new, and should be adequately planned and budgeted for. There are numerous incentives to property owners to make projects more economically feasible. It's not proper for them to be codified into an ordinance. However, there has been much discussion about their inclusion in the overall Historic Preservation Plan. Unfortunately, it doesn't seem like the attendees have been participating in that separate, public process.

- Federal Historic Tax Credit (20% of hard and soft costs) paired with State Historic Tax Credit for Income Producing Properties (20% of hard and soft costs)
- State Historic Homeowner Tax Credit (25% of hard and soft costs)
- Madison Gas and Electric Energy Assistance Options
- Focus on Energy's Free Products and Incentives
- Federal Income Tax Credits and Other Incentives for Energy Efficiency
- City of Madison Home Rehabilitation Loans: Deferred Payment Loans, Installment Loans, and Rental Rehabilitation Loans
- City of Madison Business Financial Assistance: Downtown Retail Grants (\$50,000), Façade Improvement Grant Program (\$10,000 per street facing façade), Madison Capital Revolving Loan Fund (\$50,000-\$250,000), and Tax Incremental Financing
- The Madison Development Corporation
- The Wisconsin Women's Business Initiative Corporation
- Small Business Administration
- Wisconsin Business Development
- Wisconsin Angel Network
- GotMoola
- Wisconsin Economic Development Corporation

More information will be provided in the Historic Preservation Plan.

In addition, it was pointed out that the current ordinance addresses matters of economic hardship by allowing a property owner to request a variance per 41.19(4) Economic Hardship Variance and also appeal to the Common Council per 41.19(3) Hearing, Decision, and Appeal and 41.20 Appeal to Common Council. These portions of the ordinance were recently revised on September 15, 2015 and will not be revisited as part of this ordinance revision process.

What about sustainability, green building, energy efficiency, and carbon footprint?

The city has an 18-member Sustainable Madison Committee which meets on the third Monday of each month as well as The Madison Sustainability Plan: Fostering Environmental, Economic, and Social

Resilience which was developed in 2011. More information can be found here: <https://www.cityofmadison.com/Sustainability/index.cfm>

The consultant was an environmentalist before she was a preservationist. The two are not mutually exclusive of one another, rather they go hand-in-hand. As a leader and student council representative, she fought to get recycling bins placed in her high school cafeteria, and she also set up an Adopt a Highway program for her high school that still exists today. She's on her fourth hybrid car because she believes all vehicles should get 40 miles to the gallon, and she wants as little of her money as possible going to gas and oil companies. She pays for green power at her home and business to encourage the reduction of greenhouse gas emissions through the use of grid-source, renewable energy technologies. Lastly, she is a LEED AP which stands for Leadership in Energy and Environmental Design Accredited Professional. This means she has extensively studied and passed a written exam regarding sustainability issues and green building techniques, particularly the United States Green Building Council's LEED Rating System.

LEED is the most widely used green building rating system in the world. It takes a wholistic approach to green building and breaks sustainability into six core tenants: location and transportation, sustainable sites, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality.

Location and Transportation

- **LEED FOR NEIGHBORHOOD DEVELOPMENT LOCATION:** To avoid development on inappropriate sites. To reduce vehicle distance traveled. To enhance livability and improve human health by encouraging daily physical activity.
- **SENSITIVE LAND PROTECTION:** To avoid the development of environmentally sensitive lands and reduce the environmental impact from the location of a building on a site.
- **HIGH-PRIORITY SITE:** To encourage project location in areas with development constraints and promote the health of the surrounding area. Locate the project on an infill location in a historic district. Kudos to you! You've already chosen to locate in a historic district.
- **SURROUNDING DENSITY AND DIVERSE USES:** To conserve land and protect farmland and wildlife habitat by encouraging development in areas with existing infrastructure. To promote walkability, and transportation efficiency and reduce vehicle distance traveled. To improve public health by encouraging daily physical activity.
- **ACCESS TO QUALITY TRANSIT:** To encourage development in locations shown to have multimodal transportation choices or otherwise reduced motor vehicle use, thereby reducing greenhouse gas emissions, air pollution, and other environmental and public health harms associated with motor vehicle use.
- **BICYCLE FACILITIES:** To promote bicycling and transportation efficiency and reduce vehicle distance traveled. To improve public health by encouraging utilitarian and recreational physical activity.
- **REDUCED PARKING FOOTPRINT:** To minimize the environmental harms associated with parking facilities, including automobile dependence, land consumption, and rainwater runoff. Do not exceed the minimum local code requirements for parking capacity.
- **GREEN VEHICLES:** To reduce pollution by promoting alternatives to conventionally fueled automobiles. Green vehicles must achieve a minimum green score of 45 on the American Council for an Energy Efficient Economy (ACEEE) annual vehicle rating guide. Install an electrical vehicle charging station.

Sustainable Sites

- **SITE ASSESSMENT:** To assess site conditions before design to evaluate sustainable options and inform related decisions about site design.
- **SITE DEVELOPMENT—PROTECT OR RESTORE HABITAT:** To conserve existing natural areas and restore damaged areas to provide habitat and promote biodiversity.
- **OPEN SPACE:** To create exterior open space that encourages interaction with the environment, social interaction, passive recreation, and physical activities.
- **RAINWATER MANAGEMENT:** To reduce runoff volume and improve water quality by replicating the natural hydrology and water balance of the site, based on historical conditions and undeveloped ecosystems in the region.
- **HEAT ISLAND REDUCTION:** To minimize effects on microclimates and human and wildlife habitats by reducing heat islands.
- **LIGHT POLLUTION REDUCTION:** To increase night sky access, improve nighttime visibility, and reduce the consequences of development for wildlife and people.

Water Efficiency

- **OUTDOOR WATER USE REDUCTION:** To reduce outdoor water consumption.
- **INDOOR WATER USE REDUCTION:** To reduce indoor water consumption.
- **BUILDING-LEVEL WATER METERING:** To support water management and identify opportunities for additional water savings by tracking water consumption.

Energy and Atmosphere

- **ENHANCED COMMISSIONING:** To further support the design, construction, and eventual operation of a project that meets the owner's project requirements for energy, water, indoor environmental quality, and durability.
- **OPTIMIZE ENERGY PERFORMANCE:** To achieve increasing levels of energy performance beyond the prerequisite standard to reduce environmental and economic harms associated with excessive energy use.
- **ADVANCED ENERGY METERING:** To support energy management and identify opportunities for additional energy savings by tracking building-level and system-level energy use.
- **DEMAND RESPONSE:** To increase participation in demand response technologies and programs that make energy generation and distribution systems more efficient, increase grid reliability, and reduce greenhouse gas emissions.
- **RENEWABLE ENERGY PRODUCTION:** To reduce the environmental and economic harms associated with fossil fuel energy by increasing self-supply of renewable energy.
- **ENHANCED REFRIGERANT MANAGEMENT:** To reduce ozone depletion and support early compliance with the Montreal Protocol while minimizing direct contributions to climate change.
- **GREEN POWER AND CARBON OFFSETS:** To encourage the reduction of greenhouse gas emissions through the use of grid-source, renewable energy technologies and carbon mitigation projects.

Materials and Resources

- **STORAGE AND COLLECTION OF RECYCLABLES:** To reduce the waste that is generated by building occupants and hauled to and disposed of in landfills.

- **CONSTRUCTION AND DEMOLITION WASTE MANAGEMENT PLANNING:** To reduce construction and demolition waste disposed of in landfills and incineration facilities by recovering, reusing, and recycling materials.
- **BUILDING LIFE-CYCLE IMPACT REDUCTION:** To encourage adaptive reuse and optimize the environmental performance of products and materials.
- **BUILDING PRODUCT DISCLOSURE AND OPTIMIZATION — ENVIRONMENTAL PRODUCT DECLARATIONS:** To encourage the use of products and materials for which life-cycle information is available and that have environmentally, economically, and socially preferable life-cycle impacts. To reward project teams for selecting products from manufacturers who have verified improved environmental life-cycle impacts.
- **BUILDING PRODUCT DISCLOSURE AND OPTIMIZATION – SOURCING OF RAW MATERIALS:** To encourage the use of products and materials for which life cycle information is available and that have environmentally, economically, and socially preferable life cycle impacts. To reward project teams for selecting products verified to have been extracted or sourced in a responsible manner.
- **BUILDING PRODUCT DISCLOSURE AND OPTIMIZATION – MATERIAL INGREDIENTS:** To encourage the use of products and materials for which life-cycle information is available and that have environmentally, economically, and socially preferable life-cycle impacts. To reward project teams for selecting products for which the chemical ingredients in the product are inventoried using an accepted methodology and for selecting products verified to minimize the use and generation of harmful substances. To reward raw material manufacturers who produce products verified to have improved lifecycle impacts.

Indoor Environmental Quality

- **MINIMUM INDOOR AIR QUALITY PERFORMANCE:** To contribute to the comfort and well-being of building occupants by establishing minimum standards for indoor air quality (IAQ).
- **ENVIRONMENTAL TOBACCO SMOKE CONTROL:** To prevent or minimize exposure of building occupants, indoor surfaces, and ventilation air distribution systems to environmental tobacco smoke.
- **ENHANCED INDOOR AIR QUALITY STRATEGIES:** To promote occupants' comfort, well-being, and productivity by improving indoor air quality.
- **LOW-EMITTING MATERIALS:** To reduce concentrations of chemical contaminants that can damage air quality, human health, productivity, and the environment.
- **CONSTRUCTION INDOOR AIR QUALITY MANAGEMENT PLAN:** To promote the well-being of construction workers and building occupants by minimizing indoor air quality problems associated with construction and renovation.
- **INDOOR AIR QUALITY ASSESSMENT:** To establish better quality indoor air in the building after construction and during occupancy.
- **THERMAL COMFORT:** To promote occupants' productivity, comfort, and well-being by providing quality thermal comfort.
- **INTERIOR LIGHTING:** To promote occupants' productivity, comfort, and well-being by providing high-quality lighting.
- **DAYLIGHT:** To connect building occupants with the outdoors, reinforce circadian rhythms, and reduce the use of electrical lighting by introducing daylight into the space.
- **QUALITY VIEWS:** To give building occupants a connection to the natural outdoor environment by providing quality views.

- **ACOUSTIC PERFORMANCE:** To provide workspaces and classrooms that promote occupants' well-being, productivity, and communications through effective acoustic design.

As a historic property owner in the City of Madison, you live in an urban area which inherently meets many of these goals, including reducing vehicle distance travels and encouraging daily physical activity like biking and walking. You have chosen to live on land that has been previously developed, reducing your environmental impact.

However, many of the above sustainable, green building items listed above are not applicable to the historic preservation ordinance. There's certainly nothing in the recommendations that would prevent a property owner from taking a wholistic approach to sustainability by reducing their parking footprint, driving green vehicles and installing an electric vehicle charging station, having exterior open space, reducing their heat island effect by installing a "cool" roof, reducing their light pollution by using downward facing exterior lights, reducing their outdoor and indoor water consumption through the use of WaterSense fixtures, optimizing their energy performance by using LED light fixtures and Energy Star appliances and upgrading inefficient furnaces or boilers, using solar photovoltaic panels to produce renewable energy, using non-ozone depleting refrigerant in their air conditioner condensers, purchasing green power from their local electric utility or carbon offsets, storing and collecting recyclables, reducing construction and demolition waste, and selecting products minimize life-cycle impacts.

Green building rating systems aim to:

- reduce construction and demolition waste disposed of in landfills and incineration facilities by recovering, reusing, and recycling materials
- encourage adaptive reuse and optimize the environmental performance of products and materials
- encourage the use of products and materials for which life-cycle information is available and that have environmentally, economically, and socially preferable life-cycle impacts such as
 - products from manufacturers who have verified improved environmental life-cycle impacts
 - products verified to have been extracted or sourced in a responsible manner
 - products verified to minimize the use and generation of harmful substances

However, historic property owners and replacement window retailers use the name of sustainability for an excuse to replace their historic wood windows which goes against the grain of sustainability by increasing construction and demolition waste and using replacement materials with environmentally, economically, and socially damaging life-cycle impacts. Historic wood windows are very sustainable. They are made from wood, a renewable material likely grown and harvested in the Midwest. They are likely manufactured in the Midwest as well, reducing environmental impacts due to transportation and product delivery. The materials and ingredients are natural and fairly pure, with no harsh chemicals or harmful substances. Due to their durability and repairability, historic wood windows have longer life cycles than replacement windows.

Below is a list of tools and other resources on sustainability and historic preservation:

- <https://www.nps.gov/tps/standards/rehabilitation/sustainability-guidelines.pdf>
- http://tusculum.sbc.edu/toolkit/toolkit_pdfs/Park,Sharon_SustainableDesignHP.pdf
- <https://forum.savingplaces.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=5119e24d-ae4c-3402-7c8e-38a11a4fca12&forceDialog=0>

- <https://www.wbdg.org/design-objectives/historic-preservation/sustainable-historic-preservation>

With regards to energy efficiency, Focus on Energy has Trade Allies that perform Home Energy Assessments that address concerns such as: high energy bills, comfort concerns (like drafty rooms), or mold and moisture issues. Their analysis uses diagnostic tools and modeling software, health and safety testing, and an in-depth energy assessment. At the end of the Assessment, they will issue a comprehensive report with recommendations for how you can address your home comfort concerns, detailed information on how recommended improvements will save you the most energy, information on how to receive incentives from Focus on Energy by making the recommended improvements, and a Home Energy Score. Energy saving recommendations have quick payback periods and include items such as sealing, weather-stripping, insulating, LED light fixtures, Energy Star appliances, and upgrading inefficient furnaces or boilers.

In the consultant's own historic building, she received a grant from Focus on Energy to replace all the light bulbs with LEDs and installed Energy Star appliances throughout. The past owner was spending \$5,000 per year on gas to maintain an interior temperature of 50 degrees in the uninsulated building, with a 55 year old boiler, 35 year old water heater, and historic single pane wood windows. Replacing the boiler and water heater would have cost well over \$10,000 and would not have addressed the root of the problem, the leaky thermal envelope. The water heater replacement would have only saved \$4/mo. and would have had a payback period of nearly 400 years! Instead, \$12,000 was invested in insulating and air sealing the house with R-50 in the roof and R-20 in the walls. The gas bills dropped significantly from \$5,000 per year to \$1,000 per year with a short 3 year payback. Happy with the results, the single pane windows were repaired, repainted, and sealed and are no longer drafty. This is just one successful story. Every historic property is different and has different energy conservation needs.

Below is a list of tools and other resources on energy efficiency:

- <https://forum.savingplaces.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=d53b4cce-1790-6194-c550-80df24e3a10f&forceDialog=0>
- <https://www.nps.gov/tps/how-to-preserve/briefs/3-improve-energy-efficiency.htm>
- https://dahp.wa.gov/sites/default/files/Embracing_Energy_Efficiency.pdf
- https://focusonenergy.com/residential?gclid=EAlaIqobChMI-pHmo_OV3wIVQr7ACh3kowtxEAAYASABEgLO4PD_BwE#program-energy-assessments-and-scores

Carbon footprint is generally a discussion about lifestyle choices and is often broken down into a few key categories: transportation, home energy, food, and clean energy. However, most methods to reducing carbon footprint are not applicable to the historic preservation ordinance. There's certainly nothing in the recommendations that would prevent a property owner from walking, biking, carpooling, driving a hybrid or electric vehicle, inflating their tires properly, flying less frequently, using economy class air travel, insulating or sealing their property, using Energy Star appliances, LED light bulbs, programmable thermostats, low-flow plumbing fixtures, adding photovoltaic panels, eating locally-produced organic food, reducing beef and dairy consumption, recycling, or participating in clean energy programs.

Below is a list of tools and other resources on reducing your carbon footprint:

- <https://cotap.org/reduce-carbon-footprint/#driving>

- <https://www.theguardian.com/environment/2017/jan/19/how-to-reduce-carbon-footprint>
- https://m.huffpost.com/us/entry/us_59321992e4b00573ab57a383
- <http://www.globalstewards.org/reduce-carbon-footprint.htm>

More information will be provided in the Historic Preservation Plan.

What about The Secretary of The Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings ?

<https://www.nps.gov/tps/standards/rehabilitation/sustainability-guidelines.pdf>

The Illustrated Guidelines on Sustainability begin with an overview focusing on the fact that historic buildings are themselves often inherently sustainable and that this should be used to advantage in any proposal to upgrade them. These guidelines offer specific guidance on how to make historic buildings more sustainable in a manner that will preserve their historic character and that will meet The Secretary of the Interior's Standards for Rehabilitation. The National Park Service Branch of Technical Preservation Services has developed illustrated guidelines in accordance with its directive to provide information concerning professional methods and techniques to ensure the preservation and rehabilitation of the historic properties that are an important part of the nation's heritage.

Before implementing any energy conservation measures to enhance the sustainability of a historic building, the existing energy-efficient characteristics of the building should be assessed. Buildings are more than their individual components. The design, materials, type of construction, size, shape, site orientation, surrounding landscape and climate all play a role in how buildings perform. Historic building construction methods and materials often maximized natural sources of heating, lighting and ventilation to respond to local climatic conditions. The key to a successful rehabilitation project is to identify and understand any lost original and existing energy-efficient aspects of the historic building, as well as to identify and understand its character-defining features to ensure they are preserved. **The most sustainable building may be one that already exists. Thus, good preservation practice is often synonymous with sustainability.** There are numerous treatments--traditional as well as new technological innovations--that may be used to upgrade a historic building to help it operate even more efficiently. Increasingly stricter energy standards and code requirements may dictate that at least some of these treatments be implemented as part of a rehabilitation project of any size or type of building. Whether a historic building is rehabilitated for a new or a continuing use, it is important to utilize the building's inherently sustainable qualities as they were intended. It is equally important that they function effectively together with any new measures undertaken to further improve energy efficiency.

Unfortunately, The Secretary of The Interior's Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings probably won't go in the direction that the audience intended. They are heavy on planning, maintaining, retaining, and repairing historic building materials, and items like weatherization, insulation, HVAC and air circulation, solar technology, wind turbines and windmills, cool roofs and green roofs, and site features and water efficiency, and daylighting that are not covered by the ordinance.

In many instances the Guidelines on Sustainability are even more stringent than [The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Rehabilitating Historic Buildings](#). While the Guidelines on Sustainability do allow for replacement, it's even more stringent than the Guidelines for Rehabilitating Historic Buildings. For instance, for windows:

Installing compatible and energy-efficient replacement windows that match the appearance, size, design, proportion and profile of the existing historic windows and that are also durable, repairable and recyclable, when existing windows are too deteriorated to repair.

- “that are also durable, repairable and recyclable,” is a deal breaker for most replacement windows as they are not repairable.
- Although more difficult to recycle than some other plastics, vinyl (also known as polyvinyl chloride, PVC, and plastic #3) can be melted down and repurposed. However, it is not always accepted by municipal recycling programs. Currently, the City of Madison does not accept hard plastics as part of their recycling stream. And, according to <https://www.vinylinfo.org/vinyl/recycling-directory>, there is not a single vinyl recycling center in the State of Wisconsin. The rare out of state ones that do accept vinyl windows will only take the frames, and not the sashes unless the glass has been removed.
- And there are still provisions for “when existing windows are too deteriorated to repair” which was a concern of the audience.

