City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Agenda - Approved

LANDMARKS COMMISSION

Consider: Who benefits? Who is burdened?
Who does not have a voice at the table?
How can policymakers mitigate unintended consequences?

Monday, February 9, 2026 | **5:00 PM** | **Virtual Meeting**

The City of Madison is holding the Landmarks Commission meeting in virtual format. Important information regarding how to listen to or watch and participate in this meeting:

Written Comments: You can send comments on agenda items to landmarkscommission@cityofmadison.com

Register for Public Comment:
- **Register to speak at the meeting**
- **Register to answer questions**
- **Register in support or opposition of an agenda item (without speaking)**

If you want to speak at this meeting you must register. You can register at https://www.cityofmadison.com/MeetingRegistration. When you register to speak, you will be sent an email with the information you will need to join the virtual meeting.

Watch the Meeting: If you would like to join the meeting as an observer, please visit https://www.cityofmadison.com/watchmeetings.

Listen by Phone: (877) 853-5257 (Toll Free) Webinar ID: 817 0442 0128

Interpretation and Accessibility

Contact us at the phone number or email below to request interpretation, translation or a disability-related accommodation at no cost to you.

Contáctenos al teléfono o correo electrónico listado abajo para solicitar interpretación, traducción o una adaptación especial relacionada con alguna discapacidad sin costo para usted.

如需口譯、筆譯或殘疾相關的便利服務，請通過以下電話或郵件與我們聯系，相關服務均免費提供

Hu rau peb ntawm tus xov tooj los sis email hauv qab no yog tias koj xav tau kev txhais lus, kev txhais ntawv, los sis kev pab cuam cuam tshuam txog tsis taus. Cov kev pab no yog pub dawb rau koj.

608-266-4635
landmarkscommission@cityofmadison.com

Call to Order/Roll Call

Approval of Minutes

January 12, 2026: http://madison.legistar.com/Calendar.aspx

Public Comment

1. 60576 Landmarks Commission Public Comment Period

Disclosures and Recusals

Members of the body should make any required disclosures or recusals under the City's Ethics Code.

New Business

2. 91793 Removing "human burial designation" from Orton Park (District 6)

3. 62133 Amendment to Landmarks Commission Policy Manual

-Updated Elected and Appointed Official Code of Conduct
-Update Chair and Vice Chair election schedule

Demolition Historic Value Review

4. 91329 206 Bernard Court - Consideration of a demolition permit to demolish a commercial building (District 8)

5. 91456 5555 Odana Road - Consideration of a demolition permit to demolish a commercial building (District 19)

6. 91459 5534 Medical Circle - Consideration of a demolition permit to demolish a commercial building (District 19)

7. 91464 2030 Pennsylvania Avenue - Consideration of a demolition permit to demolish a commercial building (District 12)

Adjournment

City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 60576

File ID:	60576	**File Type:**	Miscellaneous	**Status:**	In Committee
Version:	1	**Reference:**		**Controlling Body:**	LANDMARKS COMMISSION
				File Created Date :	05/18/2020
File Name:				**Final Action:**	

Title: Landmarks Commission Public Comment Period

Notes:

Sponsors:

Effective Date:

Attachments: Public Comment Registration 1-11-21, Public Comment Registration 7-26-21, Saloutos comment on South Madison Plan Draft 10-18-21, Public Comment Registration 2-6-23, Klebba Comments 6-13-23, Public Comment Registration 8-28-23, Public Comment Registration 2-12-24, Housing Forward Comments 11-11-25.pdf

Enactment Number:

Author:

Hearing Date:

Entered by: lheiser-ertel@cityofmadison.com

Published Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File 60576

Title
Landmarks Commission Public Comment Period

Public Comment Registrants Report

Landmarks Commission On 01/11/21 5:00 PM				Representing Organization				Lobbying
Agenda Item Registered	Name	Support	Speaking	Y/N	Name(s)	Paid	Duties	Rep
AGENDA ITEM: 1 Landmarks Commission Public Comment Period								
1 01/11/21 07:54 AM	**JAMES GOODMAN** 1031 Williamson St APT 1 Madison WI 53703	Neither support nor oppose	Yes, I want to speak.	No				
		Support: 0 **Opposed**: 0 **Neither**: 1 Counts distinct registrants and removes duplicate votes						
AGENDA ITEM: 3 1315 Rutledge St - Construction of a new garage structure and an addition to a principal structure in the Third Lake Ridge Hist. Dist.; 6th Ald. Dist.								
3 01/11/21 08:21 AM	**MERI TEPPER** 1217 Culmen St Madison WI 53711	Support	Yes, I want to speak.	No				
3 01/11/21 04:00 PM	**MICHAEL WOLFF** 1318 Morrison Street Madison WI 53703	Oppose	Yes, I want to speak.	No				
3 01/11/21 02:11 PM	**NATE ZOLIK** 1315 Rutledge St. Madison WI 53703	Support	I do not want to speak, but I am available to answer questions.	No				
3 01/11/21 02:21 PM	**NINA R. LEBWOHL** 1319 Rutledge St Madison WI 53704	Support	No, I do not want to speak.	No				
		Support: 3 **Opposed**: 1 **Neither**: 0 Counts distinct registrants and removes duplicate votes						
AGENDA ITEM: 4 719 Jenifer St - Demolition by Neglect in the Third Lake Ridge Hist. Dist.; 6th Ald. Dist.								
4 01/11/21 02:57 PM	**RYAN REDA** 510 Nova Way nova way madison WI 53704	Support	Yes, I want to speak.	No				

Public Comment Registrants Report

Landmarks Commission On 01/11/21 5:00 PM				Representing Organization				Lobbying
Agenda Item Registered	**Name**	**Support**	**Speaking**	**Y/N**	**Name(s)**	**Paid**	**Duties**	**Rep**
AGENDA ITEM: 4 719 Jenifer St - Demolition by Neglect in the Third Lake Ridge Hist. Dist.; 6th Ald. Dist.								
4 01/11/21 03:15 PM	**RYAN REDA** 510 Nova Way nova way madison WI 53704	Oppose	Yes, I want to speak.	No				
4 01/11/21 10:56 AM	**TYLER WEAVERS** 719 Jupiter Drive Madison WI 53714	Support	I do not want to speak, but I am available to answer questions.	Yes	Ryan Reda, 719 Jenifer St, Madison. 608-212-8337.	No	Yes	No
		Support: 2 **Opposed**: 1 **Neither**: 0 Counts distinct registrants and removes duplicate votes						
AGENDA ITEM: 5 719 Jenifer St - Exterior Alterations in the Third Lake Ridge Hist. Dist.; 6th Ald. Dist.								
5 01/11/21 03:17 PM	**RYAN REDA** 510 Nova Way nova way madison WI 53704	Support	Yes, I want to speak.	No				
		Support: 1 **Opposed**: 0 **Neither**: 0 Counts distinct registrants and removes duplicate votes						
AGENDA ITEM: 6 946 Jenifer St - Exterior Alterations in the Third Lake Ridge Hist. Dist.; 6th Ald. Dist.								
6 01/08/21 11:23 AM	**PHILIP ASHBY** 221 N Hillside ter Madison WI WI	Support	Yes, I want to speak.	Yes	Barbara Swan 151 E. Wilson St., #1309 Madison, WI 53703 608-514-3421	Yes	No	
6 01/08/21 12:23 PM	**AARON MONROE** 720 Hill St. 100 Madison WI 53705	Support	Yes, I want to speak.	Yes	Homeowner: Barbara Swan 946 Jenifer St., Madison, WI 53703 (608) 514-3421 General Contractor: Architectural Building Arts, Inc. 720 Hill St., Madison, WI 53705 (608) 233-2106	No	Yes	No