A separate section for Guidelines on Sustainability can be added to the recommendations, but this could lead to a “be careful what you wish for” situation. These Guidelines on Sustainability do not necessarily work in the favor of the property owners, nor do they accomplish what they wish them to accomplish because they are much more stringent.

Many of the aspects that pertain to and are relevant to what the ordinance has historically covered (exterior alterations, as opposed to routine maintenance or interior work) is like the Guidelines for Rehabilitating Historic Buildings and, therefore, incorporated into the recommendations, although more relaxed than the Guidelines on Sustainability.

What about 36 CFR 67 and 36 CFR 68?

Section 41.02 Definitions includes a definition of the Secretary of the Interior's Standards for the Treatment of Historic Properties which incorporates by reference 36 CFR 68.3. Section 41.18 Standards for Granting a Certificate of Appropriateness incorporates the Secretary of the Interior's Standards for Rehabilitation for exterior alterations to designated landmarks and exterior alterations or construction of structures on landmark sites.

- Part 67—Historic Preservation Certifications Under the Internal Revenue Code. “Certifications” is the keyword that it involves historic tax credits and the IRS. 36 CFR 67 is for historic tax credit projects, and it describes the process in minute detail. 67.7(a) includes verbatim the ten Standards for Rehabilitation that appear in the recommendations. 67.7(c) also includes by reference the Guidelines for Rehabilitating Historic Buildings.
- Part 68—The Secretary of The Interior's Standards for the Treatment of Historic Properties. 36 CFR 68 is for other types of projects and specifically refers to federal grants-in-aid and includes Standards for all four treatment approaches: preservation, rehabilitation, restoration, and reconstruction, with rehabilitation generally viewed as the most relaxed. 68.3(b) includes verbatim the same ten Standards for Rehabilitation as 67.7(a) that appear in the

recommendations. However, it does not specifically refer to the Guidelines for Rehabilitating Historic Buildings.

- Furthermore, from the NPS website: *Federal agencies use the Standards and Guidelines in carrying out their historic preservation responsibilities. State and **local officials use them in reviewing both Federal and nonfederal rehabilitation proposals. Historic district and planning commissions across the country use the Standards and Guidelines to guide their design review processes.***
- From the preface of the “The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings: *These Standards and Guidelines provide a critical part of the framework of the national preservation program. They are widely used at the federal, state, and **local levels to guide work on historic buildings, and they also have been adopted by Certified Local Governments and historic preservation commissions across the nation.***

Why are we doing this?

In response to the public’s concerns about some recent projects, the Common Council directed city staff to create the Landmarks Ordinance Review Committee (LORC), allocate funds to hire a consultant, and revise the ordinance. The outcome wasn’t to lessen the standards, but to make them more clear.

Why are we streamlining? Why should Marquette Bungalows’ Standards be the same as Mansion Hill’s Standards?

Streamlining the ordinance will provide clarity for property owners, designers and architects, contractors, city staff, and Landmarks Commission members. Good preservation practice is good preservation practice, no matter what district you live in. The standards for masonry or a roof in Marquette Bungalows should be no different than the standards for masonry or a roof in Mansion Hill, and so on and so forth for all the topics. Therefore, it is our professional recommendation that the same set of standards for review be utilized across all historic districts.



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Legacy Architecture, Inc.
605 Erie Avenue, Suite 101
Sheboygan, WI 53081

Amy Scanlon

Public Comment Forms - Marquette Bungalows

Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Metals: Wrought and Cast Iron, Steel, Pressed Metal, Terneplate, Copper, Aluminum, and Zinc

Building Features & Systems

Roofs

Windows

Entrances & Porches

Storefronts

Mechanical Systems

"Window units on primary and other highly visible elevations"
↑ *this is not clear and could be defined arbitrarily*

Building Site

Code Required Work

Accessibility

Life Safety

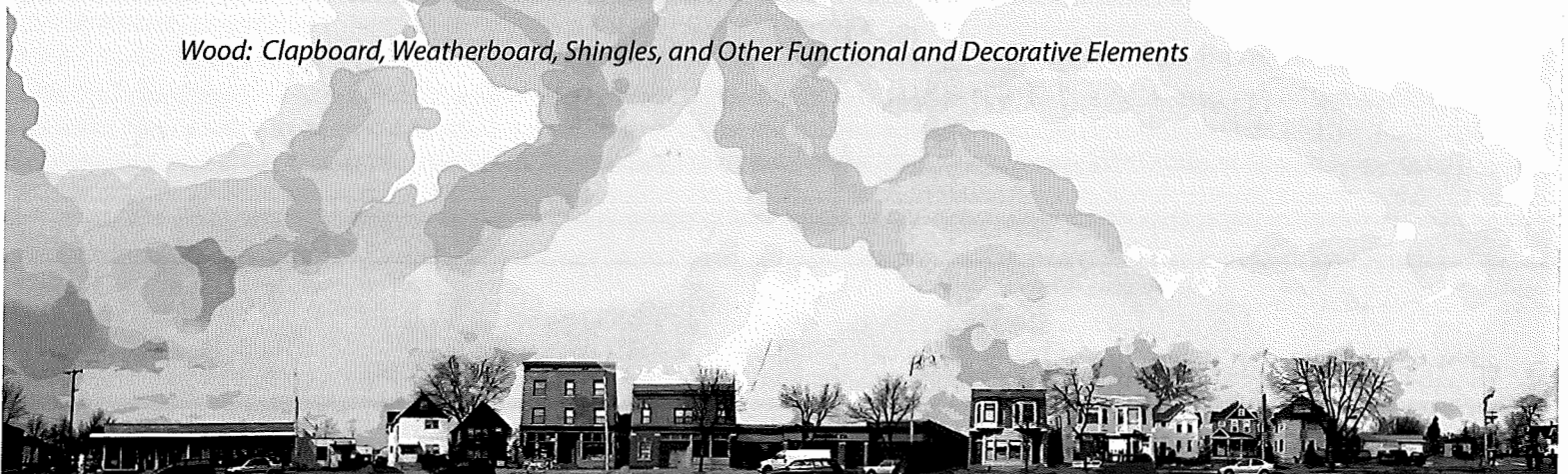
Recommendations for the Standards for Review for New Additions

General *"set back at least one full bay" ← I don't have any idea what this means.*

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements



Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Structures

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Recommendations for a Spectrum of Standards for Review

General Comments

This section is very vague and needs to be written way more specific.



Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

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Building Features & Systems

Roofs

Windows

Entrances & Porches

Storefronts

Mechanical Systems

Building Site

Code Required Work

Accessibility

Life Safety

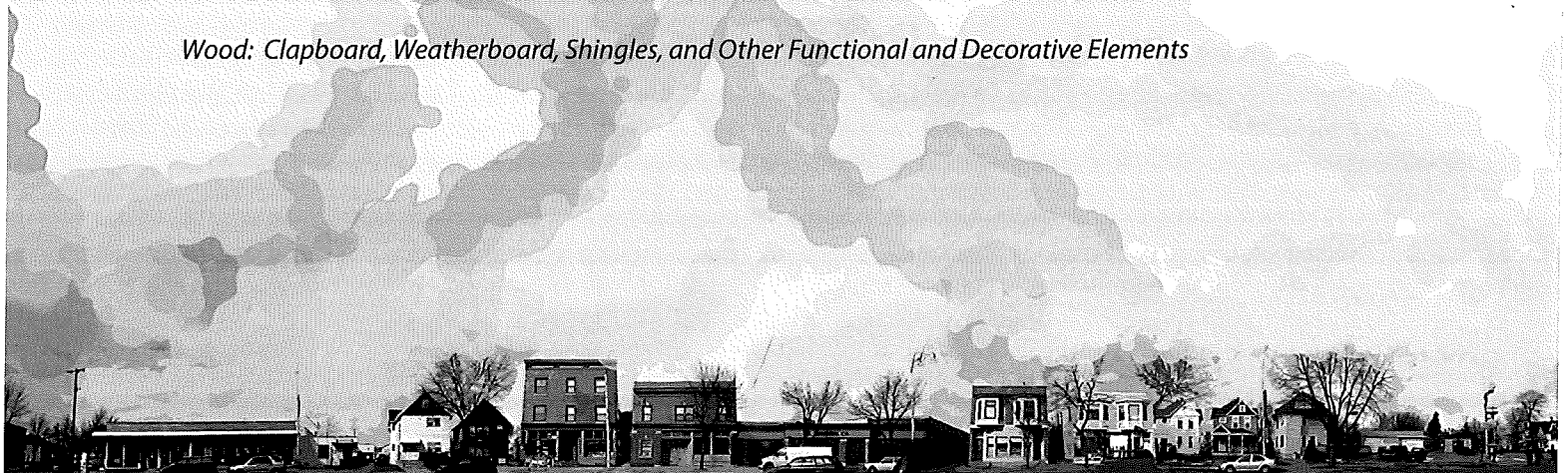
Recommendations for the Standards for Review for New Additions

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements



Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Structures

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Recommendations for a Spectrum of Standards for Review

General Comments

There needs to be much more clarity regarding sections or additions to homes — that replacing windows, doors, etc. in these "additions" could have different guidelines.

What about views not seen from the front of homes?



Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Metals: Wrought and Cast Iron, Steel, Pressed Metal, Terneplate, Copper, Aluminum, and Zinc

Building Features & Systems

Roofs

Windows

Entrances & Porches

Storefronts

Mechanical Systems

Need to take economic feasibility
into account in more cases

It would be good to strike
a balance between historic
preservation and economic
feasibility

Clearing up sections to use
state ordinance wording
in document.

Building Site

Code Required Work

Accessibility

Life Safety

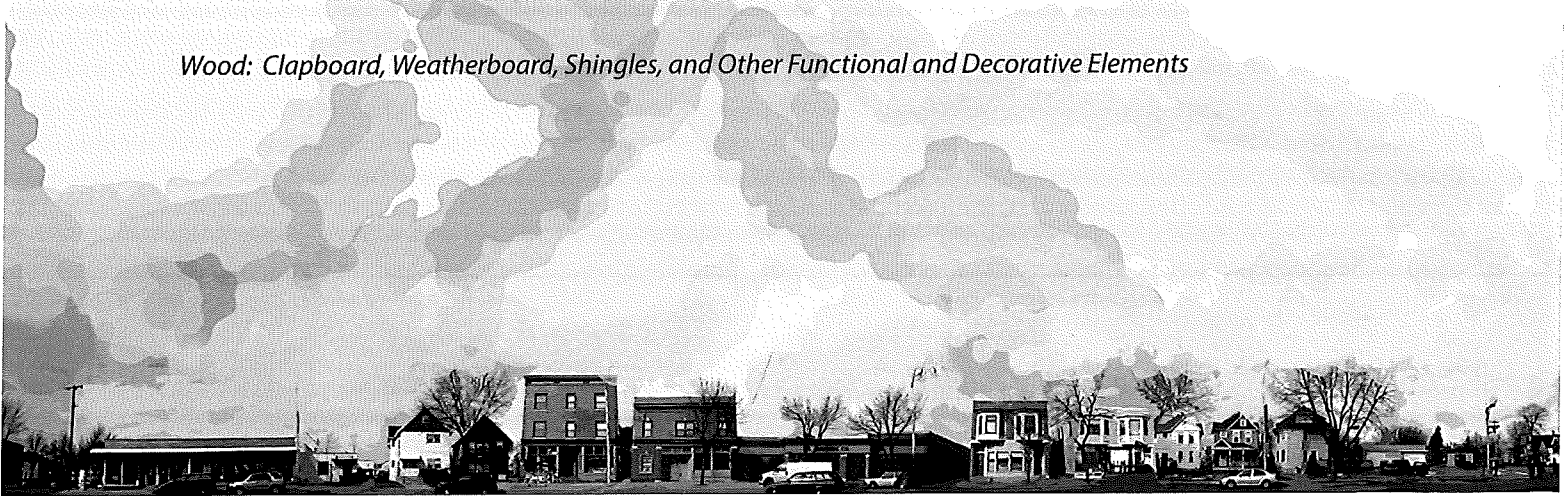
Recommendations for the Standards for Review for New Additions

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements



Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Structures

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

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Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Recommendations for a Spectrum of Standards for Review

General Comments



Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Metals: Wrought and Cast Iron, Steel, Pressed Metal, Terneplate, Copper, Aluminum, and Zinc

Building Features & Systems

Roofs

Windows

Entrances & Porches

Storefronts

Mechanical Systems

Building Site

Code Required Work

Accessibility

Life Safety

non-permanently installed

- It is important to allow window ~~and~~ air conditioning units on the street facing side. The upstairs of our house gets dangerously hot in the summer and the design of the rooms would make it very difficult to cool the front upstairs bedroom if we could not have a window unit.

Recommendations for the Standards for Review for New Additions

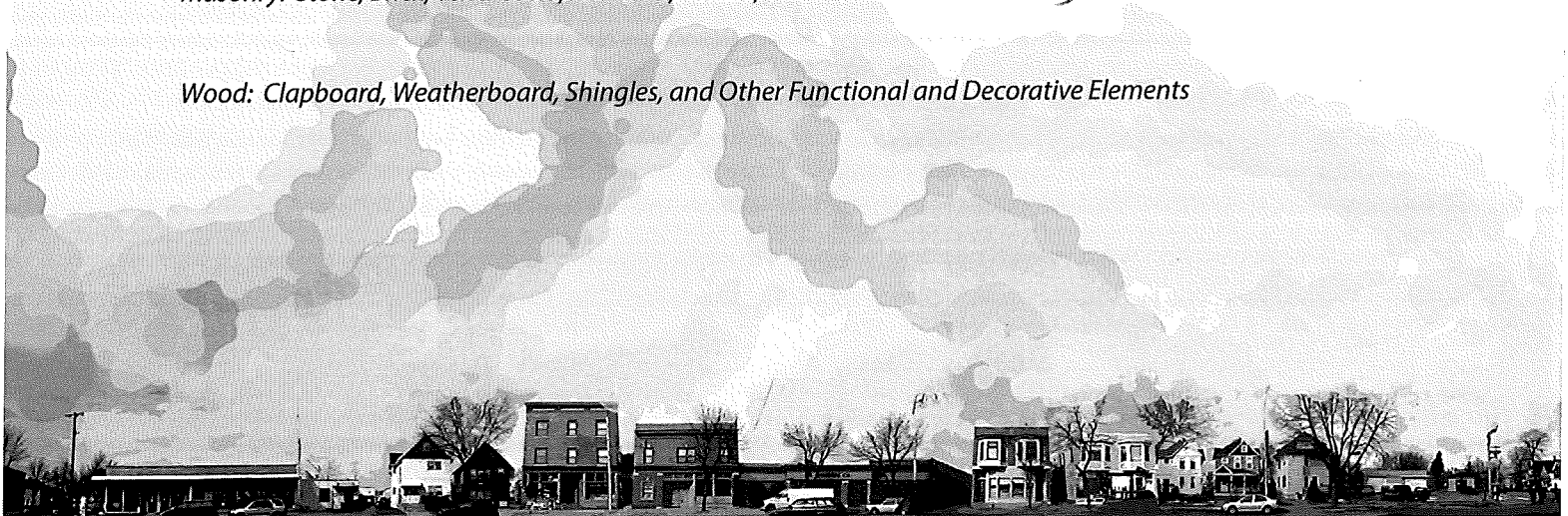
General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Include economic and sustainability as factors in original improvement process for alterations, instead of requiring variances.



Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Structures

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Building Features & Systems

Roofs

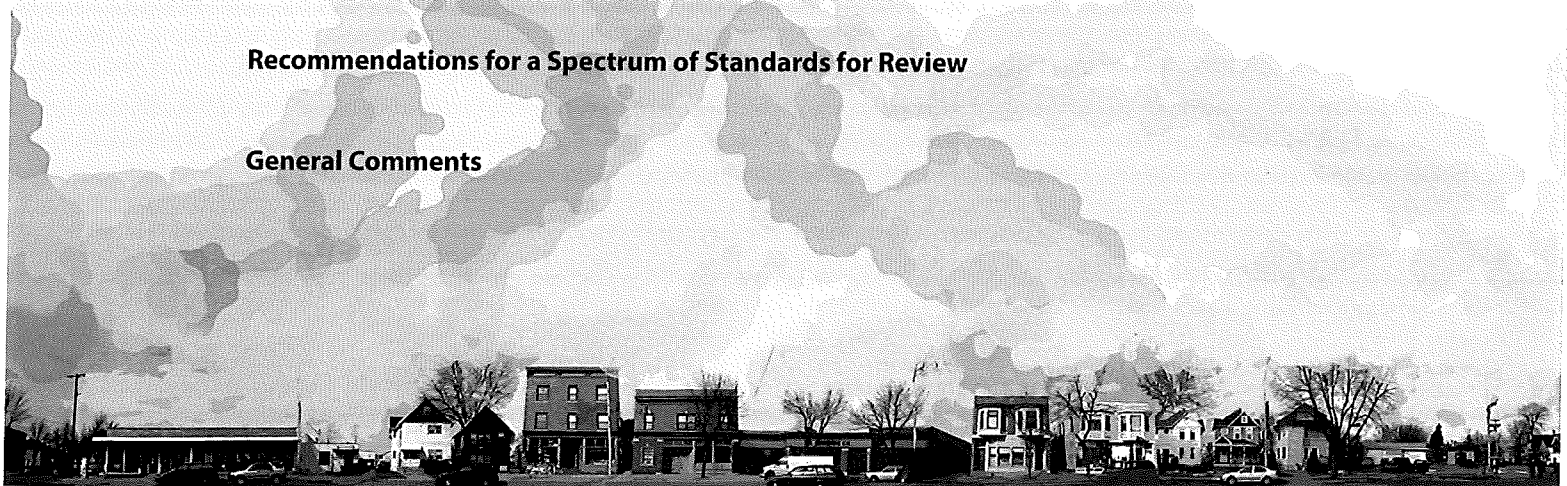
Windows

Entrances & Porches

Building Site

Recommendations for a Spectrum of Standards for Review

General Comments



Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

* We need to strike a balance between historic preservation and economic realities.

Metals: Wrought and Cast Iron, Steel, Pressed Metal, Terneplate, Copper, Aluminum, and Zinc

Building Features & Systems

Roofs

Windows

Entrances & Porches

Storefronts

Mechanical Systems

I feel very concerned about the stated order of operation:

1. identify, retain + preserve
2. protect + maintain
3. repair
4. replace

As a homeowner, there are many reasons that replace should be placed on par with repair. It is absolutely possible to maintain the historic character and integrity of a home using replacement products and modern building materials.

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Additions

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

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These proposed changes will make it too expensive for people to maintain their properties and age in place. Plus, many residents are actively trying to reduce our carbon footprint. Even well repaired windows bleed heat/cold depending on the season.



Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Code Required Work

Accessibility

Life Safety

Economic feasibility needs to be a viable reason to replace instead of repair.

Recommendations for the Standards for Review for New Structures

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Recommendations for a Spectrum of Standards for Review

General Comments

The ability to replace original material with substantially similar new material should be allowed based on economic/financial feasibility (~~or lack thereof~~) of repair vs. the prohibitive cost of repair.

I am extremely concerned about the building costs associated with these requirements, especially in the case of a catastrophic loss by fire. It is possible that the standard insured value of a home may fall far short of the cost to rebuild in the fashion described in the proposal.



Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

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Building Features & Systems

Roofs

Windows

Entrances & Porches

Storefronts

Mechanical Systems

need to
strike a
balance
between
historical
preservation
& economic
realities

Grandfathering —
repair and replacement
of elements that were
replaced/added before
historic district

e.g. — replacing
a skylight or bump
out window that is
grandfathered in

Building Site

Code Required Work

Accessibility

Life Safety

e.g. p1-2
follow State statute —
needs to be able "shall"
to replace windows
with similar appearance
alternatives

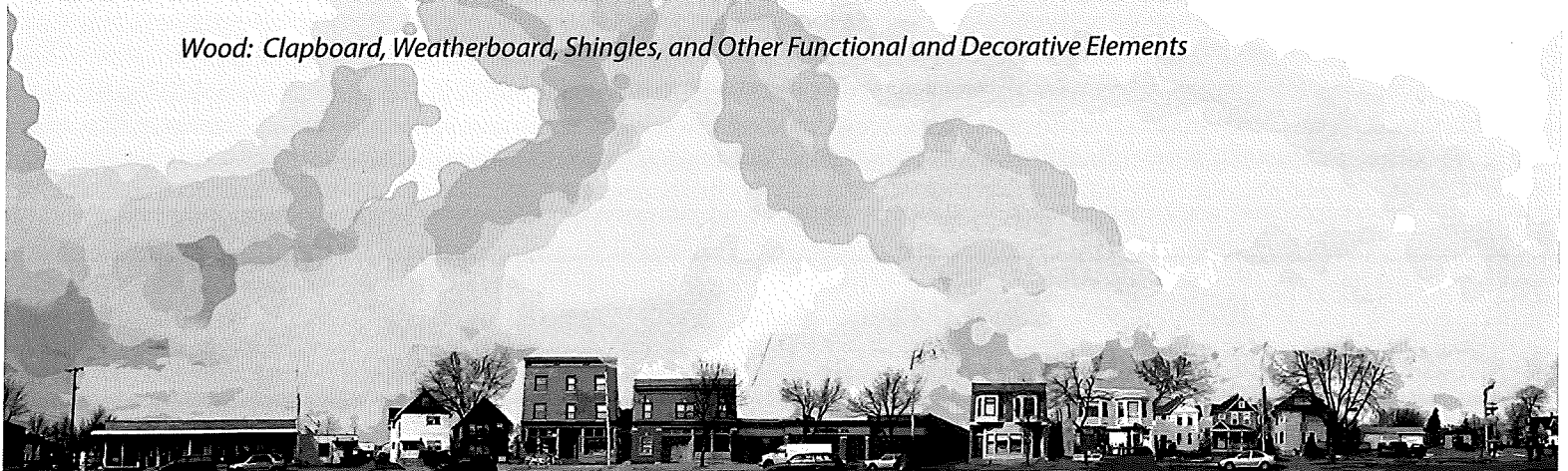
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Building Features & Systems

Roofs

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Building Features & Systems

Roofs

Windows

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Building Site

Recommendations for a Spectrum of Standards for Review

General Comments



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Building Features & Systems

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Building Site

Code Required Work

Accessibility

Life Safety

My comments are general and apply to the entire proposed ordinance revisions

- terminology needs to be looked at more closely or, in other words, to much ability to interpret. One example is the use of the word "feasible" used throughout the document. I can see abuse as time passes, people come and go on commissions and elected officials. Too much room for interpretation.

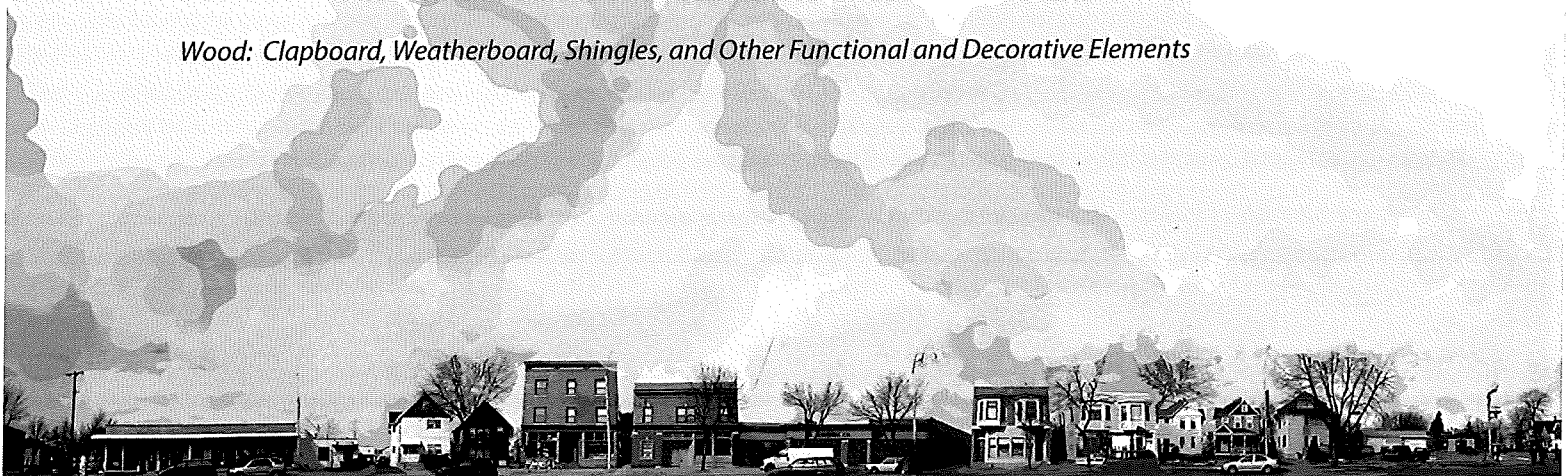
Recommendations for the Standards for Review for New Additions

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Building Features & Systems

Roofs

Windows

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Building Site

Code Required Work

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Building Features & Systems

Roofs

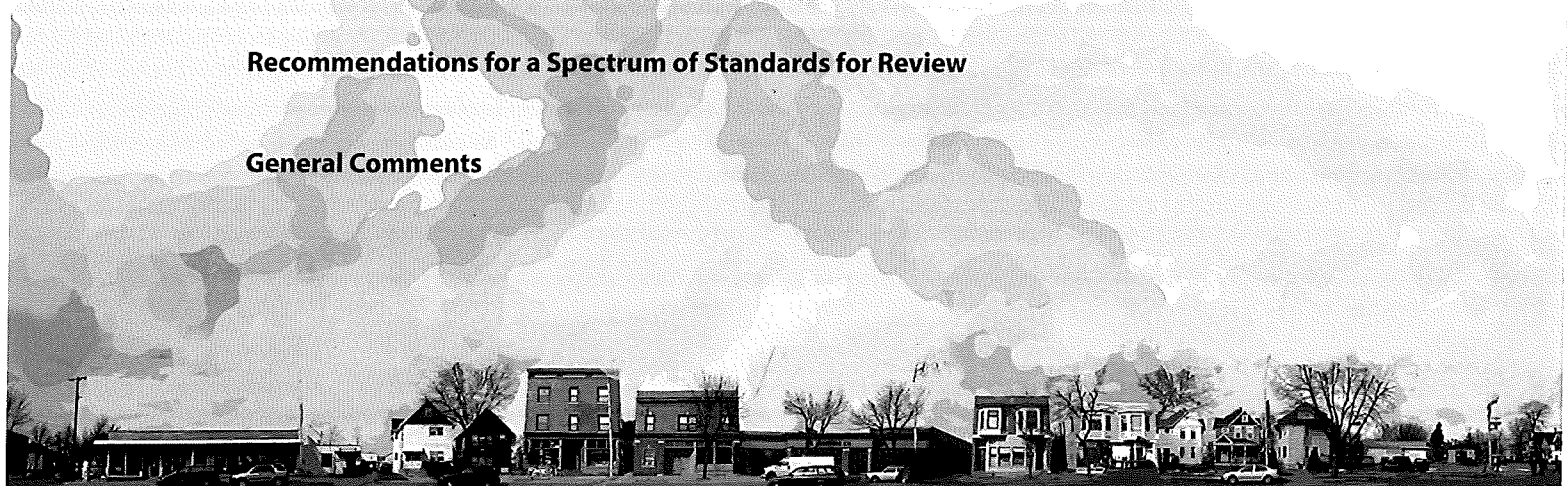
Windows

Entrances & Porches

Building Site

Recommendations for a Spectrum of Standards for Review

General Comments





MARQUETTE BUNGALOWS NEIGHBORS GROUP

December 26, 2018

Amy Loewenstein Scanlon, Registered Architect
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Via Email: AScanlon@cityofmadison.com
 historicpreservation@cityofmadison.com

Cc: Landmarks Ordinance Review Committee:
 Alder Amanda Hall: district3@cityofmadison.com
 Alder Ledell Zellers: district2@cityofmadison.com
 Alder Marsha Rummel: district6@cityofmadison.com
 Alder Shiva Bidar-Sielaff: district5@cityofmadison.com
 Alder Steve King: district7@cityofmadison.com
 Jennifer Lehrke, Legacy Architecture: info@legacy-architecture.com

Dear Ms. Scanlon:

Thank you for the opportunity to comment on proposed changes to Subchapter 41G, Historic District Ordinance, and to those who have been working to revise the ordinance on behalf of the City of Madison. Many of those in the Marquette Bungalows District have been following this extensive process over the last few years. We are aware of how complicated it is to weigh many – sometimes conflicting – views to both protect the historic integrity of the five historic districts while balancing the interests of property owners.

After reviewing the report issued by Legacy Architecture (“Consultant”) and the presentation on November 26, 2018, at the first of the Round Three meetings, we have some initial comments.

Lack of Incorporation of Public Comments. One of the stated goals of the City of Madison’s Historic Preservation Project is to “[e]nsure an actively inclusive engagement process.”¹ Indeed, a comprehensive public engagement strategy, to include a planned total of 32 public meetings, was developed by the City’s Planning Division and has been systematically implemented starting in mid-2017

¹ City of Madison, Historic Preservation Project, July 25, 2018.

with the first round of public meetings. Yet, the Consultant's proposed changes to the ordinance do not take into account the public comments to date from the Marquette Bungalow owners nor, based on notes we've reviewed posted to the City's website, the other four historic districts. We set forth below those comments consistently shared at public meetings by Marquette Bungalow owners in attendance. You will see these comments repeated throughout this letter as they pertain to certain aspects of the Consultant's recommendations.

We respectfully request that issues raised in these comments be incorporated into revisions to the ordinance. After all, it was the Marquette Bungalow owners who in 1993 requested to become a historic district as a means to protect the integrity of the bungalows we are fortunate enough to inhabit and care for.² Our views on changes to the ordinance, which some of the undersigned originally helped to draft, should be respected.

- Consideration as to cost of repairs versus those of replacement, including recognition that a strict adherence to a repair first model is not always an economically feasible, nor sustainable, option;
- Flexibility with repair and replacement materials that are similar to (but not necessarily the same as) original materials;
- Considerations as to aging in place, including accessibility; and
- Sustainability, both for the future of our neighborhood, and for generations to come.

We feel it is important to note that, historically, this neighborhood was an inexpensive neighborhood where people of average means could enjoy beautiful craftsmanship within close proximity to Lake Monona. We reject the notion that preservation must necessarily equate to only the wealthiest of Madisonians being able to live in and enjoy the beautiful craftsmanship of the Marquette Bungalows.

Conflation of Two Sets of Federal Standards and Guidelines. Before addressing the different sets of federal standards and guidelines in the Consultant's report, we feel it important to state our concern over the proposed application of standards used to award federal tax credits that are only available to income-generating properties. We do not understand the rationale for applying these standards to owners like us who cannot take advantage of such federal tax credits. And, to the extent an owner wanted to apply for state tax credits, the standards used by the State Historical Society would be utilized and do not need to be repeated in the ordinance, thereby subjecting owners to those standards, even when they are not applying for or able to take advantage of state tax credits.

In her report at page 4, the Consultant recommends incorporating the Secretary of the Interior's "Standards for Rehabilitation" into the ordinance "verbatim", while incorporating "applicable portions" of the Secretary of the Interior's "Guidelines for Rehabilitating Historic Buildings", citing <https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>. While the Consultant did, indeed, copy the Secretary's "Standards for Rehabilitation" verbatim on page 4 of her report, she cites to and

² "At the request of neighborhood residents, the Marquette Bungalows were designated as an historic district in 1993." See, City of Madison, Local Historic Districts: <http://www.cityofmadison.com/dpced/planning/local-historic-districts/1601>

heavily borrows from guidelines that apply to the Secretary's "Standards for the Treatment of Historic Buildings", a separate section of the Code of Federal Regulations ("CFR"). The Secretary's "Standards for Rehabilitation" are codified at 36 CFR Part 67, and the guidelines used by the federal government for interpreting those standards (the "Guidelines for Rehabilitating Historic Buildings") can actually be found here: <https://www.nps.gov/tps/standards/rehabilitation/rehab/guide.htm>

The guidelines the Consultant cites to, namely the "Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings", are used to interpret standards codified at 36 CFR Part 68. The distinction between these two regulations is clarified at 36 CFR §68.1, "Intent." Specifically, Part 68 applies to "all proposed grant-in-aid development projects assisted through the National Historic Preservation Fund." That section goes on to clarify that Part 67, on the other hand, is used for preservation tax incentives and Part 67 "should continue to be used when property owners are seeking certification for Federal tax benefits."³

Why does this matter? While the standards in Parts 67 and 68 are similar, statutory language and the guidelines on how those standards are to be interpreted differ in some key respects. Most notably, the introductory language to the "Standards for Rehabilitation" states: "The following Standards are to be applied to specific rehabilitation projects in a **reasonable** manner, taking into consideration **economic and technical feasibility**." 36 CFR §67.7(b) (Emphasis added). This same "technically or economically feasible" language appears throughout the "Guidelines for Rehabilitating Historic Buildings", but is not in the "Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings", nor in the Consultant's recommendations.

Creation of a Mandatory Hierarchy that is Inconsistent with Federal Guidelines. The Consultant's recommendations would create a mandatory and inflexible hierarchy for reviewing alteration requests, more restrictive than even the reviews for federal tax incentives. Both the guidelines described above are just that – *guidelines*. Throughout both documents, the words "recommended" and "not recommended" are used. Again, federal law dictates that review criteria for the "Standards for Rehabilitation" is one of "reasonableness", taking into account technical and economic feasibility. 36 CFR §67.7(b).

As stated, the Consultant took the recommendations set out in the "Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings", and turned them into requirements by including the word "shall" – over a 100 times in her recommendations – where that word does not appear in either set of guidelines. Should the Consultant's recommendations be adopted into the ordinance, the Landmarks Commission will be hamstrung into applying a more restrictive interpretation of federal standards than even the federal government uses to award tax credits (again, tax credits not available to us).

Failure to Strike an Appropriate Balance between Preservation and Private Property Interests. The Consultant's proposed ordinance seemingly requires homeowners to identify character features in need of maintenance and make repairs without any consideration as to cost or technical feasibility. This mandatory hierarchy creates a framework of repair before replace, replacement in full only when materials are "too deteriorated to repair" (a term not defined), and then replacement using the same

³ The National Park Service website also differentiates these standards and guidelines, with links to both: <https://www.nps.gov/subjects/historicpreservation/standards.htm>

materials unless it is “not feasible”. Only then – a result, as described below, unlikely to be reached – an owner may use replacement materials “similar in design, color, scale, architectural appearance, and other visual qualities” (quoting §62.23(7)(em)2m, Wisconsin Statutes).

The difference in cost between repairing and replacing can be staggering, and there are fewer craftsman today with the skills necessary, driving up the cost of repairs even further. We fear that implementation of this mandatory repair-first hierarchy will result in unintended, even destructive consequences. Homeowners who would otherwise be willing to replace or restore features on their homes using visually compatible materials (e.g., removing vinyl siding and replacing it with smooth cement fiber siding that is far more affordable than wood) could be forced to forego alterations that would dramatically enhance the character of the Marquette Bungalows district, as well as the comfort and enjoyment by homeowners’ of their property.

What a tragedy it would be if changes to the ordinance create the very situation LORC is attempting to avoid – demolition by neglect – by imposing a compulsory, rigid and costly repair before replace framework with which bungalow owners cannot afford to comply.

Suggestion that Owners use the Economic Hardship Variance is not a Practical Solution. As described above, the federal guidelines upon which the Consultant states she relied include, as part of the alteration review process, consideration of technical and economic feasibility. When this point was raised during the 11/26/18 meeting, the Consultant stated she did not include this same technical and economic feasibility language because it exists in section 41.19 of the existing ordinance. More specifically, she stated that an owner could apply for an economic hardship variance if the cost to repair or replace using the same materials were too great. This does not fully capture the variance criteria. An economic hardship variance may be granted if the circumstances justifying the variance are “unique to the property in question” and would not “apply to a substantial portion of the historic district...”. Section 41.19(4)(a) and (b).

Not only are these very different standards, but one interpretation of the ordinance is that the costly repairs homeowners are concerned about (e.g., repair or replacement of all wood windows using the same material) would not be eligible for an economic hardship variance because the circumstances justifying the variance request are not unique to an individual bungalow.

Finally, it must be noted that the variance process is by its nature costly and time consuming for the applicant. It requires additional legal process and may require the extra engagement of other professionals such as architects, engineers, and attorneys.

Stated Intent of the Recommendations is Not Consistent with Actual Language Used. During the 11/26/18 meeting, the Consultant provided examples of replacements that she *intended* to be permissible under her recommendations but which, in fact, could be prohibited by the plain language of the proposed ordinance. The best way to demonstrate the effect of the Consultant’s recommendations is to apply them to actual examples. We do so here.

Example 1: The Consultant stated during the meeting that an owner could replace all wood windows with new wood windows similar in appearance but with an exterior clad in metal to resist the elements. This also avoids the need for separate storms/screens. Applying the required framework from the Consultant’s recommendations at page 10, a homeowner could replace their

wood windows only if “too deteriorated to repair”. It is unlikely that every wood window in a home would qualify as “too deteriorated to repair” based on the picture the Consultant showed demonstrating a window with a significant portion of wood missing due to decay. Indeed, a main reason why homeowners want to replace their wood windows is because they are drafty, often inoperable, need an elevated level of ongoing maintenance, and can pose a concern for lead, especially in homes with children. The cost to repair broken ropes on weights, replace deteriorated glazing putty, adjust and lubricate windows to return them to an operable state, and repair or replace storms/screens, along with ongoing maintenance costs, can be significantly more expensive than the cost to replace using new, low maintenance windows not requiring a separate set of storms/screens. Because economic feasibility is not a consideration in the Consultant’s recommendations, a homeowner could only replace those windows too deteriorated to be repaired. And if repair is too costly, a homeowner could be stuck with windows in a state of disrepair. For the sake of argument, we’ll say one window is too deteriorated to repair. This window could be replaced, but would have to use the “same kind of material” when “feasible”, which could be interpreted to mean wood inside and wood outside (not clad as the Consultant intended to be permissible) along with a storm/screen.