Public Comment Registrants Report

Landmarks Commission On 01/11/21 5:00 PM				Representing Organization				Lobbying
Agenda Item Registered	**Name**	**Support**	**Speaking**	**Y/N**	**Name(s)**	**Paid**	**Duties**	**Rep**
		Support: 2 **Opposed**: 0 **Neither**: 0 Counts distinct registrants and removes duplicate votes						
AGENDA ITEM: 7 505 S Dickinson St - Exterior Alteration in the Third Lake Ridge Hist. Dist. - Replacement of windows; 6th Ald. Dist.								
7 01/11/21 05:01 PM	**THOMAS ULVE** 1621 Broadway 1621 Broadway Wisconsin dells WI 53965	Support	I do not want to speak, but I am available to answer questions.	No				
7 01/11/21 04:59 PM	**BEN ALTSCHUL** 211 N dickinson madison WI 53703	Support	No, I do not want to speak.	No				
		Support: 2 **Opposed**: 0 **Neither**: 0 Counts distinct registrants and removes duplicate votes						
AGENDA ITEM: 8 1021 University Ave - Exterior Alteration to a Designated Madison Landmark (Luther Memorial Church) - Reconstruction of signage; 8th Ald. Dist.								
8 01/08/21 09:23 AM	**VINCENT MICHA** W61 N617 Mequon Ave Cedarburg WI 53012	Support	I do not want to speak, but I am available to answer questions.	Yes	Vincent Micha- Project Architect- Kubala Washatko Architects. Representing Luther Memorial Church W61 N617 Mequon Ave Cedarburg, WI 53012	Yes	Yes	No
8 01/08/21 09:43 AM	**THERESE HANSON** W61 N617 Mequon Avenue Cedarburg WI 53012-2017	Support	I do not want to speak, but I am available to answer questions.	No				
8 01/08/21 10:27 AM	**BRAD POHLMAN** 1021 University Ave Madison WI 53715	Support	I do not want to speak, but I am available to answer questions.	No				
		Support: 3 **Opposed**: 0 **Neither**: 0 Counts distinct registrants and removes duplicate votes						

Public Comment Registrants Report

Landmarks Commission On 01/11/21 5:00 PM				Representing Organization				Lobbying
Agenda Item Registered	**Name**	**Support**	**Speaking**	**Y/N**	**Name(s)**	**Paid**	**Duties**	**Rep**
AGENDA ITEM: 9 41 N Roby Rd - Exterior Alteration in the University Heights Hist. Dist. - Extension of front porch roof and installation of columns; 5th Ald. Dist.								
9 01/08/21 04:07 PM	**BILL MONTELBANO** 5590 reeve road Mazomanie WI 53560-0123	Support	I do not want to speak, but I am available to answer questions.	No				
9 01/11/21 03:42 PM	**JAMES STANGEL** 41 North Roby Road Madison WI 53726	Support	I do not want to speak, but I am available to answer questions.	No				
		Support: 2 **Opposed**: 0 **Neither**: 0 Counts distinct registrants and removes duplicate votes						
AGENDA ITEM: 10 2122 Chadbourne Ave - Exterior Alteration in the University Heights Hist. Dist. - Replacement of 11 windows; 5th Ald. Dist.								
10 01/10/21 11:43 AM	**PATRICK WHITTY, WHITTY AND SONS CONSTRUCTION, LLC.** 4111 veith ave madison WI 53704	Support	Yes, I want to speak.	Yes	I am the contractor for the project, the owner Joel Plant will also be present to speak and answer questions.	No	No	
10 01/11/21 04:13 PM	**JOEL PLANT** 2122 Chadbourne Avenue Madison WI 53726	Support	Yes, I want to speak.	No				
		Support: 2 **Opposed**: 0 **Neither**: 0 Counts distinct registrants and removes duplicate votes						
		Total Registrants: 18						
		Meeting Watchlist: 10						

Public Comment Registrants Report

Landmarks Commission On 07/26/21 5:00 PM				Representing Organization				Lobbying
Agenda Item Registered	**Name**	**Support**	**Speaking**	**Y/N**	**Name(s)**	**Paid**	**Duties**	**Rep**
AGENDA ITEM: 1 Landmarks Commission Public Comment Period								
1 07/25/21 07:47 PM	**JAMES GOODMAN** 1031 Williamson St Apt 1 Madison WI 53703	Neither support nor oppose	Yes, I want to speak.	No				
		Support: 0 **Opposed**: 0 **Neither**: 1 Counts distinct registrants and removes duplicate votes						
AGENDA ITEM: 2 719 Jenifer St - Demolition by Neglect in the Third Lake Ridge Hist. Dist.; 6th Ald. Dist.								
2 07/26/21 01:28 PM	**RYAN REDA** 510 Nova Way madison WI 53704	Oppose	I do not want to speak, but I am available to answer questions.	No				
		Support: 0 **Opposed**: 1 **Neither**: 0 Counts distinct registrants and removes duplicate votes						
AGENDA ITEM: 3 1103 Jenifer St and 511 S Ingersoll St - Land Division in the Third Lake Ridge Hist. Dist.; 6th Ald. Dist.								
3 07/22/21 02:31 PM	**ERIC J WELCH** 1341 SPAIGHT ST #1 Madison WI 53703	Support	I do not want to speak, but I am available to answer questions.	No				
3 07/25/21 01:28 PM	**RONALD I. MONTGOMERY** 36 Montgomery Lane Eastsound WA 98245	Support	I do not want to speak, but I am available to answer questions.	Yes	BJV LLC Victoria D. Montgomery, John H. Olson, Alison Olson, Bonnie Olson	No	No	
3 07/25/21 10:21 PM	**BONNIE D. OLSON** 305 Sunset Dr. Rio WI 53960	Support	No, I do not want to speak.	Yes	Bonnie Olson, Member of BJV Olson Properties, LLC, owner of 511 S. Ingersoll St and 1103 Jenifer St. Madison, WI 608-469-0097	No	No	
		Support: 3 **Opposed**: 0 **Neither**: 0 Counts distinct registrants and removes duplicate votes						

Public Comment Registrants Report

Landmarks Commission On 07/26/21 5:00 PM				Representing Organization				Lobbying
Agenda Item Registered	**Name**	**Support**	**Speaking**	**Y/N**	**Name(s)**	**Paid**	**Duties**	**Rep**
AGENDA ITEM: 4 Lot adjacent to 1103 Jenifer St - Relocation of a house to a newly created lot on Jenifer St in the Third Lake Ridge Hist. Dist.; 6th Ald. Dist.								
4 07/22/21 02:32 PM	**ERIC J WELCH** 1341 SPAIGHT ST #1 Madison WI 53703	Support	I do not want to speak, but I am available to answer questions.	No				
4 07/25/21 10:05 PM	**JOHN OLSON** 1600 Calico Court Sun prairie WI 53590	Support	I do not want to speak, but I am available to answer questions.	Yes	BJVOlson Properties John Olson-608-225-3601	No	No	
4 07/25/21 10:09 PM	**JOHN OLSON** 1600 Calico court Sun prairie WI 53590	Support	I do not want to speak, but I am available to answer questions.	Yes	BJVOlsonproperties	No	No	
4 07/25/21 10:11 PM	**ALISON GAIL OLSON** 1600 Calico court Sun prairie WI 53590	Support	I do not want to speak, but I am available to answer questions.	Yes	BJVOlsonproperties	No	No	
4 07/26/21 04:31 PM	**JOSH HARTY** 1109 Jenifer St Madison WI 53703	Neither support nor oppose	I do not want to speak, but I am available to answer questions.	No				
4 07/25/21 10:25 PM	**BONNIE D. OLSON** 305 Sunset Dr. Rio WI 53960	Support	No, I do not want to speak.	Yes	Bonnie Olson, Member of BJV Olson Properties, LLC, owner of 511 S. Ingersoll St and 1103 Jenifer St. Madison, WI 608-469-0097	No	No	
		Support: 5 **Opposed**: 0 **Neither**: 1 Counts distinct registrants and removes duplicate votes						

Public Comment Registrants Report

Landmarks Commission On 07/26/21 5:00 PM				Representing Organization				Lobbying
Agenda Item Registered	**Name**	**Support**	**Speaking**	**Y/N**	**Name(s)**	**Paid**	**Duties**	**Rep**
AGENDA ITEM: 5 240 W Gilman St - Land Division of a Designated Madison Landmark site; 2nd Ald. Dist.								
5 07/22/21 12:48 PM	**ATTORNEY JOSEPH HUMPHREY** 131 W. Washington Ave. Madison WI 53703	Support	I do not want to speak, but I am available to answer questions.	Yes	HJL Property, LLC- 402 W. Gorham St., Madison, WI 53703	No	No	
		Support: 1 **Opposed**: 0 **Neither**: 0 Counts distinct registrants and removes duplicate votes						
AGENDA ITEM: 6 101 N Hamilton St - Exterior Alterations to a Designated Madison Landmark (Draper Brothers Block); 4th Ald. Dist.								
6 07/22/21 04:33 PM	**EMILY MADER- KILEY** 16 N. Carroll Street Suite 610 Madison WI 53703	Support	Yes, I want to speak.	Yes	Greg Thomas	Yes	Yes	Yes
6 07/22/21 04:36 PM	**GREG THOMAS** 101 N. Hamilton Street Madison WI 53703	Support	Yes, I want to speak.	No				
		Support: 2 **Opposed**: 0 **Neither**: 0 Counts distinct registrants and removes duplicate votes						
AGENDA ITEM: 7 1521 Williamson St - Exterior Alteration in the Third Lake Ridge Hist. Dist. - Installation of signage; 6th Ald. Dist.								
7 07/26/21 04:52 PM	**GWYNNE TYKSINSKI** 207 E Lakeview Ave. madison WI 53716	Support	I do not want to speak, but I am available to answer questions.	No				
		Support: 1 **Opposed**: 0 **Neither**: 0 Counts distinct registrants and removes duplicate votes						