Example 2: The Consultant also stated during the meeting that siding could be replaced on the sides and back of the home with a smooth cement fiber siding. Again, applying the mandatory framework from the Consultant’s recommendations at page 6, one interpretation is that this would not be permitted. It would be unlikely that every strip of siding would be “too deteriorated to repair” on three sides of a home. As above, a main reason why a homeowner would want to replace their siding with a smooth fiber cement siding is because of cost and resistance to weather as compared to wood.⁴ It can cost \$15,000 to \$20,000 to paint a bungalow, and using fiber cement can extend the time to paint to more than 12 years.⁵ It is also far more cost efficient if an owner is trying to replace old vinyl siding. Again, only if “using wood is not feasible” would a compatible material be allowed. The lack of feasibility is generally going to be in cost, not material.

We also note, as discussed below, that nothing in the Consultant’s recommendations treats the side and rear of a home differently than the front as it relates to wood features, including siding, though it was clearly her intent to treat the façade of a home differently than those sides less visible, and we endorse this approach.

Inconsistency with State Law. As you of course know, the State legislature recently amended state law to include a provision that the City, in the repair or replacement of a property in a historic district, “shall allow an owner to use materials that are similar in design, color, scale, architectural appearance, and other visual qualities.” §62.23(7)(em)2m, Wisconsin Statutes. As demonstrated in the examples above, an ordinance framework that requires repair before replace, then replace using the same materials

⁴ Cement fiber siding “combines the performance of masonry – minimal upkeep; rot-; fire-; and termite-proof; unaffected by wind or cold...for just a fraction of the cost” of wood, stone or brick. This Old House website: <https://www.thisoldhouse.com/ideas/all-about-fiber-cement-siding>

⁵ <https://www.angieslist.com/articles/3-common-myths-about-fiber-cement-siding.htm>

when feasible, diminishes application of State law, even rendering it meaningless in some cases. This cannot have been the intent of the legislature when it used the words “shall allow” in §62.23(7)(em)2m.

Failure to Address Sustainability and Aging in Place. The Marquette Bungalow homeowners raised the issues of sustainability and aging in place at each of the three public meetings for our district. The Consultant indicated at the 11/26/18 meeting that she had not addressed sustainability because she had run out of time. We note that one of the goals of the City of Madison in its Historic Preservation Project, dated July 25, 2018, includes the integration of “historic preservation and environmental sustainability policies.” We applaud this goal, and again request that any ordinance revisions permit the use of visually similar energy efficient, low maintenance, and sustainable materials. We also request that such revisions recognize the desire of the owners to continue to inhabit their homes as they age and as mobility declines. The *Accessibility* section of the Consultant’s recommendations at page 15, like those sections discussed above, creates a compulsory, inflexible framework of preservation without regard to cost or technical feasibility when addressing accessibility needs.

Unclear Which Parts of Existing Ordinance the Consultant is Suggesting Should Change. At page 3 of her recommendations, the Consultant suggests adding a definition for “visible from the street”. Her recommendations do not use this term, which indicates she is proposing to retain some parts of 41G of the existing ordinance. However, it is not clear which parts she believes should be retained, making it difficult to comment on the incorporation of any of the recommendations into the existing ordinance. We request the opportunity to comment on a draft that includes underlines and strikethroughs as is utilized when statutory changes are proposed.

We also request that the existing flexible framework in §41.25 is retained. More specifically, this section provides for more flexible alterations on the side of the home and at the rear (e.g., accessory structures at (4)(a); skylights at (5)(c); windows at (5)(f)3. and 4.). And we request that the flexibility for using visually similar materials in §41.25 is retained (e.g., siding at (5)(a); and windows and doors at (5)(f)1.), even on the front facade of the home. We agree with the Consultant’s suggestion at page 26 that standards for review for the primary, front, or street-facing facade would be more stringent than secondary, side, rear, or non-street-facing facades. However, we suggest that any changes to the ordinance retain the clarity of the existing ordinance in terms of what constitutes a primary, front, or street-facing facade with respect to stricter standards (i.e., windows and doors on the front and within 10 feet of the front at (5)(f)2.) Finally, we request that the new ordinance clearly allow for the grandfathering of existing non-conforming features, allowing them to be repaired and replaced as needed through an administrative staff approval. For instance, staff approval for the replacement of old skylights visible from the street with new, low-profile skylights in the same location. Although it was indicated by staff at the 11/26 meeting that such administrative staff approval would be given, there is no assurance of the same outcome in the future without such grandfathering spelled out in the new ordinance.

In conclusion, we again thank you for the opportunity to comment on the proposed ordinance changes, and request the opportunity to review and provide feedback on each actual draft of the ordinance as they become available.

Sincerely,

Signed electronically by the following neighbors residing in the Marquette Bungalows Historic District, representing 63 individuals from 39 of the 47 homes in the district:

Signatures follow

	NAME	STREET ADDRESS
1	Chuck Mitchell member of 1993 workgroup that helped draft the Marquette Bungalows ordinance	1514 Rutledge Street
2	Sally Weidemann member of 1993 workgroup that helped draft the Marquette Bungalows ordinance	1514 Rutledge Street
3	Richard Seguin member of 1993 workgroup that helped draft the Marquette Bungalows ordinance	1440 Rutledge Street
4	Greg Conniff member of 1993 workgroup that helped draft the Marquette Bungalows ordinance	1426 Rutledge Street
5	Dorothy Conniff member of 1993 workgroup that helped draft the Marquette Bungalows ordinance	1426 Rutledge Street
6	Guy Somers member of 1993 workgroup that helped draft the Marquette Bungalows ordinance	1427 Spaight Street
7	Megan Barrow	1520 Rutledge Street
8	Rob Barrow	1520 Rutledge Street
9	Ken Baun	1512 Rutledge Street
10	Douglas Endres	1506 Rutledge Street
11	Marsha Poburka-Endres	1506 Rutledge Street
12	Jim Murphy	1500 Rutledge Street
13	Rosa Garner	1500 Rutledge Street
14	Bertie Donovan	1450 Rutledge Street
15	Ralph Johnson	1446 Rutledge Street
16	Nancy Westphal-Johnson	1446 Rutledge Street
17	Rob Van Nevel	1438 Rutledge Street
18	Anton Jamieson	1438 Rutledge Street
19	Lisa Wilson	1434 Rutledge Street
20	John Krause	1434 Rutledge Street
21	Sally Behr	1430 Rutledge Street
22	Bob McDonald	1430 Rutledge Street
23	Dave Holton	1428 Rutledge Street
24	Linda Kastein Puls	1424 Rutledge Street
25	Michael Puls	1424 Rutledge Street

26	Gale Bender	1422 Rutledge Street
27	Ben Griffiths	1418 Rutledge Street
28	Katie Griffiths	1418 Rutledge Street
29	Devan McGlenn	1521/23 Spaight Street
30	Katie McGlenn	1521/23 Spaight Street
31	Morris Young	1519 Spaight Street
32	Molly Krochalk	1519 Spaight Street
33	David Van Lieshout	1515 Spaight Street
34	Nancy Van Lieshout	1515 Spaight Street
35	Grace Van Berkel	1507 Spaight Street
36	Tony Van Berkel	1507 Spaight Street
37	Gordon Malaise	1447 Spaight Street
38	Donna Malaise	1447 Spaight Street
39	Jim Bertolacini	1443 Spaight Street
40	Ann Sexton	1443 Spaight Street
41	Jordan Petchenik	1439/41 Spaight Street
42	Susan Churchill	1433 Spaight Street
43	Sharon Rickords	1433 Spaight Street #2
44	Gavin Macaulay	1431 Spaight Street
45	Thomas McSweeney	1423 Spaight Street
46	Susan Morrison	1415 Spaight Street
47	Kelly Miess	1415 Spaight Street
48	Nancy Blake	1411 Spaight Street
49	Egor Korneev	615 S. Dickinson Street
50	Kent Elbow	611 S. Dickinson Street
51	Paul West	605 S. Dickinson Street
52	Avicia West	605 S. Dickinson Street
53	RJ Auner	613 Rogers Street
54	Lois Bergerson	613 Rogers Street
55	BethAnne Yeager	612 Rogers Street
56	David S. Schwartz	612 Rogers Street
57	Richard Seitz	608 Rogers Street
58	Erin Jonaitis	604 Rogers Street
59	Graham Jonaitis	604 Rogers Street
60	Brian Stoltenberg	612 S. Thornton Ave
61	Erin Powell	612 S. Thornton Ave
62	Robert Batyko	606 S. Thornton Ave
63	Rolf Rodefelf	602 S. Thornton Ave

For additional information, please contact:

Lisa Wilson, 1434 Rutledge Street,

Jim Murphy, 1500 Rutledge Street,

Additional Public Comments - Marquette Bungalows

604 Rogers Street
Madison, WI 53703

January 1, 2019

Amy Loewenstein Scanlon, Registered Architect
Department of Public Works
Engineering Division
City County Building, Room 115
210 Martin Luther King, Jr. Blvd.
Madison WI 53703-3342

Via Email: AScanlon@cityofmadison.com
historicpreservation@cityofmadison.com

Cc: Landmarks Ordinance Review Committee:
Alder Amanda Hall: district3@cityofmadison.com
Alder Ledell Zellers: district2@cityofmadison.com
Alder Marsha Rummel: district6@cityofmadison.com
Alder Shiva Bidar-Sielaff: district5@cityofmadison.com
Alder Steve King: district7@cityofmadison.com
Jennifer Lehrke, Legacy Architecture: info@legacy-architecture.com

Dear Ms. Scanlon:

On December 10 I attended a neighborhood meeting to discuss the proposed changes to the ordinance governing Madison's historic districts. As a resident of the Bungalows district, I am concerned about lead exposure in our community, which is always a risk in homes built before 1950, when lead was a common additive in paint. I would like the revised ordinance to make it easier for homeowners to preserve their properties in ways that prioritize community safety. At this meeting, it became clear to me that the Landmarks Commission has been working with limited information about childhood lead poisoning and effective techniques for preventing it. I am writing to provide a fuller picture.

Lead exposure is a significant cause of childhood disability¹. High exposure can result in injury to renal, circulatory, and central nervous systems. Lead encephalopathy, if untreated, is often fatal. Further, low exposure has been associated with cognitive impairments, behavioral problems, and problems in school². Several research groups, using different cohorts and different study designs, have consistently estimated that each 10 to 15 µg increase in blood lead level corresponds to an average 2 to 4 point drop in IQ, with no safe lower threshold observed¹. Further, the deleterious effects of lead on cognitive performance may be even larger in lower-achieving children, placing them doubly at risk³. The behavioral problems are more insidious, and perhaps more serious. A recent investigative article in *Mother Jones* laid out the case that decadal changes in population-level criminal activity may be linked to the rise and fall of lead as an additive in gasoline⁴.

Children are at elevated risk of lead exposure for two reasons. First, the oral behaviors of young children lead them to chew on objects that may be coated in lead paint or lead-contaminated dust. For instance, a child who crawls on the floor of an older home and then places her hand in her mouth may be exposed via the dust on the floor. Second, whereas adults sequester 94% of their lead burden in their bones, the constant bone remodeling that takes place during childhood skeletal development causes lead to circulate in the blood for longer periods⁵.

Although there are many environmental sources of lead that can produce toxicity, the primary source of risk for young children is deteriorating lead paint². Windows in older homes, such as those in our historic districts, are a primary source of lead dust⁶⁷. When a window sash is raised, friction with the jamb disturbs the paint on both surfaces, creating dust. This dust accumulates on sills and floors, where it can be disturbed and ingested by small children exploring the home.

The good news is that lead-related disabilities are preventable. According to David Jacobs, former director of the U.S. Department of Housing and Urban Development's Office of Lead Hazard Control and Healthy Homes, and his colleagues, lead-safe window replacement is a preventive measure that could ultimately save the United States as much as \$67 billion, with benefits including improved lifetime earnings of those in older homes, reduced expenditures on childhood attention disorders and other medical problems, and reduced crime in adulthood⁸. In particular, window replacement has been shown to be a more effective long-term solution to environmental lead dust than are other, temporary lead control measures such as specialized cleaning and paint stabilization, with replacement leading to reductions in floor and sill dust of approximately 40 and 50 percent, respectively, relative to homes in which only temporary measures were used⁹.

In 2014, the Department of Health Services issued a report on the lead poisoning in the state of Wisconsin, in which they noted that Wisconsin children are at higher risk of lead poisoning than are those in most other states¹⁰. Madison in particular has a number of census tracts with high proportion of homes built before 1950, presumably including many or most of the historic districts. The report notes specifically that **"Repainting is less effective for controlling lead exposure from surfaces subject to weather, impact, or friction such as exterior walls, doors, or windows"** (page 22) and recommends replacement of deteriorated windows and doors, when finances permit.

Against this evidential background, it is of great concern to me that the proposed ordinance governing our historic districts does not take into account the public health relevance of window replacement in older homes. When the issue of lead abatement was raised at the neighborhood meeting I attended, the city's consultant, Jennifer Lehrke, stated that under the proposed plan, deteriorating paint would not be considered an acceptable justification for window replacement. This rule would in essence prioritize historic preservation over the life, health, and safety of our youngest and most vulnerable residents. This is simply unacceptable. In fact, one could even make the case that replacement of windows in older homes should be supported by city subsidies in much the same manner, and with the same justification, as it subsidizes homeowners in replacing lead-containing water service lines:

ultimately, healthy residents make for a more prosperous city. Absent such subsidies, the City of Madison should at least have the grace to allow homeowners who are concerned about the health and safety of their own children to use their own money on reasonable precautions against lead poisoning. The revised ordinance must contain language permitting homeowners who have evidence that their windows are contaminated with deteriorating lead paint to replace them.

On a final note, it was also concerning to me that, as a professional specializing in historic homes, Ms. Lehrke appeared to be unaware of existing research on common lead exposure routes for children. At the meeting I attended, she expressed both disbelief that windows with deteriorating lead paint are a primary source and dismissal of the utility of window replacement as a preventive measure. It is critical that our representatives be fully informed of the potential public health implications of the restrictions on homeowners that have been proposed.

Sincerely,

Erin Jonaitis

1. Council NR. *Measuring Lead Exposure in Infants, Children, and Other Sensitive Populations*. Washington, DC: The National Academies Press; 1993. doi:10.17226/2232
2. Amato MS, Magzamen S, Imm P, et al. Early lead exposure (<3 years old) prospectively predicts fourth grade school suspension in Milwaukee, Wisconsin (USA). *Environ Res*. 2013;126:60-65. doi:10.1016/j.envres.2013.07.008
3. Magzamen S, Amato MS, Imm P, et al. Quantile regression in environmental health: Early life lead exposure and end-of-grade exams. *Environ Res*. 2015;137:108-119. doi:10.1016/j.envres.2014.12.004
4. Drum K. Sick Kids Are Just the Beginning of America's Lead Crisis. *Mother Jones*. February 2016. <https://www.motherjones.com/environment/2016/02/lead-exposure-gasoline-crime-increase-children-health/>. Accessed January 1, 2019.
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7. Centers for Disease Control and Prevention (CDC) Advisory Committee on Childhood Lead Poisoning Prevention. Interpreting and managing blood lead levels < 10 microg/dL in children and reducing childhood exposures to lead: recommendations of CDC's Advisory Committee on Childhood Lead Poisoning Prevention. *MMWR Recomm Rep Morb Mortal Wkly Rep Recomm Rep*. 2007;56(RR-8):1-16.
8. Nevin R, Jacobs DE, Berg M, Cohen J. Monetary benefits of preventing childhood lead poisoning with lead-safe window replacement. *Environ Res*. 2008;106(3):410-419. doi:10.1016/j.envres.2007.09.003
9. Dixon SL, Jacobs DE, Wilson JW, Akoto JY, Nevin R, Scott Clark C. Window replacement and residential lead paint hazard control 12 years later. *Environ Res*. 2012;113:14-20. doi:10.1016/j.envres.2012.01.005
10. Wisconsin Department of Health Services. *2014 Report on Childhood Lead Poisoning in Wisconsin*; 2014. <https://www.dhs.wisconsin.gov/publications/p01202-14.pdf>. Accessed January 8, 2019.

Consultant Notes from Public Meeting - Mansion Hill

From: [Scanlon, Amy](#)
To: [Jason Tish](#); [Scanlon, Amy](#)
Subject: RE: Notes - Mansion Hill Round 3 meeting
Date: Thursday, December 20, 2018 1:49:40 PM

I made the revision.

From: Jason Tish <[REDACTED]>
Sent: Thursday, December 20, 2018 11:19 AM
To: Jennifer Lehrke <jlehrke@legacy-architecture.com>; Scanlon, Amy <AScanlon@cityofmadison.com>; Fruhling, William <WFruhling@cityofmadison.com>
Subject: Re: Notes - Mansion Hill Round 3 meeting

Oops. The italicized answer to the second questions should obviously be: *No, and yes.*

On Wed, Dec 19, 2018 at 7:20 PM Jason Tish <[REDACTED]> wrote:

Round 3 public meeting
Mansion Hill
Dec. 19, 2018

Differentiation of additions – Why not recommend that additions closely match, architecturally, the original building?

Non-structural features – Can the owner decide to just remove them? Is that kind of alteration covered by the ordinance? *No, and yes.*

If they're dangerous or need to be removed for any reason, is there assistance for that – financial or consultation with city staff?

Will the revisions strengthen the ordinance's regulation of redevelopment, or accumulating/redevelopment of adjacent parcels? *See recommendations for new structures section.*

200-foot rule – Is it common/consistent among other cities?

Will the revisions protect against excessive relocation? Too much relocation reduces the integrity of Mansion Hill HD.

I would like the revisions to regulate maintenance fairly and equally. It's

expensive, and I spend the money to keep it up. It's not fair when others let theirs deteriorate while I'm maintaining mine.

Where do your recommendations depart from the SOIS standards? It would be very helpful for us to know what you omitted from the SOIS in bringing them into your recommendations

I want the revisions to hold the line on demolitions, new construction, relocations. We need it to be predictable.

Can we require better modeling/rendering for large proposed projects, so that we can have a better 3D idea of what the proposal will produce?

I'd like there to be funding available for HD property owners, similar to what TIF does for big developers.

More education about, and recognition of, historic properties and HDs.

I'd like to be able to salvage materials from demolitions in other areas of the city.

--

- Jason

--

- Jason

Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Dictating colors seems to be going too far.