Public Comment Registrants Report

Landmarks Commission On 07/26/21 5:00 PM				Representing Organization				Lobbying
Agenda Item Registered	**Name**	**Support**	**Speaking**	**Y/N**	**Name(s)**	**Paid**	**Duties**	**Rep**
AGENDA ITEM: 8 Buildings Proposed for Demolition - 2021								
8 07/26/21 01:36 PM	**KIRK LEWIS** 309 W Johnson Street 202 Madison WI 53703	Support	I do not want to speak, but I am available to answer questions.	No				
		Support: 1 **Opposed**: 0 **Neither**: 0 Counts distinct registrants and removes duplicate votes						
		Total Registrants: 14						
		Meeting Watchlist: 11						

Alex Saloutos

3318 Hammersley Avenue
Madison, WI 53705
Phone: 608/345-9009
E-mail: asaloutos@tds.net

October 4, 2021

Email: pccomments@cityofmadison.com

Plan Commission
City of Madison
Madison Municipal Building Suite 017
215 Martin Luther King Jr Blvd
Madison, WI 53703

Re: **Deficiency of Draft South Madison Plan Related to Historic Preservation**

Dear Commissioners:

The purpose of this letter is to call to your attention to what appears to be a significant deficiency with the current draft of the South Madison Plan (SM Plan), which is agenda item number 3 (Legistar 67570) on the Plan Commission agenda today, October 4, 2021. The draft of the SM Plan fails to address historic resources located in the plan area and historic preservation goals or strategies, which is contrary to city policy.

Please note, the current draft of the SM Plan states:

> "The South Madison neighborhood became one of the city's first suburbs and home to historic culture and diversity not seen anywhere else in the city."

However, the draft of the SM Plan is silent on historic resources located in the plan area and fails to include any recommendations for preserving them. As documented in the City of Madison Comprehensive Plan (Comp Plan), city policies embrace and support historic preservation. One of 12 goals in the Comp Plan states, "Madison will be a vibrant and creative city that values and builds upon its cultural and historic assets." Strategy 2 in the Culture and Character section of the Comp Plan is, "Preserve historic and special places that tell the story of Madison and reflect racially and ethnically diverse cultures and histories." Specific actions in the Comp Plan under Strategy 2 include, "Identify ways to retain older buildings and places that contribute to the special character of an area, or are associated with diverse cultures, through the adoption of sub-area plans prior to redevelopment pressures." Finally, the Comp Plan states, "Sub-area planning efforts should identify the older buildings that should be retained and recommend the most appropriate means for doing so."

I am currently traveling and unable to appear or speak at your meeting today about this important issue. Please give this deficiency in the draft of the SM Plan serious consideration and request that planning staff correct it by including, with meaningful community input, a section on historic preservation that identifies historic resources in the plan area with goals and strategies for their preservation.

Sincerely,

Alex Saloutos

pc: Landmarks Commission
Madison Trust for Historic Preservation

Public Comment Registrants Report

Landmarks Commission On 02/06/23 5:00 PM				Representing Organization				Lobbying
Agenda Item Registered	**Name**	**Support**	**Speaking**	**Y/N**	**Name(s)**	**Paid**	**Duties**	**Rep**
AGENDA ITEM: 1 Landmarks Commission Public Comment Period								
1 02/06/23 02:01 PM	**JOHN ROLLING** District: 11 641 Orchard Drive Madison WI 53711	Neither support nor oppose	Yes, I want to speak.	No				
		Support: 0 **Opposed**: 0 **Neither**: 1 Counts distinct registrants and removes duplicate votes						
AGENDA ITEM: 2 826 Williamson St - Demolition of an existing commercial structure and construction of a new mixed-use structure in the Third Lake Ridge Hist. Dist.; 6th Ald. Dist.								
2 02/06/23 08:43 AM	**JACOB MORRISON** District: 13 841 West Lakeside Sts:1:A Madison WI 53715	Support	Yes, I want to speak.	Yes	Knothe & Bruce Architects	Yes	No	
2 02/03/23 03:37 PM	**KEVIN BUROW** District: *Unknown* 7601 University Ave Suite 201 Middleton WI 53562	Support	I do not want to speak, but I am available to answer questions.	Yes	KBA - Knothe & Bruce Architects	Yes	Yes	No
2 02/03/23 06:32 PM	**TYLER KRUPP** District: 6 1952 Atwood Avenue Madison WI 53704	Support	I do not want to speak, but I am available to answer questions.	No				
2 02/06/23 08:47 AM	**MATTHEW TILLS** District: *Unknown* 7601 University Avenue Suite 201 Middleton WI 53562	Support	I do not want to speak, but I am available to answer questions.	Yes	Knothe & Bruce Architects	Yes	No	
2 02/06/23 09:38 AM	**LINDSEY LEE** District: 6 731 Williamson Street Madison WI 53703	Support	I do not want to speak, but I am available to answer questions.	No				
2 02/06/23 04:58 PM	**JONATHAN STEVENS** District: 6 1955 Atwood Ave #201 Madison WI 53704	Support	I do not want to speak, but I am available to answer questions.	Yes	SARA Investment Real Estate, 608/852-8777	No	Yes	No

Public Comment Registrants Report

Landmarks Commission On 02/06/23 5:00 PM				Representing Organization				Lobbying
Agenda Item Registered	**Name**	**Support**	**Speaking**	**Y/N**	**Name(s)**	**Paid**	**Duties**	**Rep**
AGENDA ITEM: 2 826 Williamson St - Demolition of an existing commercial structure and construction of a new mixed-use structure in the Third Lake Ridge Hist. Dist.; 6th Ald. Dist.								
2 02/03/23 06:51 PM	**KRIS WARREN** District: 6 211 S. Paterson St. Ste. 1 Madison WI 53703	Support	No, I do not want to speak.	Yes	Donde LLC 211 S. Paterson St.Ste 1 Madison, WI 53703 608-709-6670	No	No	
		Support: 7 **Opposed**: 0 **Neither**: 0 Counts distinct registrants and removes duplicate votes						
AGENDA ITEM: 3 1908 Arlington Pl - Construction of a garage structure, porch addition, and exterior alterations in the University Heights Hist. Dist.; 5th Ald. Dist.								
3 02/03/23 05:36 PM	**ARLAN KAY. FAIA** District: *Unknown* 5685 Lincoln Rd Oregon WI 53575	Support	Yes, I want to speak.	Yes	As the architect for the owners, Anupriya and Benjamin Schnapp 1908 Arlington Place, Madison, WI	No	Yes	No
		Support: 1 **Opposed**: 0 **Neither**: 0 Counts distinct registrants and removes duplicate votes						
		Total Registrants: 9						
		Meeting Watchlist: 11						

Heiser-Ertel, Lauren

Subject: FW: Breaking News: We're Preserving Black History with $3.8 Million in Grants

From: Bob Klebba <bob.klebba@gmail.com>
Sent: Tuesday, June 13, 2023 8:29 AM
To: PLLCApplications <landmarkscommission@cityofmadison.com>
Subject: Fwd: Breaking News: We're Preserving Black History with $3.8 Million in Grants

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hi, Can you please share this with members of the LC? We are interested at the Madison Trust in preserving sites important to Madison's underrepresented communities.

best, Bob

Bob Klebba he him
Madison Trust for Historic Preservation board member
best, Bob

Bob Klebba he him
704 E Gorham St
Madison WI 53703-1522
608-209-8100
www.governorsmansioninn.com
www.mendotalakehouse.com

See the full list of African American Cultural Heritage Action Fund grant recipients for 2023.
(To ensure delivery, please add **email@savingplaces.org** to your address book.)

Join **Renew** **Donate**

Today, the National Trust for Historic Preservation, through its African American Cultural Heritage Action Fund, announced $3.8 million in grant funding to 40 sites and organizations representing African American history.

New to this year's list is a targeted focus on conserving Modernist structures designed by Black architects. Eight historic structures will receive $1.2M to help advance long-term preservation planning. This funding is part of the Conserving Black Modernism partnership led by the Action Fund with support from the Getty Foundation.

The preservation of Historically Black Colleges & Universities (HBCUs) across the country is also a focus of this year's grant announcement. Through the Action Fund's HBCU Cultural Heritage Stewardship Initiative, six HBCUs will receive nearly $700,000 in funding to ensure the protection of their cultural assets.

These often-overlooked places hold aspects of history that must be protected—and used to draw inspiration and wisdom for the benefit of all Americans.

As our nation honors Emancipation and Juneteenth, the Action Fund asks the public to **learn more about these sites**, and read how they will use the funds to make certain the full American story is told.

FIND OUT THE 2023 GRANTEES

The Action Fund is the largest U.S. resource dedicated to the preservation of African American historic places. Since its inception in 2017, the Action Fund has supported 242 places through its National Grant Program and invested more than $20 million to help preserve landscapes and buildings imbued with Black life, humanity, and cultural heritage.

© National Trust for Historic Preservation
600 14th Street NW, Suite 500, Washington, DC 20005
202.588.6000 | 800.944.6847 | 202.588.6038 (fax)

SavingPlaces.org | Manage Email Preferences

Public Comment Registrants Report

Landmarks Commission On 08/28/2023 5:00 pm				Representing Organization				Lobbying
Agenda Item Registered	Name	Support	Speaking	Y/N	Name(s)	Paid	Duties	Rep
AGENDA ITEM: 1 Landmarks Commission Public Comment Period								
1 08/28/23 11:28 AM	**TERRANCE JAMES HARVEY** District: *Unknown* 3395 Byron Center Ave. SW Apt 13 Wyoming MI 49519	Neither support nor oppose	Yes, I want to speak.	No				
		Support: 0 **Opposed**: 0 **Neither**: 1 Counts distinct registrants and removes duplicate votes						
AGENDA ITEM: 2 1115 Rutledge-New Construction of an accesspry structure in Third Lake Ridge Historic District; (District 6)								
2 08/24/23 12:05 PM	**JAMES MCFADDEN** District: 4 380 West Washington Avenue Suite A Madison WI 53703	Support	I do not want to speak, but I am available to answer questions.	Yes	Joan Grosse 1115 Rutledge	No	Yes	No
		Support: 1 **Opposed**: 0 **Neither**: 0 Counts distinct registrants and removes duplicate votes						
		Total Registrants: 2						

Meeting Watch List (6)

Name	Registration Time
1. Daniel L Douglas	08/28/2023 04:27 PM
2. Daniel L Douglas	08/28/2023 05:05 PM
3. Arne Alanen	08/28/2023 05:53 PM
4. AMY	08/24/2023 03:33 PM
5. Daniel L ouglas	08/28/2023 05:04 PM
6. Arno	08/28/2023 05:51 PM

Public Comment Registrants Report

20210330-SC-B-TM - Landscape Conservation Tax Rate

Registration Date	Name	Position	Representing Themselves or Organization	Phone	Email	Mail
Section 1(a)(i) - Landscape Conservation Tax Rate Increase Not Exceeding 5%						
03-30-2021 10:00 AM	**Jeffrey Alan Gerrish**	Support	Self	No	Yes	No
03-30-2021 10:00 AM	**Kimberly Ann Gerrish**	Support	Self	No		
03-30-2021 10:00 AM	**Nicholas Stephen Gerrish**	Support	Self	No		
	Subject: Support - Section 1(a)(i) - Landscape Conservation Tax Rate Increase Not Exceeding 5%					
Section 1(a)(ii) - MBC Principal Plan - Landscape Conservation Tax Rate Increase Greater Than 5%						
03-30-2021 10:00 AM	**Jeffrey Alexander Gerrish**	Support	Self	No	Yes	No
03-30-2021 10:00 AM	**Jeffrey Alexander Gerrish**	Support	Self	No	

Bailey, Heather

From: Bailey, Heather
Sent: Tuesday, November 11, 2025 2:03 PM
To: 'Kurt Stege'
Subject: RE: Most recent "Housing Forward" proposal as it relates to historic preservation

Kurt,

I think that you and I have very different definitions of what "historic preservation" means. In our ordinance you'll find the following definitions:
Historic District means an area designated by the Common Council pursuant to Subchapter G of this ordinance.
Historic Resource means any building, structure, sign, feature, improvement, site, or area having significant architectural, archaeological, anthropological, historical, or cultural value. Historic Resources include properties designated as landmarks or historic resources in this chapter. (Am. by ORD-22-00042, 6-4-22)

And changes in zoning and land use do not prevent historic preservation. Please see Mansion Hill where buildings that were once large single-family homes are now multi-unit buildings. That is typical historic preservation. The Secretary of the Interior's Standards for Rehabilitation say "**Rehabilitation** is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values." People adding ADUs or modifying their single-family residence to become a two or three unit building to their National Register-listed property does not destroy its historic value. In fact, those changes are eligible for Federal Preservation and State Preservation Tax Credits. I wish those property owners well in making use of those incentives to introduce gentle density into these established neighborhoods.

And the Landmarks Commission agreed when they discussed the creation of the TOD Overlay in 2022:
Legistar 75070
Minutes
Watch

Historic preservation is not a tool for exclusionary zoning or to prevent density. Our standards are about how these properties evolve to accommodate new and ongoing uses. If we want to conserve the historic and architectural design of a property or neighborhood, then we do that through local historic designation. But that architectural design review will not prevent density or prevent rezoning. As former Alder Furman said at the 2022 meeting, historic character does not equate to density.

Heather L. Bailey, Ph.D. *(she/her)*
Preservation Planner
Neighborhood Planning, Preservation + Design Section

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PO Box 2985
Madison WI 53701-2985
Email: hbailey@cityofmadison.com *Phone: 608.266.6552*

From: Kurt Stege <kurt.stege@gmail.com>
Sent: Tuesday, November 11, 2025 12:54 PM

To: Bailey, Heather <HBailey@cityofmadison.com>
Subject: Re: Most recent "Housing Forward" proposal as it relates to historic preservation

I am unconvinced that the use of "historic preservation" in Sec. 33.19(2)(h) is somehow limited to local landmarks and local historic districts, and that the Landmarks Commission is precluded from offering a "historic preservation" perspective on proposed city ordinances that would make wholesale changes to the zoning for properties in National Register Historic Districts.

I am unaware of anything in the Madison ordinances that would narrow the term "historic preservation" to exclude properties beyond local designations. Certainly the scope of the Madison Historic Preservation Plan extends beyond properties that already have a local designation. Area plans encompass properties of historic interest that are not already locally designated. These instances argue against a narrow reading of historic preservation. I would think that during the long history of the Madison Landmarks Commission, its focus has strayed beyond already designated local landmarks and local historic districts.

In addition, Sec. 44.31, Wis. Stats., includes two definitions that support a more expansive reading of "historic preservation":

(2) "Historic preservation" means the research, protection, restoration and rehabilitation of historic properties.

(3) "Historic property" means any building, structure, object, district, area or site, whether on or beneath the surface of land or water, that is significant in the history, prehistory, architecture, archaeology or culture of this state, its rural and urban communities or the nation.

Which entity, other than the Landmarks Commission, is responsible for ensuring that the City is not constraining its interest in protecting historic properties?

Kurt
(608)772-7614

On Tue, Nov 11, 2025 at 9:35 AM Bailey, Heather <HBailey@cityofmadison.com> wrote:

> Kurt,
>
> I don't think that this should have been referred to the Landmarks Commission. The LC does not regulate National Register neighborhoods. If we as a City want to ensure preservation of these areas, then they must have a local historic designation.
>
> There's nothing in this text amendment that will change how the historic preservation ordinance completes design review. Historic preservation is the story of adaptive reuse. Allowing for greater density in areas is not contrary to historic preservation. There is not an inherent conflict here. The Landmarks Commission does not weigh in to the change of use to a property. We only regulate and comment on how a property physically evolves so that it is able to continue to convey its historic associations.

I think that it is erroneous to pit historic preservation against affordable housing and increased density. It's a false narrative.

Heather L. Bailey, Ph.D. *(she/her)*

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Email: hbailey@cityofmadison.com *Phone: 608.266.6552*

From: Kurt Stege <kurt.stege@gmail.com>
Sent: Sunday, November 9, 2025 8:58 PM
To: Bailey, Heather <HBailey@cityofmadison.com>
Subject: Most recent "Housing Forward" proposal as it relates to historic preservation

Caution: This email was sent from an external source. Avoid unknown links and attachments.

My reading of the action by the Common Council on October 28 is that they referred the proposed ordinance in Legistar file 90552 to both the Housing Policy Committee and to the Plan Commission, but not to the Landmarks Commission.