Metals: Wrought and Cast Iron, Steel, Pressed Metal, Terneplate, Copper, Aluminum, and Zinc

dictating colors seems to be going too far

Building Features & Systems

Roofs

Why should roof materials "be similar to the roof materials on existing structures" w/in two hundred ft of subject property? E.g. an 1850's bldg has had metal roof. 1910s + 1920s bldgs around it has/had shingles. Weird requirements.

Windows

Entrances & Porches

Can we mandate where solar panels go? I thought state statute disallowed that.

Storefronts

Mechanical Systems

All should reference ^{facing} a public ROW not at front facade and be clear that it applies to being visible from those ROWs (including lake)

Building Site Wow

Code Required Work

Accessibility

Since a ramp is temporary, don't include prohibition of this. Using a ramp could be less damaging, is historic fabric than what is suggested.

Life Safety

Recommendations for the Standards for Review for New Additions

General

what is a "full bag"?

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements



Building Features & Systems

Roofs

The dormer standard makes no sense to me.

Windows

Entrances & Porches

Building Site

Several parking lots in MH are not legal/approved.

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Structures

General

!!!
least a very high priority is to get heights in zoning & heights in downtown plan to be compatible & consistent with historic district. Causes big problems. Include DRI+2 that are in MH Hist Dist 8th bullet

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Building Features & Systems

Roofs

Windows

What is a "mill finish"?

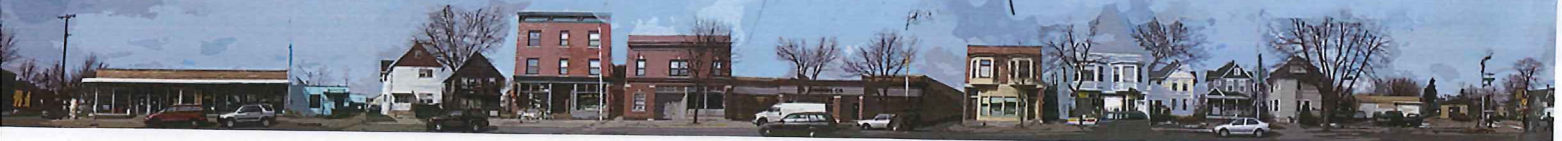
Entrances & Porches

Building Site

Recommendations for a Spectrum of Standards for Review

General Comments

Not just primary front or street facing facade - include back side that faces a public ROW



Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Metals: Wrought and Cast Iron, Steel, Pressed Metal, Terneplate, Copper, Aluminum, and Zinc

Building Features & Systems

Roofs

Windows

Entrances & Porches

Storefronts

Mechanical Systems

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Additions

General

Building Materials

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Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Structures

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

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Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Recommendations for a Spectrum of Standards for Review

General Comments

Landmarks Districts should be better recognized w/ signs etc.
123 W. Helman should probably be a National Historic Landmark



Additional Public Comments - Mansion Hill

From: [Frances Ingebritson](#)
To: [Scanlon, Amy](#)
Subject: Ordinance Recommendations after Dec. 19, 2018 Mansion Hill Historic District meeting
Date: Monday, December 24, 2018 8:47:39 AM
Attachments: [Design Guidelines and Application Materials - .pdf](#)
[ATT00001.htm](#)

Amy,

These are my primary recommendations:

Each historic district in Subchapter G must have design guidelines based on each district's character-defining features.

Examples from Minneapolis and Denver.

<http://ci.minneapolis.mn.us/www/groups/public/@cped/documents/webcontent/wcms1p-152847.pdf>

https://www.denvergov.org/content/dam/denvergov/Portals/646/documents/landmark/design_guidelines/Character_defining_features/Character_defining_features-Wolff_Place.pdf

Madison has a problem with developers who provide inadequate and sometimes false information when they submit design review materials. Denver's Design Review applications forms for historic properties are excellent (pages 2- 6).

Consultant Notes from Public Meeting - Third Lake Ridge

From: [Jason Tish](#)
To: [Jennifer Lehrke](#)
Cc: [Scanlon, Amy](#); [Fruhling, William](#)
Subject: HPP - Notes from Round 3 public meeting - TLR
Date: Thursday, December 13, 2018 6:54:52 PM

HPP – Round 3 HD meeting, First Settlement – Dec. 13, 2018

- One set of Standards for all HDs?!
 - Yes.
 - Skeptical, different HDs have different characteristics
- How does the ordinance address the threat of flooding?
 - Good question, we'll give that some consideration
- D. Mollenhoff is skeptical of universal standards for all HDs, contends that differences will eventually shake out.
 - Lots of skepticism about universal standards – may not work in eclectic area like Williamson St.
- What about excess costs of complying with standards?
- Windows – I see they can be replaced, but is it the owner's call or would it be reviewed by LC? If an owner would prefer to replace old windows, can we do that?
- 200-foot radius rule – does it make sense in areas with larger lots?
- Glass - tinted, low-E, visible light transmittance. Not a lot of resistance
- Asked for clarity on the difference between standards and guidelines
- Need more details in recommendations – what's the process when the ordinance doesn't address the on-the-ground reality?
- How will properties just outside the P.O.S. be regulated under these recommendations.
- How does the 200-foot radius rule relate to the "spectrum of standards" vis a vis primary/secondary/rear elevations?
- How do these recommendations relate to the LORC process?
- Standards for new const. should be more demanding.
- What if I want to build an addition that is an exact match to my existing historic house?
- Can I demolish a non-conforming (or non-POS) addition
- The scale of new construction in the Williamson St. corridor needs to be reigned in. The HD ordinance does not demand enough regulation of new const. here.
- How will these recommendations improve clarity and prompt decision-making? E.g. Our insurance company refused to write a policy for us when they learned that we are in an HD because of the reputation for slow approvals.

--

- Jason

Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

Building Materials

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Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Metals: Wrought and Cast Iron, Steel, Pressed Metal, Terneplate, Copper, Aluminum, and Zinc

Building Features & Systems

Roofs

Windows

Entrances & Porches

Storefronts

Mechanical Systems

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Additions

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Page 10, second bullet from bottom:
It requires new windows to have similar operation
but later gives examples of double hung existing
but new casement etc being allowed.
This appears to be self contradictory.



Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Structures

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

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Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Recommendations for a Spectrum of Standards for Review

General Comments



Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

*Jean Hart
848 Jennifer St.*

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Metals: Wrought and Cast Iron, Steel, Pressed Metal, Terneplate, Copper, Aluminum, and Zinc

Building Features & Systems

Roofs

Windows

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Storefronts

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Code Required Work

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General

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Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Code Required Work

Accessibility

Life Safety

Fences? No historic fences
have been —

Recommendations for the Standards for Review for New Structures

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Building Features & Systems

Roofs

Windows

Entrances & Porches

Side Views of Residences
on Jennifer St. are important to
retain —
NOT A HOLLYWOOD SET!

Building Site

Recommendations for a Spectrum of Standards for Review

General Comments

Paint Colors should never be
regulated — Only places like Mt Vernon have enough
resources to research colors.



Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Metals: Wrought and Cast Iron, Steel, Pressed Metal, Terneplate, Copper, Aluminum, and Zinc

Building Features & Systems

Roofs

Windows

Entrances & Porches

Storefronts

Mechanical Systems

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Additions

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements



Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Structures

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Recommendations for a Spectrum of Standards for Review

General Comments If historic district A is full of contributing structures built on 1 acre lots, and historic district B is full of contributing structures on 0.2 acre lots, is the 200 foot standard (applied to both) still reasonable/realistic?



Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Metals: Wrought and Cast Iron, Steel, Pressed Metal, Terneplate, Copper, Aluminum, and Zinc

Building Features & Systems

Roofs What about existing non historic materials?

Windows The recommendation to paint over flaking lead paint on windows is incorrect and not acceptable.

Entrances & Porches

Storefronts

Mechanical Systems - Window units? My house is not habitable without A/C. Never considered \$100 removable units to be an "alteration."

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Additions

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

One older resident's
Concern about economic feasibility was brushed off
in an incredibly rude way, insinuating that owners who
can't afford to pay historic material/design upcharges are irresponsible
people. I was appalled, and the consultant should be ashamed.



Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Structures

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

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Recommendations for a Spectrum of Standards for Review

General Comments



Landmarks Commission
Ad Hoc Landmarks Ordinance Review Committee
December 1, 2018

The historic districts standards have an ambitious schedule for the rewrite. Thus, I thought it best to voice my concerns at this time. This comment letter is organized into policy issues and specific details.

POLICY ISSUES

Process

It appears the ordinance rewrite for historic districts has suddenly become a priority. A year and a half after the consultant was hired, the ordinance recommendations were issued (November 20th) and the first district meeting was held not even a week later (November 26th). All district meetings are being held between Thanksgiving and Christmas, not a time period when residents are focused on preparing for and attending meetings. (A year ago, the draft recommendations were scheduled to be to the Landmarks Commission in the summer of 2018, and to LORC in late summer/early fall of 2018.)

Six LORC meetings are scheduled between 1/24 and 2/28/2019 during which, per the consultant, LORC "will delve deeper into the actual ordinance language." Contrast that with the Chapter 41 rewrite, which had 21 meetings between May 2014 and July 2015. Perhaps the thought was that the consultant would resolve a lot of policy issues, thus making LORC's job easier and quicker. If so, I question whether that will be the result.

Legistar contains a summaries of Round 1 and Round 2 meetings (about 1 ½ pages of attendee comments for each meeting). In May 2018 there was an open house, which was part of the Historic Preservation Plan. This meeting allowed sticky notes to be added to various issues. Although this was under the Preservation Plan, many/most comments reflected attendee concerns with ordinance matters. Perhaps these comments should also be included in the records.

Changes to 2015 ordinance revisions

Pages 2-5 of the consultant's report propose changes to Chapter 41, Subchapters A through F, which were enacted in 2015. To the extent that recommendations affect these subchapters, the consultant should explain why the change is required since these sections were thoroughly vetted just 3 years ago.

Lack of differentiation among districts

The consultant was hired to propose revisions to "each of the five local historic district sections." Instead, there is one mass of recommendations.

There is no explanation for the lack of differentiation between the districts. The consultant's presentation to LORC on 10/29/18 suggests, on pages 10 and 12, that uniform standards will fix the problem of the ordinance being "not easy to understand" and also provide clarity. Round 1 and Round 2 comments have no comments about the ordinance being hard to understand because the districts have different standards. There was a comment about the ordinance being hard to understand because of jargon and use of subjective language (which these recommendations do not fix).

There are matters that should vary by district, perhaps not a lot, but at least some. For example, Marquette Bungalows currently require that accessory structures not exceed 15 feet in height. This is incorporated in the recommendations on page 13. Buildings in the Marquette Bungalow district are relatively short and 15 feet makes sense. But in other districts that include many 3 story structures, is 15 feet reasonable? Landmarks recently approved a Jenifer Street garage that was about 20 feet at the roof peak. (Legistar 52526.)

If there is a single set of standards for all historic districts, then MGO 41.11(2), development standards and guidelines, probably would no longer be needed.

Lack of differentiation between residential/commercial

The needs of commercial (in particular, commercial districts such as Williamson) differ from residential, particularly when looking at new construction. There needs to be different standards for commercial areas.

Willy Street BUILD II has height and other standards for Williamson Street. These standards, adopted by the Common Council as a supplement to the Marquette-Schenk-Atwood Neighborhood Plan in 2004, were developed using Better Urban Infill Development funds. The recommendations do not even mention BUILD II, nor are BUILD II's design criteria included. Also of interest, the resolution passed by the Council directed the Planning Unit to prepare the necessary ordinance amendments to update the Third Lake Ridge Historic District Ordinance.

Some of the commercial differences include the following:

- The recommendations state the "main entrance to the structure shall be on the front facade." Commercial often had corner entrances.
- The recommendations state the "entrance shall either be inset or projecting from the plane of the main facade." Commercial did not have projecting entrances.
- The recommendations for new structures include a section on porches. Commercial did not have porches.
- Nothing is recommended regarding commercial mechanicals, other than roof mechanicals. For example, 906 Williamson has an underground garage vent that is prominently visible from two streets. Shouldn't this, at a minimum, be screened? 906 Williamson also has white vents protruding from the sides of the building. These may be necessary for plumbing vents, or dryer exhausts, but

shouldn't they be less visible by purchasing an appropriately colored vent or by painting the vents? There are various cameras attached to the siding of 906 Williamson. Clearly, cameras are not historic, so how should they be addressed?

- The "roofs" section states mechanical and service equipment must be inconspicuous. How does that apply to commercial, such as 706 Williamson? 706 Williamson has a large elevator access on top of the roof, along with a storage/lobby structure and along with a stairway – all about 9 feet in height and all are clearly visible from many perspectives, particularly when entering the historic district from downtown.
- What about massive vents that are required just due to one particular use (e.g., meat smoking) – should that be allowed, or should the property not be able to accommodate that one use?
- "Building materials" does not mention metal panels, which seem to be a necessary finish on commercial buildings these days.
- Balconies on mixed-use or multi-residential buildings are not addressed. Are hanging balconies historically appropriate? What of inset balconies?
- "New additions in densely-built locations (such as a downtown commercial district) may appear as a separate building or infill, rather than as an addition. In such a setting, the addition or the infill structure must be compatible with the size and scale of the historic building and surrounding buildings—usually the front elevation of the new building should be in the same plane (i.e., not set back from the historic building). This approach may also provide the opportunity for a larger addition or infill when the façade can be broken up into smaller elements that are consistent with the scale of the historic building and surrounding buildings."
 - What does compatibility mean in terms of size/scale in commercial areas? If the historic resources on abutting lots have a height of 54 feet and 41 feet, is an 80 foot new structure compatible? At some point compatibility no longer exists. That maximum should be specified. For example, a new structure more than 25% greater in height is not visually compatible with a historic resource. Then, if an applicant has an issue, the applicant could seek a variance.
 - What about compatibility of the proportion and rhythm of solids to voids in the street facade(s) and the rhythm of buildings masses and spaces?
 - Should a standard be created as to what counts as "broken up into smaller elements?" Is 706 Williamson a good example of breaking into smaller elements for commercial?

Standards for Landmarks

MGO 41.09 provides that no person may, without a certificate of appropriateness, (1) add a new structure to a landmark or landmark site or (2) materially alter a landmark or the exterior of a landmark. MGO 41.18(1)(a) provides that any proposed exterior alteration to a landmark needs to meet the Secretary of the Interior's Standards for Rehabilitation. (Those standards are on page 5 of the consultant's recommendations.)

But the ordinance does not require a landmark to comply with the Secretary's Guidelines, and those guidelines were the primary basis for the standards recommended by the consultant (last sentence on page 5 of the recommendations).

If there will be a single standard for review in historic districts, should that standard also apply to landmarks? Should a single contributing building in a historic district be subject to more restrictions than a landmarked building?

Interaction of tax credit approval and need for Landmarks Commission approval

Currently, at least for residential properties, if the property owner receives Wisconsin Historic Preservation Tax Credit approval, those projects do not need to go through approval. (Or, at least mine did not, which included a new roof.) If these standards are adopted, that could no longer occur. The tax credit approval process uses the Secretary's guidelines as guidelines – discretion can be exercised. In contrast, the recommended standards often use "shall" (e.g., "Historically-painted wood features shall be repainted with colors that are appropriate to the building and district."). The tax credit approval process may exercise discretion on an issue in a manner that would not comply with the ordinance requirements.

What is being regulated on a contributing property and to what extent?

There needs to be a clear definition of what side of a building is being regulated. Below are all the different phrases that are used in the recommendations.

- façade
- primary, front, or street-facing facades
- primary and other highly-visible elevations
- street façade
- front façade
- side or rear facades
- main facade
- visible from the street (proposed definition)
- secondary or side façade
- secondary, less-visible elevations
- secondary elevation
- secondary or less-visible elevations
- secondary or non-character-defining elevation
- secondary or minimally-visible elevation

Clearly, the ordinance will regulate the "street-facing façade." Any definition of street-facing façade, or primary façade, or some other alternative, should refer to more than streets – it should refer to something like "facing the public-right-of-way."

- For example, 303 S Paterson, the tobacco warehouse, is within the Third Lake Ridge district -- the long side of the building faces the bike path.

- Or see Legistar 34516, in which an issue arose whether a home facing a court (essentially used just a driveway for residents) had a street façade.
- Or what of lakefront homes – should the ordinance regulate what can be done to the lake side the same as the street side?
- The staff report for 722 Williamson said that the new building partially set back behind the Olds Building “does not technically have a “street façade” along Williamson Street.” The new building is L-shaped and about half of the L is not hidden by the Olds Building – it directly faces Williamson. Shouldn’t this portion of the new building, directly facing Williamson, but substantially set back from Williamson, come within any definition of street-facing? If not, how much set-back is enough before a structure facing the street will not be considered street-facing?

It appears the recommendation is to treat the first 10 feet of the side façade the same as a street facing façade, or at least the recommendations often use 10 feet. Then, though not at all clear, it seems the consultant may be recommending more than 10 feet if the side façade is highly visible:

“Differentiation should be given to blocks where houses are widely spaced apart and the secondary or side façade is clearly visible from the street, versus blocks where houses are closely spaced and the secondary or side façade is not easily visible from the street.”

The consultant should have looked at various gaps and made recommendations. For example, a six-foot gap between buildings may only require the first 10 feet to be treated as a street façade. But if the gap is 30 feet, then the first (unknown but over 10) feet is treated the same as the street façade. The consultant should also have specified where the 10 feet begins -- if there is a front porch, does the 10 feet of the side façade run from the front of the porch or does the 10 feet run back from the main body of the building? Also, this cannot be done on a block-by-block basis as there is substantial variation within many blocks.

The consultant recommends that review “for primary, front, or street-facing facades shall be more stringent than secondary, side, rear, or non-street-facing facades.” Currently, this is done but there are no specific guidelines as what constitutes less stringent treatment. Should there be standards for primary facades and for secondary facades, or is the current discretionary process working?

Rear facades are often clumped with “secondary, less-visible elevations.” Should rear facades be treated the same as secondary, less visible elevations? Do corner properties have a rear façade?

Links to two NPS publications that illustrate “secondary elevations.”

<https://www.nps.gov/tps/standards/applying-rehabilitation/its-bulletins/ITS14-Adding-NewOpenings.pdf>

How to treat structures outside of the period of significance

The consultant recommends that "... a hierarchy of standards in which properties constructed during the period of significance shall be more stringent than properties constructed outside of the period of significance, new additions, or new structures."

- How shall properties outside the period of significance be treated? Saying "less stringent" has no meaning. Guidelines/standards need to be provided.
- What of new additions, or new structures that Landmarks has approved as part of a demolition/new construction project? Should the standards be laxer for those projects? A number of standards are recommended for additions/new structures. Shouldn't those standards continue to apply to an addition/ new structure even after it become an older addition/structure?
- Third Lake's period of significance is 1850-1929. Should a house built in 1930 be subject to laxer standards? At what point would a laxer standard kick in?