In light of the language in Sec. 33.19(2)(h), MGO, and the potential consequences for "historic preservation" (including consequences for National Register properties and districts) if the proposed ordinance is adopted, shouldn't the Commission carry out such a review?

Kurt

(608)772-7614

City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 91793

File ID:	91793	**File Type:**	Miscellaneous	**Status:**	Miscellaneous
Version:	1	**Reference:**		**Controlling Body:**	LANDMARKS COMMISSION
				File Created Date :	01/30/2026
File Name:				**Final Action:**	

Title: Removing "human burial designation" from Orton Park (District 6)

Notes:

Sponsors:		**Effective Date:**	
Attachments:	91793 - WHS notification for Orton Park.pdf	**Enactment Number:**	
Author:		**Hearing Date:**	
Entered by:	lheiser-ertel@cityofmadison.com	**Published Date:**	

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File 91793

Title
Removing "human burial designation" from Orton Park (District 6)

WISCONSIN HISTORICAL SOCIETY

January 16, 2026

Heather Bailey
City of Madison Planning Division
Madison Municipal Building, Suite 017
215 Martin Luther King Jr. Blvd.
Madison, WI 53703

Dear Sir or Madam,

State law requires the Wisconsin Historical Society to identify and to record in a catalog all human burial sites in the state. The purpose of the law is to ensure that all human burials are granted equal treatment and protection without reference to ethnic origins, religious affiliation, or age of the burial site.

State law also instructs that burial sites must be removed from the catalog if such site is found to be destroyed or recorded in error.

Upon review, the Director is preparing formally remove Orton Park Cemetery (DA-1222/BDA-0175) from the Catalog of human burial sites, as a review of available documentation indicates all burials were systematically removed from the location following the closure of the cemetery in 1877. The Burial Sites Office will submit a Correction Instrument Document to the Dane County Register of Deeds accordingly. Enclosed is a map of the area that will be removed from the Catalog.

You have the right to object this removal from the catalog or submit comments on this proposal. **If you do, your response must be received by our office within 60 days of your receipt of this letter.** All comments should be submitted to the Burial Sites Office by physical mail or email at the addresses listed below.

Upon the expiration of the comment period, the Director of the Wisconsin Historical Society will review comments and make a final decision on whether the land should be removed from the catalog, and provide notice of that final decision.

If staff do not hear back from you within 60 days of your receipt of this letter, our office will proceed with the removal of this site from the Catalog.

Thank you,
Walker Good

Archaeologist
State Historic Preservation Office
Wisconsin Historical Society
608-264-6496
walker.good@wisconsinhistory.org

enc. Wis. Stats. 157.70, Map of Areas to be Removed from the Catalog

cc. Registry of Interested Persons, City of Madison, Dane County Historical Society

DA-1222/BDA-0175 (Orton Park Cemetery) - Proposed Catalog Removal

0 25 50 100 Feet

Cataloged Boundary

Proposed Catalog Removal

N

(3) Section 157.62 does not apply to a cemetery authority that is not required to be licensed under s. 440.91 (1) or registered under s. 440.91 (1m).

History: 1991 a. 269; 2005 a. 25; 2007 a. 174; 2015 a. 237.

157.63 Reporting and auditing exemptions; certification of compliance of cemetery organized and operated by, or affiliated with, a religious association. (1) In lieu of filing an annual report under s. 157.62 (2), a religious association or a cemetery authority of a cemetery that is affiliated with a religious association, or that religious association, may file an annual certification with the cemetery board as provided in this section.

(2) A certification under this section shall be made on a form prescribed and furnished by the cemetery board and include all of the following:

(a) The name and address of each cemetery to which the certification applies.

(b) A statement of a person who is legally authorized to act on behalf of the religious association under this section that, during the reporting period under s. 157.62, each cemetery and the cemetery authority of each cemetery specified under par. (a) have either fully complied or have substantially complied with ss. 157.11 (9g) (c) and 157.12 (3).

(3) If the statement under sub. (2) (b) includes a statement of substantial compliance, the statement under sub. (2) (b) must also specify those instances when the cemetery or cemetery authority did not fully comply with s. 157.11 (9g) or 157.12 (3).

(4) A certification under this section is effective for the 12–month period immediately following the reporting period under s. 157.62 (2) for which the cemetery authority is certified under this section to have fully or substantially complied with ss. 157.11 (9g) and 157.12 (3).

(5) During the effective period specified under sub. (4), the cemetery board may not audit the care funds or any records or accounts relating to the care funds of a cemetery to which a certification under this section applies.

(6) The religious society that is affiliated with a cemetery to which a certification under this section applies is liable for the damages of any person that result from the failure of the cemetery or cemetery authority to fully comply with s. 157.11 (9g) or 157.12 (3) during the reporting period under s. 157.62 (2) for which such compliance has been certified under this section.

History: 1989 a. 307; 1991 a. 269; 2015 a. 237; 2017 a. 329.

Cross–reference: See also ch. CB 2, Wis. adm. code.

157.635 Regulations of cemetery organized and operated by, or affiliated with, a religious association. Nothing in this subchapter prohibits a religious association or a cemetery authority of a cemetery that is affiliated with a religious association from prohibiting the burial of the human remains of an individual in the cemetery if the individual was in a class of individuals who are prohibited under regulations adopted by the cemetery authority or religious association from being buried in the cemetery.

History: 1989 a. 307; 2015 a. 237.

157.637 Veteran burials. A cemetery authority of a cemetery, other than a cemetery that is organized and operated by, or affiliated with, a religious association, may not prohibit the burial of the human remains of a person specified in s. 45.61 (2) at the cemetery if the cemetery authority is paid in its usual and customary manner for the burial.

History: 2003 a. 70; 2005 a. 22; 2015 a. 237.

157.64 Penalties. (1) In addition to or in lieu of other remedies provided by law, any person who violates this subchapter or any rule promulgated under this subchapter may be required to forfeit not more than $200 for each separate offense. Each day of continued violation constitutes a separate offense.

(2) Any person who intentionally does any of the following may be fined not more than $5,000 or imprisoned for not more than 90 days, or both, for the first offense and may be fined not more than $10,000 or imprisoned for not more than 9 months, or both, for each subsequent offense:

(a) Violates s. 157.08 (2) (b), 157.11 (9g), or 157.12 (2) (b), (c), or (d).

(b) Fails to handle funds for the improvement and care of a cemetery as required in s. 157.11 or 157.125.

(c) Fails to deposit or invest care funds or preneed trust funds as required in s. 157.19.

(d) Fails to file a report or files an incomplete, false or misleading report under s. 157.62 (1) or (2).

(e) Fails to maintain records as required in s. 157.62 (3) and (4).

(f) Files a false or misleading certification under s. 157.63.

(g) Violates s. 157.111.

(3) Any person who intentionally commits an act specified under sub. (2) (a) to (f) with intent to defraud may be punished for theft under s. 943.20.

History: 1989 a. 307; 1991 a. 269; 1993 a. 386; 2015 a. 237.

157.65 Enforcement. (1) (a) If the cemetery board has reason to believe that any person is violating or has violated this subchapter or any rule promulgated under this subchapter and that the continuation of that activity might cause injury to the public interest, the cemetery board may investigate.

(b) If the cemetery board has reason to believe that any person is violating s. 157.12 or any rule promulgated under s. 157.12 and that the continuation of that activity might cause injury to the public interest, the cemetery board may investigate.

(2) The department of justice or any district attorney, upon informing the department of justice, may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction any violation of this subchapter. The court may, prior to entry of final judgment, make such orders or judgments as may be necessary to restore to any person any pecuniary loss suffered because of the acts or practices involved in the action, if proof of such loss is submitted to the satisfaction of the court. The department of justice may subpoena persons and require the production of books and other documents, and may request the cemetery board to exercise its authority under sub. (1) to aid in the investigation of alleged violations of this subchapter.

(3) In lieu of instituting or continuing an action under this section, the department of justice may accept a written assurance of discontinuance of any act or practice alleged to be a violation of this subchapter from the person who has engaged in the act or practice. An assurance entered into under this subsection shall not be considered evidence of a violation of this subchapter, but a violation of the assurance shall be treated as a violation of this subchapter.

History: 1989 a. 307; 1995 a. 27 ss. 4405, 4406, 9116 (5); 2005 a. 25; 2011 a. 32; 2015 a. 237.

SUBCHAPTER III

BURIAL SITES PRESERVATION

157.70 Burial sites preservation. (1) DEFINITIONS. In this section:

(a) "Board" means the burial sites preservation board.

(b) "Burial site" means any place where human remains are buried.