References to the Zoning Code should be eliminated

The consultant proposes that "visible from the street" be coordinated with zoning setbacks. This will not work. Zoning setbacks are essentially irrelevant in historic neighborhoods. For example, TR-V1 and TR-V2 have a 20-foot front yard setback (hardly ever happens) and generally have a 6-foot side yard setback. If it is presumed properties have a 6-foot side yard setback, little of the side of a building would be deemed "visible from the street" when, in reality, all of the side might be highly visible. For example, when a driveway or large side yard abuts a building, much more of the side is visible.

The consultant recommends that a definition be added for "area of visual compatibility" and that this only parcels zoned for the same use be considered. This will not work.

- The consultant raises the Elk's Club as an example, but proposes no solution. The Elk's Club has historic residences within 200 feet, and a historic commercial property, the Olds Building, within 200 feet. But the Old Building is zoned PD, so there is not any comparison under the consultant's proposal.
- As another example, 133, 141 and 147 S Butler are zoned UMX and, respectively, are a 3-story newer office building, a modified historic home, and a historic commercial building. 141 and 147 S Butler have common ownership. If the 141/147 owner requests a CoA for demolition and new construction, what would be the historic comparison? There is not any other historic building zoned UMX within 200 feet.
- Residential property should not be excluded. If a commercial building will be constructed, it should also be compatible with historic residences within 200 feet. The commercial property influences the character of the district as a whole.

The consultant proposes under the additions section to require Landmarks to determine whether the addition complies with the Zoning Code: "If the existing principal structure is already nonconforming, any additions or enlargements shall conform to the provisions of this ordinance for new structures, the height restrictions for the zoning district in which the principal structure is located, and Section 28.192." This will not work, nor is it appropriate.

- A great many homes are non-conforming. Using my house as an example, my lot is not large enough, the front setback is inadequate, it is too high, and the back yard may not be deep enough.
- Whether a home is nonconforming or not, any addition/enlargement needs to comply with the Zoning Code (or a variance needs to be sought). So any discussion of nonconforming has no meaning.
- There is not any reason for the Preservation Planner or the Landmarks Commission to determine whether an addition complies with the Zoning Code. Applicants often need both Landmarks and Planning approval.

The consultant proposes height restriction based on the Zoning Code maximum height: "New principal structures shall be similar in height and compatible with the principal structures within two hundred (200) feet of the subject property. The maximum height of principal structures [list of zoning districts and maximum heights]." This will not work.

- The consultant only addresses height in feet, not stories, but the Zoning Code addresses both. For example, TR-C2 has a maximum height of 2 stories/35 feet for single family, as does TR-V1 for single and two family. TSS is 3 stories/40 feet.
- What if the Zoning Code changes and, for example, the maximum TSS height goes to 45 feet? Should the historic district standards automatically change without any oversight from the Landmarks Commission?
- Under the Zoning Code, anyone can seek conditional use approval for increased height. For example, the TSS 3 stories/40 feet is footnoted with "See (c) below." (c) provides: "Building height exceeding the maximum may be allowed with conditional use approval." Thus, if the historic height restrictions are tied to the Zoning Code and the Zoning code allows for additional height under the same section in which height is established, there is not any maximum height – height would be at the discretion of the Plan Commission, not the Landmarks Commission.

The consultant proposes: "The maximum height of accessory structures, as defined in Section 28.211, shall be fifteen (15) feet." Again, this reference to the Zoning Code not work.

- The 28.211 definition: "Accessory Building or Structure. A subordinate building or structure, the use of which is clearly incidental to that of the main building and which is located on the same lot as the principal building, and is subordinate to the principal building in height and floor area."

- Not all potential structures are covered as accessory structures. For example, in the past garden sheds have been regulated under the historic ordinance.
- An "Accessory Building or Structure" does not include an accessory dwelling unit, or a garage that includes a dwelling unit.
- Any definitions of accessory structures, additions, or new structures should be part of the ordinance. A goal of the rewrite is to reduce confusion, and referring to the Zoning Code, particularly when it is not needed, only creates confusion.

Addition versus New Structure

The difference between an addition and new construction is not clear. One could see "new additions" as a connected addition to an existing historic structure. But then on page 18 "separate building or infill" is discussed and on page 22 there is mention of "adjacent new construction."

Does the addition to the Mautz building/Kleuter Grocery count as an addition or as a new structure? Does the addition to 722 Williamson count as an addition or new structure? What about a garage? A garden shed?

Bypassing the Landmarks Commission

The consultant recommends (page 27) that staff by ordinance, be granted the right to approve applications for "identifying, retaining, and preserving; protecting and maintaining; or repairing." Only if staff sees fit would an application be forwarded to the Landmarks Commission.

This contravenes the 2015 ordinance rewrite and provides too much authority to staff. MGO 41.05 provides that the Preservation Planner shall "carry out the duties that the Landmarks Commission properly delegates to the Preservation Planner ..." Those duties were last described in 2010: 11 types of proposals could be decided by the Preservation Planner. Other staff could only approve 2 of the 11 types. In the event the Preservation Planner was out for several days, the Preservation Planner could delegate all 11 types to two specified persons. For the delegation of authority see the last 3 pages of:

<http://legistar.cityofmadison.com/attachments/1c82bf82-62f2-4f05-a290-e1c3daf92886.pdf>

The existing project approval method removed low-impact changes from Landmarks approval process. But unlike an ordinance delegating authority, Landmarks can make changes to the delegation duties/process as it sees fit. For example, Landmarks could opt to review all projects if there is an extended absence of the Preservation Planner. Further, Landmarks has retained tight control on what specific staff members may approve what kinds of projects. If the ordinance delegated to staff, Landmarks could lose any say in what staff member could approve what project. Nor would Landmarks have the ability to quickly react should issues arise, rather an ordinance change process would need to be undertaken. Further, a property owner can appeal a CoA denial to

the Common Council. But under the recommendations, an owner could not appeal a staff denial to landmarks.

Landmarks has specifically retained direct jurisdiction of some projects, such as window alterations, that would, under the recommendations, be decided by staff.

DETAILS

Pages 2-3, 41.02 Definitions:

"Adopt and include National Park Service definitions where possible."

- These should be defined. Which definitions should be used?

"Consider improving 41.02 Definitions to remove many of the redundancies currently contained in Subchapter 41G and make the standards more succinct."

- Identify those redundancies.

"Refine definition of "alteration" to remove the word "addition.""

- In the abstract, this makes sense. But then a definition of "addition" should be provided.

"Add definition of "area of visual compatibility."

- There is an existing definition of "visually compatible." And "visually compatible" is often used in connection with 200 feet.
- The recommendation to only apply "visually compatible" to parcels zoned for the same use does not work, as discussed above.
- The recommendations also state that "parcels must be compatible with other historic resources, not non-historic, non-contributing, or properties constructed outside of the period of significance." This is already in the existing ordinances. See 41.11(2)(a): "Any new structure located on a lot that lies within two hundred (200) feet of a designated historic resource shall be visually compatible with that historic resource, particularly in regards to: ..."

"Add definition of "demolition permit." See City of Evansville's ordinance." And: "Add definition of "stop work order." See City of Evansville's ordinance."

- The City of Evansville seems to have given their Historic Preservation Commission the authority to issue demolition permits and stop work orders. In Madison, this is done by Building Inspection, coordinating with the Preservation Planner. These definitions are not needed unless there will be a transfer of authority.

"Add definition of "directional expression."

- This phrase is used in the existing ordinance, and often is clear: "All street facades shall blend with other structures via directional expression. When

adjacent structures have a dominant horizontal or vertical expression, this expression shall be carried over and reflected."

Add definition of "openings."

Add definition of "proportion."

Add definition of "rhythm."

Add definition of "solids."

Add definition of "voids."

- What are the proposed definitions? Saying that definitions need to be added is not really a recommendation.
- The consultant cites the long history of NPS definitions and how those definitions have been used for decades. Similarly, the words above have also been interpreted by Landmarks for decades. For example, the ordinance uses: "The proportion and rhythm of solids to voids, created by openings in the facades" and "...proportion and rhythm of solids to voids." When used in context, these words seem relatively clear, though there is room for interpretation. Defining them would be difficult. The usual "openings" are windows and doors. But then one would need to think of every possible variation to include –such as the milk slots.

Refine definition of "historic district."

- The consultant provides the NPS definition, so it would appear that is the consultant's proposal. Madison has taken a more expansive view of historic districts.
- There is not any ordinance definition of "historic district" other than a list of what districts have already been approved:
 "Historic District means an area designated by the Common Council pursuant to Subchapter G of this ordinance." MGO 41.02
However, "historic district" is used in Subchapter D, creation of new districts. This is a technical inconsistency that should be corrected.
- What does the NPS definition have that Madison's definition does not? Why should Madison adopt the NPS definition rather than continue the criteria listed in MGO 41.10(2)? The consultant should explain the pros and cons of this recommendation.
- The NPS definition is often strictly enforced – too many noncontributing buildings and an area will not qualify as a district. Plus, if Madison uses the NPS definition, then any district that is NPS listed would, by definition, qualify as a Madison historic district. Is Madison going to add the existing NPS districts (e.g., Sherman Avenue, Wisconsin Memorial Hospital, East Dayton, University Hill Farms)?

Add definition of “visible from the street.”

- This fits in with defining the types of facades/elevations discussed above. If there is not a specific length of side façade defined as being treated the same as the street façade, then “visible from the street” perhaps should be defined.
- The consultant cites Marquette Bungalow’s ordinance. That portion of the ordinance says: “Windows and doors on the front or street facade of the structure and on side faces within ten (10) feet of the front facade ...” The ordinance does not go on to define gaps between buildings and how much of the side is visible.
- The consultant says that this could also be coordinated with zoning setbacks. As discussed above, this does not work.

Page 4, 41.03

The consultant recommends codifying a requirement to identify landmarks/districts on the City zoning map.

- The goal has merit, but an ordinance is not the place. This should be part of the Historic Preservation Plan. I believe the only maps referenced in the ordinances are the ones required under state law (e.g., zoning maps and street maps).

“Consider adding language to the ordinance to codify a requirement to identify landmarks and historic district boundaries on the city assessor’s data.”

- The assessor’s page for each property does identify historic status, e.g., HIS-TL. The assessor’s page does not contain maps, so I do not understand how this is proposed to work.

Page 4, General Notes

“Bold, italicize, or underline words that appear in 41.02 Definitions ... include hyperlinks ...”

- This is not the place – City ordinances do not do this.
- This could be a Historic Preservation Plan goal – that the historic website has a copy of the ordinance with these added enhancements.

“Consider omitting all background information such as Purpose and Intent, Criteria for Creation, Historic Resources, and Reference to Plan. They’re redundant and repetitive and don’t highlight the uniqueness of the district, nor do they need to be codified into the ordinance.”

- These sections do not add anything. But the alternative would be to actually identify the uniqueness of each district.

Page 5, Secretary of the Interior’s Standards for Rehabilitation

MGO 41.11(2) provides general historic district standards and guidelines that the Landmarks Commission should consider for a new ordinance. Not all of the criteria are adequately addressed in the recommendations. For example, the ordinance urges

consideration of the “proportions and relationships between doors and windows in the street and publicly visible façade” and the “proportion and rhythm of solids to voids, created by openings in the facades.” Yet the recommendations only say that the “relationship of solids to voids, alignment, rhythm, and size of the window and door openings of adjacent historic buildings within two hundred (200) feet of the subject property *shall be considered.*” (emphasis added)

The Secretary’s standards, in some respects, complement or reinforce the standards in MGO 41.11(2). In other respects, such as how to maintain a property (e.g., no sandblasting), incorporating the Secretary’s standards would be adding new requirements. Verbatim incorporation of the Secretary’s standards needs to be carefully considered.

Page 5, Secretary of the Interior’s Guidelines for Rehabilitating Historic Buildings

The recommendation is to incorporate portions of the guidelines into the ordinance. The consultant states that the recommended standards for alterations, additions and new construction “rely heavily upon applicable portions of the Guidelines.”

Ordinance standards must be followed. The Secretary’s guidelines are just guidelines. That distinction needs to be remembered when reviewing the proposed standards so that hard and fast rules are not made when there could be valid exceptions. (For example, the recommendations seem to say that look-alike slate shingles are prohibited. Yet the state approved my slate look-alike shingles for tax credit purposes.)

Standards, General Comments

There are instances where the recommendations are the same for alterations, additions and new construction, e.g., types of roofing materials, life safety. A section for general standards would make the recommendation much clearer.

Recommendations for the Standards for Review for Alterations

There are new requirements that could be onerous to property owners and are not needed. Yes, some of these items might prettify the look of the historic districts. But there is a balance, particularly with residential, to be made for preserving the structure and making living accommodations.

- No A/C units on the street facades. Temporary things such as this, things that do not harm the structure, should not be prohibited. (The only place I can put my window A/C is in a front window because the other windows are way too large or too small.)
- No A/C compressors in front. Some properties are built to all lot lines except for the front. Currently, it seems the requirement is that compressors need to be screened if visible from the street.
- “Historically-painted wood features shall be repainted with colors that are appropriate to the building and district.” So who decides this? Is the City going

to create a palette of acceptable colors and color combinations? Will it vary by district (no other recommendation varies by district)? As I was once told by Building Inspection: "Beauty is in the eye of the beholder." Residents should be able to create a home with colors that the resident likes. Again, color is a temporary matter, one that does not harm the historic structure.

- "Thermal devices (such as infrared heaters) may be used to carefully remove paint when it is so deteriorated that total removal is necessary prior to repainting." I am working on doing this – it allows for a paint job to last much longer, and allows for deteriorated wood to be found and replaced. It should not be limited to instances when paint is so deteriorated that it cannot be repainted.
- Rear decks must have wooden handrails. Decks are not historic, so if a non-historic addition on the rear will be allowed, why does the handrail need to be constructed of a historic material?
- "Wrought iron, simulated wrought iron, and wood fences are permitted. Chain link, metal mesh, vinyl, composite, bamboo, reed, and other rustic style fences, such as rough sawn wood or split-rails, are prohibited. Fences in the front yard shall not exceed three (3) feet in height." Again, fences are temporary and do not damage the historic resource. I have a section of metal mesh fence that is historic – the posts are set in the concrete retaining wall, so metal mesh can be historic. Also, some residents only have a yard in the front of the house. If they want to corral the kids or the dog, a 3-foot high fence is insufficient.

Enforcement of standards is another concern. Some of the recommendations are near to impossible to enforce, which could lead to selective enforcement.

- Will the City police A/C window units in the front windows?
- Will the City make an owner repaint?
- "Mechanical tools should be used only by skilled masons in limited circumstances and generally not on short, vertical joints in brick masonry." How can hand-raking of mortar joints be enforced? This is a laudable goal, but extremely hard to achieve. One only need look at the Mautz building renovation. The Mautz windows are outlined with the ends of bricks. These bricks are rectangular, but in areas where the mortar was removed the bricks now have a trapezoid shape. Plus, there are places where the horizontal joints have become wider due to grinding and these wider joints are clearly visible in some places.
- How will the City enforce the products used to clean masonry?
- How will the City enforce gutter cleaning?
- How will the City enforce the lubrication of window friction points?

"Repointing mortar shall duplicate the strength, composition, color, texture, width, and profile of the historic mortar joints." My neighbor's house has crushed oyster shell in the mortar – how does one duplicate that texture?

"Installation of insulation, artificial siding, cementitious materials over masonry is prohibited." Landmarks approved EIFS on 722 Williamson in 2016.

The “paints, finishes, and colors [of wood features] shall be identified, retained, and preserved.” It is unlikely that any home retains its original paint surface. So do residents need to pay for an analysis of the original paint color? Do residents need to use that color? (This is not a requirement for historic tax credits.)

“Coatings that encapsulate lead paint shall be used where the paint is not required to be removed to meet environmental regulations.” What environmental regulations apply?

“Re-siding with asbestos, wide clapboards over four (4) inches in exposure, composite clapboards with faux wood grain texture, diagonal boards, vertical boards, rough sawn wood, rough split shingles, shakes, aluminum, and vinyl siding are prohibited.” My house siding has 6½ inches of exposure. Exposure should depend upon what is original to the house, not an artificial standard.

“The removal of [roof] decorative and functional features visible from the public right-of-way is prohibited.” Weather vanes are listed as one of those elements. Is the City really going to require an owner to repair, or have a custom duplicate made, of a weather vane? Parapets are also listed as needed to be retained – does this apply only to the primary facades or to all facades?

A list is provided of prohibited roofing materials. In some cases, some of these prohibited materials may be historically appropriate. Some level of discretion should be provided.

“Continuous ridge vents shall be permitted provided that the vents extend to the front edge of the fascia and are covered with the same material as the main roof.” The shingles over the roof vent can have a thickness double the roofing shingles. Does this count as the “same material?”

“Static vents, electric vents, wind turbines, and attic fans not visible from the public right of way shall be permitted.” If the gable end of a house faces the street, any venting will be visible from the street. What are the owners to do?

“Skylights shall be permitted on side roof slopes provided the front edge of the skylight is at least ten (10) feet back from the front edge of the main roof.” “... skylights visible from the public right-of-way [are prohibited].” Which is it? Skylights 10 feet back from the front edge of a roof are generally visible from the street.

“Mechanical and service equipment on the roof (such as heating and air-conditioning units or solar panels) when required for a new use shall be installed so that they are inconspicuous on the site and from the public right-of-way and do not damage or

obscure character-defining historic features.” State law regarding solar panels should be reviewed, as this language appears to be too restrictive.

“Historic windows visible from the public right of way and less than ten (10) feet from the front façade shall be retained and preserved.” Again, 10 feet may or not be appropriate depending upon the gap between buildings and what is visible from the public right-of-way.

“The historic operability of windows shall be sustained by ... replacing deteriorated gaskets or insulating units.” I don’t know what this means since I am unaware of historic windows that have gaskets or insulating units.

“Window frames and sashes shall be repaired by patching, splicing, consolidating, or otherwise reinforcing them using recognized preservation methods.” And what are those methods? If the purpose of the rewrite is, in part, to clarify and simplify, the ordinance needs to provide more than vague references.

Clear glass or low-e glass that meets certain specification is all that is allowed. My house has a historic etched glass window. These should also be allowed so that privacy (e.g., bathrooms) can be ensured. Landmarks recently approved a window filled in with glass block. Is that something that is allowed? A window on a Spaight home has been boarded over with the window frame remaining. Is that allowed? What of leaded glass windows?

“The sills of original window openings on rear or other secondary, less-visible elevations more than ten (10) feet from the front facade, may be raised to serve bathrooms and kitchens” Again, this should depend upon the gap between structures and visibility. Privacy concerns can be addressed by allowing heavily etched glass rather than raising of window sills.

“New window openings where none previously existed on rear or other secondary, less-visible elevations more than ten (10) feet from the front facade, may be added if required by a new use.” Again, this should depend upon the gap between structures and visibility.

No mention is made of replacement window materials. For example, are vinyl windows permitted?

“An entire entrance or porch that is too deteriorated to repair (if the overall form and detailing are still evident) shall be replaced ...” What if the porch is in the rear of the building?

“Storm doors shall be compatible with the entrance door and the overall design of the building.” What does this mean? Is the Larson screen/storm combo door allowed?