(c) "Cataloged" means recorded under sub. (2) (a), (4) (e) or (6) (c) or s. 157.70 (2) (a), 2015 stats., or s. 157.70 (2) (b), 2015 stats.

(cm) "Dedicated" has the meaning given in s. 157.061 (4).

(d) "Director" means the director of the historical society or his or her formally appointed designee.

(e) "Disturb" includes defacing, mutilating, injuring, exposing, removing, destroying, desecrating or molesting in any way.

(em) "Division" means the division of hearings and appeals in the department of administration.

(f) "Human remains" means any part of the body of a deceased person in any stage of decomposition.

(g) "Interest" means an interest based on any of the following:

1. Direct kinship.

2. A cultural, tribal or religious affiliation.

3. A scientific, environmental or educational purpose.

4. Land use.

5. A commercial purpose not related to land use which is consistent with the purposes of this section.

6. Any other interest which the board deems to be in the public interest.

(gm) "Notify" means to communicate by letter or by electronic mail or other electronic means approved by the director.

(h) "Owner" means a person who owns or leases land on which a burial site is located.

(hm) "Person" includes the state.

(i) "Qualified archaeologist" means an individual who has a graduate degree in archaeology, anthropology or a closely related field and at least one year of full–time professional experience or equivalent specialized training in archaeological or physical anthropological research, administration or management, at least 4 months of supervised field and analytic experience in general North American archaeology or physical anthropology and a demonstrated ability to carry research to completion.

(1m) APPLICABILITY. This section does not apply to the disturbance of cataloged land contiguous to a cataloged burial site if the cataloged burial site was recorded under sub. (2) (i) before August 9, 1989.

(2) DIRECTOR'S DUTIES. The director shall:

(a) Identify burial sites in this state and, for burial sites that are not dedicated, sufficient contiguous land necessary to protect the burial site from disturbance. For any such burial site for which the director determines there is sufficient evidence under sub. (2c), the director shall notify every owner of the burial site and contiguous land so identified that the site or land will be recorded in a catalog unless the owner requests a hearing under sub. (2g) (a). The director shall include in the notice the date by which the director intends to record the site or land in the catalog, which shall be no less than 30 days after the date of the notice. If the director's determination is not contested under sub. (2g) (a), the director shall record the site and land so identified in a catalog. If the director's determination is contested under sub. (2g) (a), the director shall record the site and land in the catalog only as subsequently permitted by a final decision of the board, the division, or a court. Whenever a burial site and land are recorded in the catalog under this paragraph, the director shall notify every owner and any county or local historical society in the county where the burial site or the land is located. Any information in the catalog related to the location of any burial site, the disclosure of which would be likely to result in the disturbance of the burial site or the cataloged land contiguous to the burial site, is not subject to s. 19.35 (1). A notice of a recording in the catalog shall include information about the permit required under sub. (5) and the toll free number the owner may call for more information. The director may, in order to carry out his or her duties under this paragraph, obtain a special inspection warrant as provided in s. 66.0119 if entry to the site has been refused. In this paragraph, "sufficient contiguous land" means land that is within at least 10 feet from any part of a burial site, unless the director determines based on the unique characteristics of the land that a shorter distance is sufficient to protect the burial site from disturbance.

(c) Make recommendations concerning burial sites on private property for acquisition by the state or other public agencies to preserve the burial sites.

(d) Provide for and publicize a telephone service which allows any person in this state to call, without charge, the director to report a discovery or disturbance of a burial site.

(e) Establish a registry for any person whom the board determines to have an interest in a burial site or class of burial sites under sub. (2m) (b) or (c). The registry shall include the name of every person whom the board determines to have an interest in the preservation of a burial site or in providing for the reinterment of the human remains and objects related to burial in the burial site if the burial site is disturbed and identify the burial site in which the person is determined to have an interest. Any information in the registry related to the location of any burial site, the disclosure of which would be likely to result in disturbance of the burial site, is not subject to disclosure under s. 19.35 (1).

(g) Assist Indian tribes, state agencies and other persons in any negotiation with any federal agency for the preservation of burial sites and human remains.

(h) Mediate, upon application of any owner or person in the registry under par. (e), any dispute related to the disturbance or proposed disturbance of a burial site.

(i) Cause a cataloged burial site to be recorded by the register of deeds of the county in which the burial site is located. The historical society shall reimburse the county for the cost of recording under this paragraph from the appropriation under s. 20.245 (1) (a).

(j) Submit an annual report to the legislature under s. 13.172 (2) containing all of the following:

1. The director's current recommendations under par. (c).

2. The number of burial sites recorded in the catalog at the time the report is prepared.

3. A summary of disturbance activities authorized under sub. (4), including a summary of information submitted to the board in written reports under sub. (4) (f), since the previous report was issued.

4. A summary of applications received under sub. (5) since the previous report was issued, and information regarding the approval or denial of those applications by the director or the division.

5. A summary of appeals to the board under sub. (5) (c) 5. made since the previous report was issued.

6. A summary of any other activities of the board since the previous report was issued.

7. A summary of all violations of this section and all penalties imposed as a result of those violations.

(2c) RELEVANT EVIDENCE FOR RECORDING IN THE CATALOG. (a) In this subsection:

1. "Grave marker" means any surface indication of a burial, including monuments, spirit houses, wooden crosses, or Indian mounds.

2. "Historical documentation" means information from any of the following types of independent sources:

a. Church records.

b. Deeds.

c. Maps.

d. Other written and oral sources.

(b) In determining whether to record burial sites in the catalog under sub. (2) (a), the director shall consider the following types of evidence from any person:

1. Physical evidence, as demonstrated by archaeological or written historical reports showing the presence of human remains or grave markers.

2. Historical documentation.

3. Oral depositions or affidavits.

4. Oral histories.

(2g) PROCEEDINGS TO CONTEST RECORDING IN THE CATALOG. (a) If an owner wishes to contest a determination by the director under sub. (2) (a), the owner may, prior to the date stated in the

notice under sub. (2) (a) that the director will record the burial site and land in the catalog, request a hearing before the board to review the director's determination. If such a request is made, the board shall hold a hearing within 90 days after the date of the request. At the hearing, the director has the burden of proving, using the types of evidence described under sub. (2c) (b), that a burial site is present on the land. If a hearing is requested under this paragraph and the director has not yet physically inspected the land in question as permitted under sub. (2) (a), the director shall do so prior to the hearing. Following the hearing, the board shall issue a decision regarding whether to record the burial site or land in the catalog and, no later than 60 days after the hearing, shall send a copy of its decision to the director and the owner. A hearing held under this paragraph is not a contested case hearing under ch. 227.

(b) Within 30 days after the date of the board's decision under par. (a), the owner shall have the right to a contested case hearing regarding whether the director should record the burial site or land in the catalog. A hearing under this paragraph shall be conducted by the division.

(c) From the time of the notice under sub. (2) (a) that the site or land will be recorded in the catalog unless the owner requests a hearing under par. (a) until all proceedings under this subsection are concluded, notwithstanding sub. (4), no person may conduct any soil disturbance activity on the site or land, except that the proposed activity may be conducted if the director determines that the proposed activity will not disturb the burial site.

(2j) REMOVAL FROM CATALOG. (a) The director shall, on his or her own initiative or in response to a request from the owner or another interested person, propose that land be removed from the catalog if the director determines that no burial site is present on the land because of any of the following:

1. Naturally occurring changes to the landscape.

2. Removal of human remains from the burial site under sub. (4) (c) 3. a. or (5) (c) 3.

3. Newly discovered evidence that, if known at the time of the determination to record in the catalog, and taking into account the types of evidence required to be considered under sub. (2c), would have resulted in a determination not to record the burial site or land in the catalog.

(b) 1. If the director proposes to remove land from the catalog under par. (a), the director shall notify the owner, interested persons listed on the registry under sub. (2) (e), county or local historical societies, the relevant municipality, and, if applicable, the person who submitted an application to have the site recorded in the catalog of the director's proposal to remove the land from the catalog, and invite those persons to submit comments on the proposal. The director shall allow comments for a period of no less than 60 days.

2. Following the expiration of the comment period under subd. 1., the director shall review any comments submitted, make any appropriate modifications in response to those comments, and issue a decision regarding removal of the land from the catalog. The director shall provide notice of his or her decision to the persons notified under subd. 1.

3. Within 30 days after the date of the notice described in subd. 2., a person notified under subd. 1. may appeal the director's decision to the board. The board shall review the director's decision and issue a decision as to whether the land should be removed from the catalog.

4. Within 30 days after the date of the board's decision under subd. 3., a person notified under subd. 1. shall have the right to a contested case hearing regarding whether the land should be removed from the catalog. A hearing under this subdivision shall be conducted by the division.

5. If no appeal of a decision to remove land from the catalog is filed within the period specified under subd. 3., if a decision to remove land from the catalog is upheld by the board following an appeal to the board under subd. 3. and no hearing is requested under subd. 4., or if a decision to remove land from the catalog is upheld by the division following a hearing requested under subd. 4., the director shall immediately do all of the following:

a. Remove the land from the catalog.

b. Submit a request to the register of deeds for the county in which the land is located to record a notice that the land has been removed from the catalog.

(2m) BOARD DUTIES. The board shall:

(a) Meet at least every 3 months.

(b) Determine which Indian tribes have an interest in any burial site or class of burial sites and notify the director for entry in the registry under sub. (2) (e).

(c) Determine which applicants for entry in the registry under sub. (2p) have an interest in a burial site or class of burial sites.

(d) As it deems necessary, review determinations of the director and the division under sub. (5).

(e) As it deems necessary, review disposition actions taken by the director under sub. (6).

(f) As it deems appropriate, approve transfers of burial sites under sub. (6m) (b) 2.

(g) Hold hearings and issue decisions under sub. (2g) (a).

(h) Review decisions of the director and issue decisions regarding removal of land from the catalog under sub. (2j) (b) 3.

(2p) APPLICATION FOR REGISTRY. Any person may apply to the board for entry in the registry and shall indicate in which burial site she or he is claiming an interest.

(2r) SITE DISTURBANCE PROHIBITED. Except as provided under subs. (4) and (5) and ss. 157.111 and 157.112, no person may intentionally cause or permit the disturbance of a burial site or cataloged land contiguous to a cataloged burial site. This subsection does not prohibit normal agricultural or silvicultural practices which do not disturb the human remains in a burial site or the surface characteristics of a burial site.

(3) REPORT OF DISTURBED BURIAL SITES. (a) Except as provided under s. 979.01, a person shall immediately notify the director if the person knows or has reasonable grounds to believe that a burial site or the cataloged land contiguous to a cataloged burial site is being disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

(b) Upon receipt of any notice under par. (a), the director shall determine if the burial site which is the subject of the notice has been cataloged.

(4) PROCEDURE FOR UNCATALOGED BURIAL SITES. (a) If the director determines that a burial site reported under sub. (3) (a) is not cataloged, he or she shall immediately provide the person who made the report under sub. (3) (a) with confirmation that the report has been received and shall also immediately notify the owner of the burial site of the procedure under this subsection and of the liabilities and penalties which apply for failure to comply with the procedure. If the director deems it appropriate, he or she may notify the board, and any person who has or may have an interest in the burial site, that a burial site has been reported under sub. (3).

(b) No owner who has received notice under par. (a) may in any way intentionally cause or permit any activity which would disturb the burial site which is the subject of the notice unless authorized by the director under par. (c) 2. or (d).

(c) 1. Using information available concerning the burial site and the proposed activity, the director shall determine whether the proposed activity will disturb the burial site and whether the registry under sub. (2) (e) shows that any person has an interest in the burial site.

2. If the director determines that the proposed activity will not disturb the burial site or will disturb a burial site in which no person is shown on the registry under sub. (2) (e) to have an interest, he or she shall notify the owner of the owner's right to cause or permit the activity.

3. If the director determines that the proposed activity will disturb a burial site in which any other person who is not the owner

is shown on the registry under sub. (2) (e) to have an interest and that the interest is substantial, the director shall notify the owner that the owner may not cause or permit the activity unless the owner does one of the following:

a. Subject to s. 157.111, authorizes the director or a qualified archaeologist approved by the director to excavate the burial site to remove and analyze any human remains and objects related to the burial in the burial site from the burial site within a reasonable time, beginning within 30 days of when ground conditions permit, for disposition under sub. (6).

b. Changes the proposed activity so as not to disturb any burial site.

(cm) The director shall notify an owner under par. (c) 2. or 3., whichever is applicable, within 30 days after confirming receipt of a notification of a disturbance or possible disturbance under sub. (3) (a), except that if the director cannot make a determination under par. (c) 2. or 3. within that period, he or she shall notify the owner that additional time, which may not exceed 30 days, is necessary to make the determination, and include in that notification the reasons he or she needs additional time to make the determination.

(d) If the director determines that an owner has satisfied the requirements under par. (c) 3., he or she shall, within 30 days after making that determination, notify the owner of the owner's right to cause or permit any activity which is in keeping with the owner's action under par. (c) 3.

(e) If under par. (c) 3. a. all human remains and objects related to the burial in a burial site reported under sub. (3) (a) are not removed from the burial site, the director shall enter the burial site into the record prepared under sub. (2) (a).

(f) The director shall submit a written report to the board of any determination which he or she makes under this subsection.

(5) PROCEDURE FOR CATALOGED BURIAL SITES. (a) No person may intentionally cause or permit the disturbance of a cataloged burial site or the cataloged land contiguous to a cataloged burial site without a permit from the director issued under this subsection.

(b) 1. Any person who intends to cause or permit any activity on a cataloged burial site or on cataloged land contiguous to a cataloged burial site which in any way might disturb the burial site or the land shall apply to the director for a permit to disturb the burial site or the land. The application shall include the purpose of the disturbance.

2. The director shall notify any person shown on the registry under sub. (2) (e) to have an interest in the burial site of the proposed disturbance. The notice to any person under this subdivision shall include information on the notified person's right to a hearing on whether the director should grant a permit to disturb the burial site or the land.

(c) 1. Upon request of the applicant or any person notified under par. (b), or if the director determines that a hearing is necessary, the director shall request the division to conduct a hearing on whether a permit should be issued to disturb the burial site or the land which is the subject of the request. If in any part of the hearing the location of a burial site is the subject of the testimony, such part of the hearing shall be conducted in a session closed to the public and the record of such part of the hearing shall be exempt from disclosure under s. 19.35 (1).

1m. If a hearing is not requested or determined to be necessary under subd. 1., the director shall determine whether a permit should be issued to disturb the burial site or the land which is the subject of the application under par. (b) 1. If the director determines that the benefits to the permit applicant in disturbing the burial site or the land outweigh the benefits to all other persons shown on the registry under sub. (2) (e) to have an interest in not disturbing the burial site or the land, the director shall grant a permit to disturb the burial site or the land. In making the determination, the director shall consider the interest of the public in addition to any other interests. If the director determines that any of the following classes of interest are represented, the director shall weight the interests in the following order of priority:

a. Direct kinship.

b. A cultural, tribal or religious affiliation.

c. A scientific, environmental or educational purpose.

cm. Historical and aesthetic significance of the burial site.

d. Land use.

e. A commercial purpose not related to land use which is consistent with the purposes of this section.

f. Any other interest which the director deems to be in the public interest.

2. If a hearing is requested or determined to be necessary under subd. 1., the division shall conduct a hearing to determine whether the benefits to the permit applicant in disturbing the burial site or the land outweigh the benefits to all other persons shown on the registry under sub. (2) (e) to have an interest in not disturbing the burial site or the land. If the division finds in favor of the applicant, the division shall issue a determination in favor of granting a permit to disturb a burial site or the land which is the subject of the hearing under this paragraph. In making the determination, the division shall consider the interest of the public in addition to the interests of the parties. If any of the following classes of interest are represented in the hearing, the division shall weight the interests in the following order of priority:

a. Direct kinship.

b. A cultural, tribal or religious affiliation.

c. A scientific, environmental or educational purpose.

cm. Historical and aesthetic significance of the burial site.

d. Land use.

e. A commercial purpose not related to land use which is consistent with the purposes of this section.

f. Any other interest which the board deems to be in the public interest.

2m. If the division makes a determination for granting a permit to disturb a burial site that is the subject of the hearing under this paragraph, the division may, except as provided in subd. 2o., determine the person to whom the human remains and objects related to the burial in the burial site should be transferred for analysis and reinterment or other appropriate disposition when the burial site is disturbed. In making such a determination, the division shall follow the order of priority prescribed in sub. (6) (a).

2o. If human remains and objects related to the burial in the burial site are determined by a qualified archaeologist approved by the director to be of tribal descent, the division shall request that the Wisconsin Inter–Tribal Repatriations Committee or its designee determine the appropriate disposition of the remains or objects. If the Wisconsin Inter–Tribal Repatriations Committee or its designee declines the director's request, the division shall determine the person to whom the remains and objects should be transferred as otherwise provided in subd. 2m. The Wisconsin Inter–Tribal Repatriations Committee or its designee shall submit to the director a written report of any disposition action taken under this subdivision.