What of full-light storms, or security storms that have the intricate pattern over the glass?

"All doors shall be varnished or painted or finished with a material that resembles a painted finish. I use shellac – does that count? Or what about polyurethane?

"Porch pilasters, columns, or posts shall be trimmed with decorative molding at the top and bottom of the posts." What if decorative molding did not originally exist?

"Solid wall porch balustrades and stair wing walls shall be covered in siding to match the structure." Though this may be the standard, there are some existing variations that appear to be original. What of stone wing walls?

"Porches on secondary, less-visible elevations more than ten (10) feet from the front facade may be enclosed with wood-framed screens or storm windows similar in proportion to windows on the structure, on the condition that the balustrade be retained and preserved, repaired, or replaced in a design compatible with the historic character of the structure. The wood-framed screens or storm windows shall match the color of the porch and be placed behind pilasters, columns, or posts and balustrades so they do not obscure those features. Screening porches visible from the public right-of-way is allowed, but enclosing porches visible from the public right-of-way is prohibited."

- First and last sentences are somewhat contradictory (10 feet versus visible).
- Wood-framed screens are not always needed. My neighbors have metal frames on their screened-in porch. The work is so well done that it is basically hidden by the wrought-iron supports (and the wrought-iron is, I believe, historical).
- What does "enclosing porches" mean? This paragraph addresses screen/storms. Is it now also addressing full enclosure in order to turn the porch into living space? If so, shouldn't that be addressed under additions?

Many of the above comments also apply to storefronts. Storefronts should not have an entire separate set of standards. Rather, the unique aspects of storefronts should be addressed.

"Missing awnings or canopies that can be historically documented to the building may be replaced, or new signage, awnings, or canopies that are compatible with the historic character of the building may be added."

- What of lighting (e.g., exterior florescent bulbs)?
- Is this suggesting that signage requires Landmarks approval? If so, that would be a good recommendation.

"Split system mechanical units on primary and other highly-visible elevations are prohibited." "Window units on primary and other highly-visible elevations are prohibited." "Air conditioning compressors on primary and other highly-visible elevations are prohibited."

- This contradicts current practice. Window A/Cs are temporary. Here “highly visible is used, other times 10-feet of the side elevation is used – there needs to be consistency.

“Mechanical equipment on the roof may be installed, when necessary, so that it is minimally visible to preserve the building’s historic character and setting.”

- If equipment is highly visible, if that still okay? Or would the mechanical equipment be prohibited?

“The historic relationship between buildings and the landscape shall be retained.” This includes “vegetation, such as trees, shrubs, grass, orchards, hedges, windbreaks, or gardens.”

- It is unlikely much original vegetation remains. Of what may be original, vegetation dies. Do owners need to recreate historic landscape, e.g., hedgerows? What if one wants to add a driveway?

Building site features to be retained include “water features, including fountains, streams, pools, lakes, or irrigation ditches; and subsurface archeological resources ...”

- Does this mean that permanent dewatering is not allowed?

Site features also include “or burial grounds which are also important to the site.”

- No historic district, to my knowledge, has burial grounds. There are burial grounds listed as landmarks. If this ordinance is changed to apply to landmarks as well as historic districts, burial grounds have their own set of needs/concerns that should be separately addressed.

“Poured concrete retaining walls with a smooth rubbed finish and under twenty-four (24) inches in height, flagstone, and stone ashlar retaining walls are permitted. Proposals to construct front yard retaining walls of other materials must be submitted to Landmarks Commission for approval prior to installation.”

- A number of retaining walls are on the City right-of-way. Will the City be required to go through Landmarks approval?

There is not any limitation to the building site. Building features are only highly regulated if street-facing/visible from the public right-of way. The building site section would regulate back yard features the same as front yard features.

Instead of these vague standards, perhaps the City should survey and identify historic features that need to be retained (e.g., the carriage stepping stone at the Curtis house). Then it will be clear what needs to be kept.

“A gradual slope or grade to the sidewalk shall be added to access the entrance rather than installing a [accessibility] ramp that would be more intrusive to the historic character of the building and the district.”

- This is highly unlikely considering how close most homes are to the sidewalk. It should be a consideration, not a requirement.

The life-safety section seems a bit odd. NPS publications address items such as impact resistant windows (for hurricane and terrorism mitigation), lead based paint, and seismic retrofits. Rather than having an unexplained life safety section, specific life-safety measures should be addressed as applicable. For example, second egress stairs are specifically addressed. But the recommendations are inconsistent: a new exterior stair should preserve character-defining features and spaces versus the stairway must be placed in a new addition on a secondary elevation.

Recommendations for the Standards for Review for New Additions

"New additions on the front of the principal structure are prohibited."

- What if an owner wants to add on a porch that has been removed?

"No addition shall be higher than the existing principal structure."

- Even reaching the height of the historic structure may detract from historic significance.
- Also, new accessory structures have a recommended maximum of 15 feet. Is there a reason to treat additions and new structures differently?

"If the existing principal structure is already nonconforming, any additions or enlargements shall conform to the provisions of this ordinance for new structures, the height restrictions for the zoning district in which the principal structure is located, and Section 28.192."

- See discussion above about incorporating the Zoning Code.
- MGO 28.192 includes height so a separate mention of height is unnecessary.
- The recommendation says additions and enlargements on nonconforming properties need to "conform to the provisions of this ordinance for new structures." A new structure has a separate set of recommendations that an addition. So enlargement/addition standards are based on whether the existing structure is nonconforming (new structure standard) or conforming (addition standard)?

"The same forms, materials, and color range of the historic building shall be used in a manner that does not duplicate it, but distinguishes the addition from the original building."

- The addition cannot be painted the same as the house colors?

"The addition shall be stylistically appropriate for the historic building type (e.g., whether it is residential or institutional)."

- "Institutional" includes schools, libraries, etc. It does not include commercial.

"New additions in densely-built locations (such as a downtown commercial district) may appear as a separate building or infill, rather than as an addition. In such a setting, the addition or the infill structure must be compatible with the size and scale of the historic building and surrounding buildings—usually the front elevation of the new building should be in the same plane (i.e., not set back from the historic building). This approach may also provide the opportunity for a larger addition or infill when the façade can be broken up into smaller elements that are consistent with the scale of the historic building and surrounding buildings."

- All existing historic districts are in densely built locations. Additions need to be distinguished from new structures.
- For comments on the proposed standards, please see the section under standards for new structures, below pages 20-22.

"A compatible rooftop addition for a multi-story building, when required for a new use, shall be designed that is set back at least one full bay from the primary and other highly-visible elevations and that is inconspicuous when viewed from surrounding streets."

- What is a "rooftop addition?" Does a new patio count? Does added mechanical ventilation count? Does a 12 foot elevator shaft count? Or is it just an additional story?
- "... when required for a new use ..." Just because an owner wants to create a new use does not mean that new use is compatible with a historic structure. This language implies entitlement.
- What is the meaning of "one full bay?"
- "One full bay" and "inconspicuous when viewed from surrounding streets" could be two different standards. Does "inconspicuous" mean "unobtrusive" or does it mean "not seen?"
- A different standard is provided is provided under "roofs" on page 19 – see the second bullet point: "Rooftop additions, decks or terraces, dormers, or skylights when required by a new or continuing use shall be designed so that they are inconspicuous and minimally visible on the site and from the public right-of-way and do not damage or obscure character-defining historic features."

Comments above under recommended standards for alterations regarding building materials, roofs, windows, entrances and porches, building site, and life safety also generally apply to standards for additions.

"New dormers shall be no less than twelve (12) feet from the front edge of the roof."

- This precludes new dormers on properties where the roof (not the gable end) faces the street.

The section on additions arguably does not address new separate structures, such as a garage or shed.

- Do those structures come under the standards for additions or under the standards for new structures?

Recommendations for the Standards for Review for New Structures, pages 23-27

"A new building may be added to a historic site or property only if the requirements for a new or continuing use cannot be accommodated within the existing structure or structures."

- This language can be read to mean that an applicant is entitled to an addition if any desired use cannot be accommodated within the existing structure. Want an additional bedroom? Want to build a 100-unit apartment building? A property owner's wants is not relevant under the current ordinance. The ordinance currently promotes "architectural compatibility of new construction and exterior alterations in a historic district." MGO 41.02.

"New construction shall be located far enough away from the historic building, when possible, where it will be minimally visible and will not negatively affect the building's character, the site, or setting."

- If there is not enough lot space to locate new construction far enough away from a historic building, then the negative impact is allowed?

There are four recommendations addressing various aspects of compatibility. These need to be clarified/consolidated since the language conflicts to varying degrees.

- (1) "The massing, scale, relationship of solids to voids, alignment, rhythm, and size of the window and door openings of adjacent historic buildings within two hundred (200) feet of the subject property shall be considered."
 - Considered? This would be an extreme downgrade for standards for new construction. Currently, all districts (except the 2-block Marquette Bungalow district) require compatibility. There may be different opinions of what is compatible, differences that can cause vigorous debate, but the standards exist. "Shall be considered" merely means that the Landmarks Commission needs to think about compatibility, but they can opt to ignore compatibility (or the Council can ignore).
 - Third Lake requires visual compatibility with respect to height and volume for employment zones. Mixed use, commercial use, and residential use requires visual compatibility with respect to (a) gross volume; (b) height; (c) the proportion and rhythm of solids to voids in the street facade(s); (d) the materials used in the street facade(s); (e) the design of the roof; and, (f) the rhythm of buildings masses and spaces.
 - Mansion Hill requires visual compatibility with respect to (a) height; (b) gross volume; (c) in the street elevation(s) of a structure, the proportion of width to height in the facade(s); (d) the proportions and relationships

of width to height of the doors and windows in street facade(s); and, (e) the proportion and rhythm of solids to voids created by openings in the façade.

- University Heights requires that the gross area of the front facade, i.e., all walls facing the street, of a single-family, two-unit or commercial structure shall be no greater than one hundred twenty-five percent (125%) of the average gross area of the front facades of structures within two hundred (200) feet of the subject property.
- First Settlement requires that new principal structures be similar in height to the structures directly adjacent to each side. If the structures directly adjacent to each side are different in height, the new structure shall be of a height compatible with the structures within two hundred (200) feet of the proposed structure. New principal structures shall be compatible with the scale, proportion, and rhythm of masses and spaces of structures within two hundred (200) feet of the proposed structure.
- Rather than downgrading existing standards, those standards should be better defined.
 - If the historic resources on abutting lots have a height of 54 feet and 41 feet, is an 80 foot new structure compatible?
 - At some point compatibility no longer exists. That maximum should be specified. For example, a new structure more than 25% greater in height is not visually compatible with a historic resource. Then, if an applicant has an issue, the applicant could seek a variance.

(2) "Infill structures in a densely-built location (such as a downtown commercial district) must be compatible with the size and scale of the surrounding historic buildings—usually the front elevation of the new building should be in the same plane (i.e., not set back from the historic building) and the façade can be broken up into smaller elements that are consistent with the scale of the historic building and surrounding buildings."

- This recommendation requires size/scale compatibility, unlike the above point. How are these recommendations reconciled?
- What about compatibility of the proportion and rhythm of solids to voids in the street facade(s) and the rhythm of buildings masses and spaces?
- Should a standard be created as to what counts as "broken up into smaller elements?" Is 1037 Williamson a good example of this breaking into smaller elements for residential? Is 706 Williamson a good example of breaking into smaller elements for commercial?

(3) "New principal structures shall be similar in height and compatible with the principal structures within two hundred (200) feet of the subject property. The maximum height of principal structures [list of zoning districts and maximum heights]."

- Height is only provided in feet, not stories. For example, under the zoning code, TR-C2 has a maximum height of 2 stories/35 feet for single family, as does TR-V1 for single and two family. TSS is 3 stories/40 feet.

- Is this intended to preclude Plan Commission conditional use approval of greater heights? Please see discussion above, on page 7, as to whether this language would preclude additional height through the conditional use process (unlikely).

(4) "The gross area of the front facade, i.e., all walls facing the street, shall be no greater than one hundred twenty-five percent (125%) of the average gross area of the front facades of structures within two hundred (200) feet of the subject property, or the front facade shall be modulated with variations in setbacks that reflect or repeat the rhythm of adjacent historic buildings constructed during the period of significance within two hundred (200) feet of the subject property."

- This adds a limit, unlike #2 above.
- How can a rhythm be repeated in one large building if the historic resources have space between the buildings?

"Site features or land formations, such as trees or sloping terrain, shall be used to help minimize the new construction and its impact on the historic building and property."

- This does not give Landmarks any authority to require site features.

"The maximum height of accessory structures, as defined in Section 28.211, shall be fifteen (15) feet. Accessory structure shall only be erected in the rear yard."

- Landmarks recently approved a garage that was about 20 feet at the roof peak. Legistar 52526.
- Where would a corner property locate an accessory structure?

"Garage doors shall be located on the side or rear facades whenever feasible and shall be similar in design, color, scale, architectural appearance, and other visual qualities prevalent within the historic district. Horizontally paneled doors and flat paneled doors are prohibited."

- Garage doors are only proposed to be regulated for new structures – existing structures do not have any limitation.
- "Side or rear facades" would often require a driveway along the side of a house that the owner would need to make a sharp turn to access the garage. This is generally not feasible on these smaller lots.

"Building materials" does not mention metal panels, which seem to be a necessary finish on commercial buildings. "Exterior insulation and finish systems" should be followed by "(EIFS)." It is also worth noting that alterations to existing buildings can use EIFS – or at least it is not prohibited, and if one calls contractors for stucco repair, EIFS is often proposed.

The "roofs" section:

- Solar panels, under state law, can be installed even if conspicuous.
- Mechanical and service equipment must be inconspicuous. How does that apply to commercial, such as 706 Williamson? 706 Williamson has a large elevator

access plopped on top of the roof, along with a storage structure and along with a stairway of about 10+ feet in height – all are clearly visible from many/all perspectives. One can drive along John Nolen and see these structures over the top of Machinery Row, or along Wilson to Willy, or along Willy heading west, or from Jenifer Street.

- What about massive vents that are required just due to one particular use (e.g., meat smoking) – should that be allowed, or should the property not be able to accommodate that one use?

“Windows” requires clear or low-e glass.

- Unlike alterations and additions, the visible light transmission and reflectance details are not specified. Is this intentional?

“The main entrance to the structure shall be on the front facade.”

- Commercial often had corner entrances.

“The entrance shall either be inset or projecting from the plane of the main facade.”

- Commercial did not have projecting entrances.

Commercial did not have porches.

Nothing is recommended regarding commercial mechanicals, other than a general comment on roof mechanicals.

- For example, 906 Williamson has an underground garage vent that is prominently visible from two streets. Shouldn't this, at a minimum, be screened?
- 906 Williamson also has white vents protruding from the sides of the building. These may be necessary for plumbing vents, or dryer exhausts, but shouldn't they be less visible by purchasing an appropriately colored vent or by painting the vents?
- There are various cameras attached to the siding. Clearly, cameras are not historic, so how should they be addressed?

Respectfully Submitted,
Linda Lehnertz

Bailey, Heather

From: Scanlon, Amy
Sent: Thursday, January 17, 2019 12:06 PM
To: Bailey, Heather
Subject: FW: Notes - Round 3 - University Heights meeting

From: Jason Tish <[REDACTED]>
Sent: Thursday, January 10, 2019 7:27 PM
To: Jennifer Lehrke <jlehrke@legacy-architecture.com>; Scanlon, Amy <AScanlon@cityofmadison.com>; Fruhling, William <WFruhling@cityofmadison.com>
Subject: Notes - Round 3 - University Heights meeting

(Roofs section) What's the rationale for requiring roof materials to be similar to those within 200'?

Rear porch on a historic masonry (sandstone) house that is a later addition (1960s) that does not match. If I remove it and build a new porch, does the replacement need to be masonry to match the house?

If a building was originally designed to have two segments, but one segment was never built, could I build the unbuilt segment according to original plans, i.e. exactly match the built original?

Define "replacement" as it applies to whether staff can approve an alteration, e.g. roof replacement?

Gutters – how will they be regulated? The recommendations don't include them.

Landmarks Commission - How are the members chosen? They should be people who understand buildings and preservation. Some could be very strict in their application of the standards.

Subdivisions – where do the recommendations address this issue? Also setbacks, how are they addressed in the recommendations? I want the ordinance to prevent crowding.

Happy to see recommendations for landscaping. I'm concerned about the flexibility of the interpretation of these. I want the ordinance to protect old trees, other landscape features.

Building site section – is this a new section? How will it affect what we do with landscape of our properties?

Building site section – I like the spirit of the new section, but the language is kind of draconian.

Building site section – I have a historic retaining wall, but it's deteriorating. If I rebuild it, do I need to find historic photo and restore it accurately?

Interiors - Does the SOIS apply to interior of homes?

Additions – sandstone foundation. If I want to move a wall out, do I need to harvest original stone, or can I use a similar product?

Iron work – Can that stay? We have a step up from sidewalk to walkway. Do I need a CoA to alter that?

Fencing – Everyone around us has chain-link fencing in the backyard. Prohibiting chain link would not be popular.

Can you number the paragraphs in the Recommendations. please? Full outline numbering system?

What will be the fiscal implications of the proposal?

--

- Jason

Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Metals: Wrought and Cast Iron, Steel, Pressed Metal, Terneplate, Copper, Aluminum, and Zinc

Building Features & Systems

Roofs

Windows

Entrances & Porches

Storefronts

Mechanical Systems

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Additions

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Process: Please
clarify how these
regulations get applied.

What is
the
process?
You find out
when we
pull a
building
permit?



Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Structures

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Recommendations for a Spectrum of Standards for Review

General Comments

I believe modern new well designed architecture has a place in the ^{contemporam} history of our neighborhood. I see no need to "arbitrarily" define roofline guidelines — let architects who are privileged to design new buildings design whatever roofline they believe is pertinent to the integrity of the structure.



Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

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Windows

Entrances & Porches

Storefronts

Mechanical Systems

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Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements



Building Features & Systems

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Windows

Entrances & Porches

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Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

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Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Recommendations for a Spectrum of Standards for Review

General Comments

interpretation of preservation I think is necessary - but will be difficult to interpret and/or enforce
define or describe more what replacements can be handled by staff



Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

Building Materials

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Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

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Building Features & Systems

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Entrances & Porches

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Life Safety

p. 14, top bullet

landscape language is over broad. Amy's explanation about the importance of landscape elements makes sense, but the first bullet doesn't suggest the priority or priorities Amy mentioned.

Recommendations for the Standards for Review for New Additions

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements



Building Features & Systems

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Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Recommendations for a Spectrum of Standards for Review

General Comments

Need language about what is grandfathered.

Process. What exactly, step by step, should we do when we want to make changes to the exterior of our house?



Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Metals: Wrought and Cast Iron, Steel, Pressed Metal, Terneplate, Copper, Aluminum, and Zinc

Building Features & Systems

Roofs

Windows - some heating systems cannot be modified for air conditioning so not having no window air conditioning

Entrances & Porches

Storefronts

Mechanical Systems

Building Site

Code Required Work

Accessibility

Life Safety

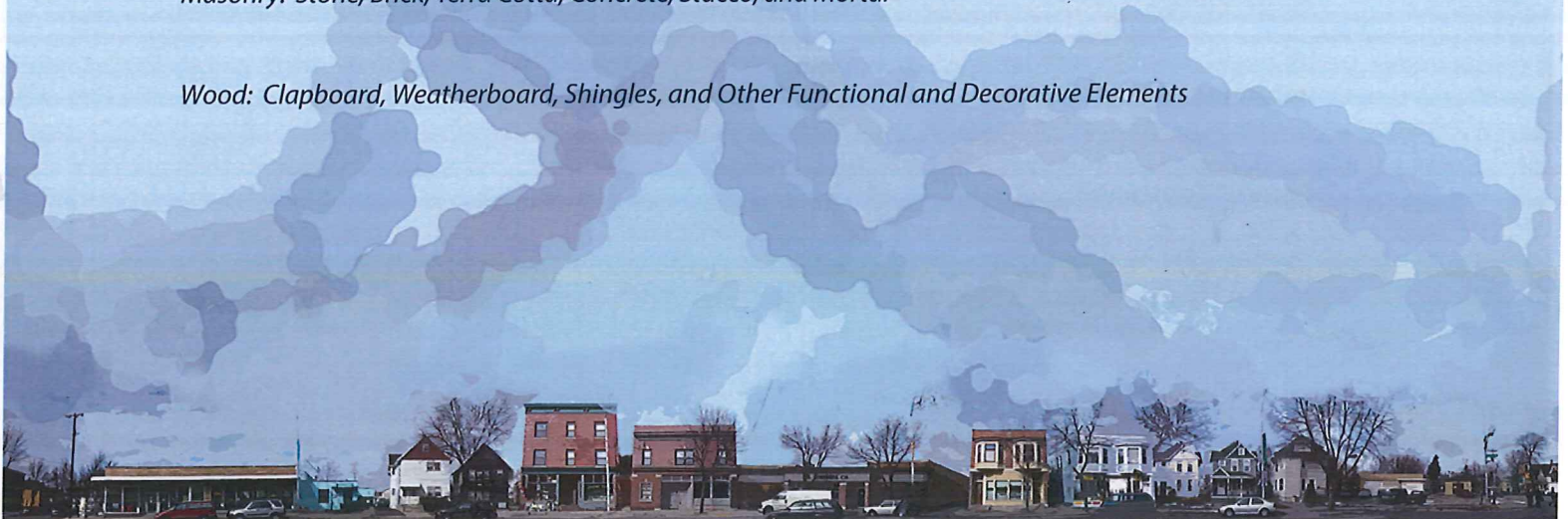
Recommendations for the Standards for Review for New Additions

General *fiscal implications for plan*

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements



Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Structures

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Recommendations for a Spectrum of Standards for Review

General Comments



Ordinance Recommendations

Historic Preservation Project

Recommendations for the Standards for Review for Alterations

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Metals: Wrought and Cast Iron, Steel, Pressed Metal, Terneplate, Copper, Aluminum, and Zinc

Building Features & Systems

Roofs

Windows

Entrances & Porches

Storefronts

Mechanical Systems

Building Site

Code Required Work

Accessibility

Life Safety

Recommendations for the Standards for Review for New Additions

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements



Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Code Required Work

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Recommendations for the Standards for Review for New Structures

General

Building Materials

Masonry: Stone, Brick, Terra Cotta, Concrete, Stucco, and Mortar

Wood: Clapboard, Weatherboard, Shingles, and Other Functional and Decorative Elements

Building Features & Systems

Roofs

Windows

Entrances & Porches

Building Site

Recommendations for a Spectrum of Standards for Review

Reasonable members on the Landmark committee are
desirable

General Comments

*Is the purpose of the ordinance to restrict or enable
changes to modernize or change things?*



Additional Public Comments - University Heights

FW: Historic Preservation Plan Comment re: January 10th meeting

From: Steve Hiniker <[REDACTED]>
Sent: Thursday, January 10, 2019 7:59 AM
To: David Wood <[REDACTED]>
Cc: Historic Preservation <historicpreservation@cityofmadison.com>; Scanlon, Amy <AScanlon@cityofmadison.com>; Bidar-Sielaff, Shiva <district5@cityofmadison.com>; Jane Doughty <[REDACTED]>
Subject: Re: Historic Preservation Plan Comment re: January 10th meeting

Thank you David for your letter in opposition to the proposed revision of the Historic Preservation Plan. I also will not be able to attend the meeting tonight.

I strongly endorse your comments and wish to have my seconding of your comments registered in opposition to the proposed plan. The proposed ordinance is an extreme overreach and would likely result in lowering property values. Improvements like the use of energy efficient materials not compatible with the ordinance would make residences less desirable and less comfortable and less marketable (and more expensive to maintain).

I appreciate the character of the neighborhood and would like to preserve that character. However, the proposal as written is an extreme overreach and I am strongly opposed to it.

I will send in detailed comments upon my return.

Steve Hiniker

On Thursday, January 10, 2019, David Wood <[REDACTED]> wrote:

We cannot attend the public meeting [tomorrow \(Thursday January 10th, 2019\)](#) on the proposed revision of the Historic Preservation Plan due to the last-minute change in date. We would like to register our comments and opposition to the proposed revision of the Historic Preservation Plan and hope that this email will be read into the record at the public meeting.

We have lived in University Heights since February 1990 and purchased our home at 2115 Bascom Street in June of that year. We chose to live in this neighborhood because of its historic character and location, but also purchased our 1922-constructed house knowing that it needed substantial investment to update it, and also to mitigate an earlier 1950s renovation (including yellow, pink, and black plastic kitchen and bathroom tile). We did so with the understanding that it was not listed on the national or state registries of historic places and was not subject to the restrictions of such places. At the time we purchased our property, there was debate within the Landmarks Commission about whether vinyl or aluminum siding and windows should be permitted in the neighborhood. Asphalt shingles were assumed to be the default for roof replacement (we chose to restore to cedar shingles, when it came time to replace our roof). Landmarks asserted no oversight on screens/storm windows (we chose to replace our rotting wooden storms and screens with more-expensive flat-finished combination storms that substantially matched the originals, albeit in white-painted aluminum, not painted wood). We have invested hundreds of thousands of dollars in maintaining and updating our property and believe that all the updates and changes we have made are consistent with the character of the neighborhood (all changes requiring approval by the Landmarks Commission received approval).

We are strongly in favor of maintaining the historic character of the neighborhood, but feel that the proposed revisions to the ordinance are an extreme overreach. Our property is not a listed historic property and we would strongly oppose any attempt to list it as such. Despite the fact that it is not a listed historic property, the proposed revision plan appears to treat our property—and EVERY OTHER property in University Heights and the other historic neighborhoods—using the same standards that the National Park Service uses for listed historic places. Not only does it appear that this standard would have precluded many of the updates we have made to our house (window and storm window replacements,

removal of a non-functional coal chute door, addition of a bay window on a side wall, addition of a screen porch in the back visible from the street), it also appears to require Landmarks Commission review of landscaping changes. While we, and many others in the neighborhood, feel and fear the loss of the heritage trees that have so long defined our yards and neighborhood, the proposed ordinance revision doesn't appear to acknowledge the reality that it is not as simple as stating that these trees shall be "identified, retained, and preserved." At the other extreme, we believe that if the original owners of our house had chosen to plant a hedge (fortunately, they didn't), this shouldn't constrain us to always have a hedge in the same place, with the same type of plants, forever. The new ordinance would appear to require this.

We could go on, but we think we have made our point. The proposed ordinance is a massive overreach that will effectively treat many homes that have historic character, but no particular history, the same as registered historic places. Worse, it will significantly disincentivize many people from investing in this housing stock, which will ultimately lead to its decay and loss of its historic character.

We strongly urge that the proposed Historic Preservation Plan be rejected and a new process be initiated to create a plan that can be supported by all.

Sincerely,

David A. Wood
[REDACTED]

Jane Doughty
[REDACTED]

[2115 Bascom Street](#)
[Madison, WI 53726](#)

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Steve Hiniker

Additional Public Comments - University Heights

Joan Knoebel and Michael Cullenward
1712 Summit Ave
Madison, WI 53726

Comments on Historic Preservation Plan- Ordinance Revision

Good day,

As long-time residents of the University Heights neighborhood, we write with great concern to oppose the proposed draconian changes to the ordinance impacting our neighborhood. Our first thought upon reading the consultant's report was: Whose home is this, ours, or Landmarks?

After reviewing the information provided, we were struck by how much Landmarks would have to say about how our home "looks". For example, see the part in the consultant's report where Landmarks would have the right to tell us to clean out our gutters, or that changes in landscaping would need preapproval. Will we need to run our color choices past the administrator when we repaint?

We understand the purpose of the current ordinance is to provide oversight to major additions or changes to the building, or to determine whether and with what restrictions a new infill house project could proceed.

Ironically, so much of what has already happened to the neighborhood in our 23 years here violated the spirit if not the intent of the existing ordinance. We've watched huge additions get added, at the same time as we've observed the denial of a very minor alteration to a roof pitch shut down the remodel that forced a wonderful, growing family to move away, a family, by the way, who had done a beautiful job restoring that home with their own hard work.

We have seen Landmarks approve two ugly modern homes, actual rules ignored or waived off. Whatever you think of the aesthetic, it's clear that if the commission wants a new house, it'll even ignore the plain language of the current ordinance, which is silent on many matters but does explicitly discuss the need for a new structure to conform to the roof designs of the surrounding homes, oh, never mind.

We have neighbors who were forced to incur much greater expense when putting on new stucco, denied the ability to replace the entire wall of their home, rather, forced to "save" the old stucco and patch around it, with a final result that showed no observable difference other than some preservationist can be content to know they've "saved" a few square feet of original stucco under the new paint. And quite arguably, that repair won't be as durable as if the entire wall had been redone.

We have neighbors forced to return custom whole house window orders because the windows didn't pass muster with the administrator. Never mind energy efficiencies, it's the "look" we're preserving.

Our next door neighbors have an old wooden frame four over four. Landmarks allowed them to finish an attic space and put cement board siding on that new addition. They would not allow them to re-side the entire house in that product, however, despite that old siding flaking lead paint and requiring new paint every other year. The neighbors had to wait out five years or lose their tax benefits before they could finally put that siding on their home. Just for the lead abatement concerns it was stupid to make them wait, but wait they must.

We replaced our roof staying true to the shake shingles originally spelled out, at a cost of \$50,000 as compared to less than half that for asphalt. As you may know, insurance companies are not fans of wooden shingled roofs, greater fire risk, yet comply we did. Shortly thereafter, another nearby Tudor, with a distinctive curving brow roof, that owner replaced her shake shingle roof with asphalt shingles and no one from the city apparently batted an eye. Perhaps the city realized the elderly owner couldn't afford it otherwise.

To be honest, much of what the changes in the ordinance hopes to prevent has already happened over here. Count the number of new garages. Take a look at the massive landscaping projects altering not just the yard but the integral access to the home. It's too late for the worst of it, frankly.

But what it's not too late for is an incredible incursion into what are never-ending home maintenance and repairs as well as landscaping upkeep, care these old houses always need. What exactly are you after here, Old World Wisconsin University Heights?

It's clear the intent is to now require all owners to adhere to the requirements those who currently chose to accept historic designation labor under. We're not interested in that extra expense which doesn't begin to get offset with the tax credit, not to mention the paperwork that requires.

We'll close with this thought. We may not be the ones to have to make this argument, hopefully, but the city should consider whether it is a taking to require existing owners to comply with this new proposal. It's pretty hard to imagine what the public interest is in requiring us to get Amy Scanlon's permission as to the color of mortar we're using to patch our front wall with and to make us pay for a more "authentic" but expensive concrete mixture no one but a preservationist could tell was used. Indeed, it is likely Landmarks already has been exceeding its authority in imposing requirements on those not participating in the historic designation tax rebate program other than what is spelled out in the ordinance, which as we noted above, is mostly honored in the breach.

Sincerely

Joan Knoebel and Michael Cullenward

PS So long as you begin to concern yourselves with whether our gutters are running freely, you might get the city streets department to clean up our streets of leaves and debris. Or ask parking to enforce the two-hour parking restriction, which rarely happens, leaving us as a de facto parking lot for the university.

MEMORANDUM

Date: January 11, 2019

To: Landmarks Ordinance Review Committee
Bill Fruhling, Acting Preservation Planner
Jennifer Lehrke, Legacy Architecture

From: Jeff Vercauteren

Re: Historic District Recommendations

On behalf of Hovde Properties, Keller Real Estate, Mullins Group, Steve Brown Apartments and Urban Land Interests, we appreciate the opportunity to comment on the November 19, 2018 draft Historic District Recommendations. In general, we are encouraged by the recommendation to provide clearer, more uniform standards similar to the Secretary of the Interior's Standards.

Our comments focus on a few areas where the proposed recommendations could be clarified and improved to assure that property owners have the ability to maintain, rehabilitate and improve property to sustain healthy, vibrant historic districts.

- Page 2: The definition of “area of visual compatibility” should allow for compatibility to be reviewed in comparison with other structures of the same type in the district. For example, a proposal for a single-family dwelling should be reviewed with regard to other single-family dwellings in the district. A proposal for a multi-family dwelling should be reviewed with regard to other multi-family dwellings in the district. The requirement to review properties within 200 feet should not preclude a consideration of properties beyond 200 feet. For example, in certain districts there may be an insufficient sample of a certain property type within 200 feet. A less-rigid definition of “area of visual compatibility” would lead to a better comparison with similar properties.
- Page 13, 5th bullet point: The limitation on window air conditioning units is overly restrictive. The cost of other types of HVAC systems is often prohibitive. Window units are often the only feasible solution. This restriction should be removed.
- Page 16, 6th bullet point: The requirement to place elevators and stairways within an existing structure rather than constructing a new addition should be qualified with the phrase “to the extent feasible.” It is often cost-prohibitive to construct new functions and services within the existing structure. To assure the long-term feasibility of existing structures, there should be flexibility in installing new systems, provided any addition is compatible with the existing structure.

- Page 16, 11th bullet point: This restriction on specific forms, materials and color ranges should be removed. There should be flexibility in distinguishing the addition from the existing structure, provided the addition is compatible with the existing structure.
- Page 22, 1st bullet point: The requirement that a new building can be constructed only if the proposed use “cannot be accommodated” within the existing structure should be removed. The use of property can change over time and new uses can be compatible with existing uses (*e.g.*, conversion of single-family dwellings to multi-family dwellings, offices or retail). A new proposal should be evaluated based on compatibility rather than whether the proposed use fits within the existing structure.
- Page 22, 2nd and 6th bullet points: The requirement for new construction to be “minimally visible” fails to contemplate how new construction can enhance an existing historic structure. New construction should be evaluated based on compatibility with the existing built environment rather than requiring new construction to be minimally visible.
- Page 22, 3rd bullet point: As discussed above, the question of compatibility with existing historic buildings should be less rigid than a strict 200-foot comparison and allow for a comparison with buildings of the same type in the district.

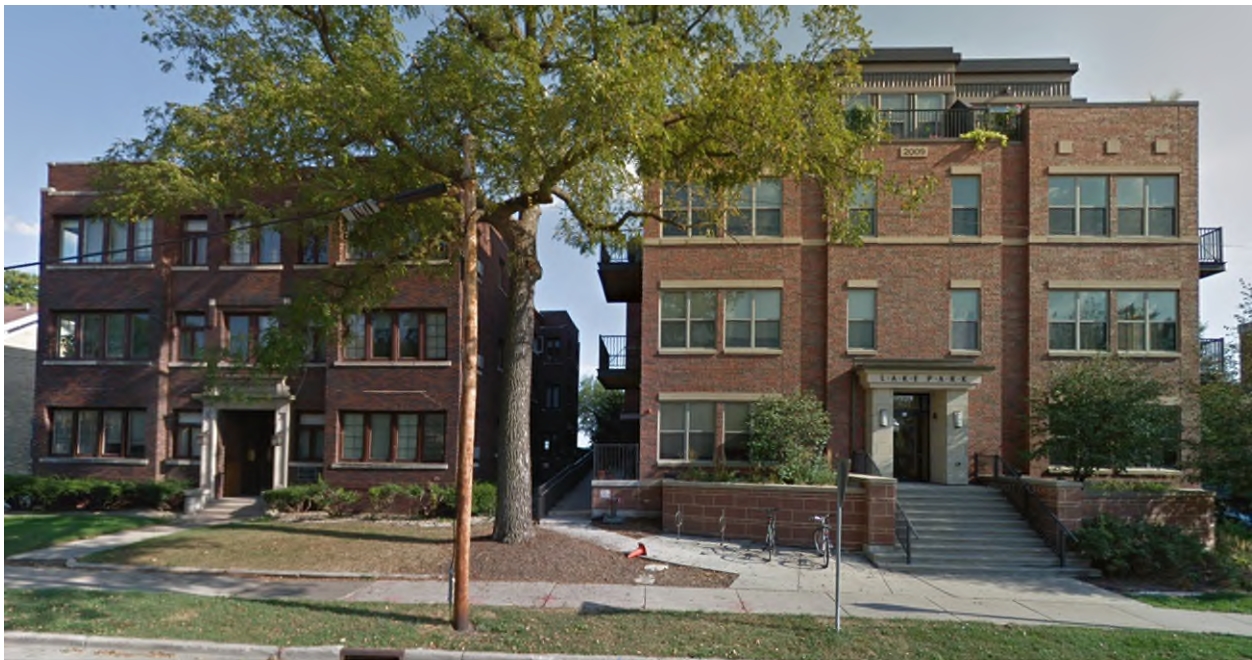


Figure 1: The Dowling Building and the Lake Park Apartments on West Wilson Street.

- Page 22, 7th bullet point: The requirement for infill structures to be compatible with the size and scale of surrounding buildings should be clarified so it does not limit structures that are larger than existing buildings. New structures can be built to be visually compatible with existing buildings while allowing a larger square footage (*e.g.*, Lake Park Apartments next to the Dowling Building on West Wilson Street—see Figure 1).

- Page 22, 8th bullet point: A maximum height should not be established that is different than the maximum height allowed in the applicable zoning district. A requirement that a building be “similar” in height to existing buildings is vague. In some instances, a new structure with a larger height may be compatible with an existing structure even though the heights are not similar (e.g., Baldwin Corners is viewed as compatible in height with adjacent historic structures, though notably taller—see Figure 2).



Figure 2: Baldwin Corners on South Baldwin Street.

- Page 22, 9th bullet point: The requirement for the front façade of a new structure to be no greater than 125% of the average gross area of front façades within 200 feet is overly restrictive. This requirement would prohibit the continuation of a mix of building types with different characteristics. Buildings that are wider and taller than existing buildings can be compatible with existing structures (see Figure 2).

We look forward to continuing to work with you in the adoption of revisions to the historic preservation ordinance, and we are happy to discuss these comments with you further.