3. If the determination under subd. 1m. or 2. is for granting a permit to disturb a burial site, the director shall grant the permit if the owner authorizes the director or a qualified archaeologist approved by the director to excavate the burial site to remove, within a reasonable time, beginning within 30 days of when ground conditions permit, for disposition under sub. (6), any human remains and objects related to the burial in the burial site to be disturbed under the permit.

4. A permit issued under this subsection shall be subject to s. 157.111 and may be subject to any other condition or exemption deemed necessary to limit the disturbance of a burial site or the land or to minimize any other burden on any person affected by granting the permit.

5. Any determination made by the director or the division under subd. 1m. or 2. may be appealed to the board.

(d) 1. The director may charge a fee to recover the cost of excavation of a cataloged burial site under par. (c) 3. on the basis of the historical society's assessment of the costs associated with excavation of the cataloged site.

2. The director may charge a fee to recover costs incurred by the historical society to analyze and reinter or otherwise dispose of human remains and other material under par. (c) 2m.

(6) DISPOSITION OF HUMAN REMAINS REMOVED FROM BURIAL SITES. (a) Except as provided in par. (bm), if human remains and objects related to the burial in the site are removed from a burial site under sub. (4) (c) 3. a. or (5) (c) 3. and the division has not determined under sub. (5) (c) 2m. the person to whom such remains and objects should be transferred for analysis and reinterment or other appropriate disposition, the director shall notify any person in the registry under sub. (2) (e) with an interest in the analysis and reinterment or appropriate disposition of such human remains and objects. The director shall transfer the remains and objects to such person for appropriate reinterment or other appropriate disposition upon receipt of a written application by any person with an interest in the analysis and reinterment or other appropriate disposition based on the following, in the order of priority stated, when persons in prior classes are not available at the time of application and in the absence of actual notice of opposition by a member of the same or a prior class:

1. Direct kinship.

2. A cultural, tribal or religious affiliation.

3. A scientific, environmental or educational purpose.

4. Any other interest which the board deems to be in the public interest.

(b) If the director cannot identify any person with an interest in reinterring the human remains and objects received under par. (a), the director shall provide for reinterment or other disposition of the human remains and objects in an appropriate manner.

(bm) If human remains and objects related to the burial are removed from a burial site under sub. (4) (c) 3. a. or (5) (c) 3., the remains or objects are determined by a qualified archaeologist approved by the director to be of tribal descent, and the division has not determined under sub. (5) (c) 2m. the person to whom such remains and objects should be transferred for reinterment or other appropriate disposition, the director shall request that the Wisconsin Inter–Tribal Repatriations Committee or its designee determine the appropriate disposition of any tribal human remains or objects related to the burial. The director shall transfer the remains and objects for appropriate reinterment or other appropriate disposition as directed by the Wisconsin Inter–Tribal Repatriations Committee or its designee, unless the Wisconsin Inter–Tribal Repatriations Committee or its designee declines the director's request, in which case the director shall proceed with disposition of the remains and objects as otherwise provided in par. (a). The Wisconsin Inter–Tribal Repatriations Committee or its designee shall submit to the director a written report of any disposition action taken under this paragraph.

(c) The director shall record in the catalog prepared under sub. (2) (a) the site of any reinterment under par. (a), (b), or (bm).

(d) The director shall submit to the board a written report of any disposition action taken under this subsection.

(e) The board may review and modify any disposition action taken by the director under this subsection.

(6m) BURIAL SITES ON PUBLIC LANDS. (a) In this subsection, "municipality" has the meaning given under s. 66.0621 (1) (a) and includes the state.

(b) Notwithstanding any other provision of this section, a municipality:

2. May not transfer any burial site to any person who is not a municipality unless the transfer provides for preservation of the burial site from any disturbance by any person and unless the transfer is approved by the board.

3. Shall endeavor to take positive action to preserve any burial site on land it owns through appropriate land use management including but not limited to appropriate multiuse purposes such as nature preserves.

(7) ACTION BY ATTORNEY GENERAL. Upon request of the board, the attorney general or the district attorney of the proper county shall aid in any investigation, inspection, hearing or trial had under the provisions of this section and shall institute and prosecute all necessary actions or proceedings for the enforcement of such provisions and for the punishment of violations of the same. The attorney general or district attorney so requested shall report to or confer with the board regarding the request within 30 days after receipt of the request.

(8) REMEDIES. Any person who intentionally disturbs, without the authorization of the director under sub. (4) (c) 2. or (d), a burial site which is not cataloged or who intentionally disturbs, without a permit issued under sub. (5), a cataloged burial site or the cataloged land contiguous to a cataloged burial site is liable for attorney fees and damages or other appropriate relief to any person with an interest in preserving the burial site or in reinterring the human remains and objects related to the burial in the burial site. Any person with an interest in preserving a burial site or in reinterring the human remains in the burial site may bring an action for an injunction to prevent disturbance to the burial site or the cataloged land contiguous to a cataloged burial site or to obtain the human remains and objects related to the burial in the burial site for appropriate reinterment, in the order of priority specified in sub. (6) (a).

(9) PRESERVATION OF RIGHTS. The transfer of title to any property shall not change the rights and duties of any person under this section.

(9m) ELECTRONIC SUBMISSION OF DOCUMENTS. The historical society and the board shall accept transmittal by any electronic means approved by the director of any application or other document required to be submitted under this subchapter.

(10) PENALTIES. (a) Any person who fails to report the disturbance of a burial site or the cataloged land contiguous to a cataloged burial site as required under sub. (3) shall forfeit not less than $100 nor more than $1,000.

(b) Any person who intentionally disturbs a burial site which is not cataloged without the authorization of the director under sub. (4) (c) 2. or (d) shall forfeit not less than $500 nor more than $2,000 if the burial site is not dedicated or shall forfeit not less than $1,000 nor more than $10,000 if the burial site is dedicated.

(c) Any owner who intentionally causes or permits any activity which disturbs a burial site after receiving notice from the director under sub. (4) (a) without the authorization required under sub. (4) (c) 2. or (d) shall forfeit not less than $1,000 nor more than $10,000.

(d) Any person who intentionally causes or permits any activity which disturbs a cataloged burial site or the cataloged land contiguous to a cataloged burial site without a permit issued under sub. (5) shall forfeit not less than $1,000 nor more than $10,000.

(e) Any person who disturbs a burial site for commercial gain not related to use of the land where a burial site is located or who disturbs a cataloged burial site for commercial gain related to use of the land where a burial site is located in violation of this section may be fined not to exceed 2 times the gross value gained or 2 times the gross loss caused by the disturbance, whichever is the greater, plus court costs and the costs of investigation and prosecution, reasonably incurred, or imprisoned for not more than one year in the county jail or both. In calculating the amount of the fine based on personal injury, any measurement of pain and suffering shall be excluded.

History: 1985 a. 316; 1987 a. 27; 1989 a. 3, 31, 359; 1991 a. 39; 1993 a. 386; 1995 a. 357; 1999 a. 83; 1999 a. 150 s. 672; 2001 a. 16; 2017 a. 222; 2017 a. 365 s. 111.

Cross–reference: See also ch. HS 1, Wis. adm. code.

Note: 1985 Wis. Act 316, which created this section, contains extensive notes. Section 1 of 1985 Act 316 is entitled "Legislative findings and purpose."

City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 62133

File ID:	62133	**File Type:**	Miscellaneous	**Status:**	Approved
Version:	1	**Reference:**		**Controlling Body:**	LANDMARKS COMMISSION
				File Created Date :	09/08/2020
File Name:				**Final Action:**	

Title: Amendment to Landmarks Commission Policy Manual

Notes:

Sponsors:

Effective Date:

Attachments: Staff Report on Tribal consultation for archaeological sites 9-14-20, Landmarks Commission Policy Manual 9-14-20, 62133 LC Report 9-14-20, Staff Report on amendments to policy manual 10-18-21, Landmarks Commission Policy Manual 10-18-21, windows-documentation.pdf, Saloutos comment 10-18-21, Staff Report on amendments to policy manual 10-19-21, Landmarks Commission Policy Manual draft 11-1-21 - redline, 62133 LC Report 10-18-21, Public Comment Registration 11-1-21, 62133 LC Report 11-1-21, Landmarks Commission Policy Manual 3-6-23.pdf, Landmarks Commission Policy Manual 3-6-23_track changes.pdf, Landmarks Commission Policy Manual 5-1-23.pdf, Landmarks Commission Policy Manual 5-1-23_track changes.pdf, Landmarks Commission Policy Manual 5-1-23_Updated, Landmarks Commission Policy Manual 5-19-25_track changes.pdf, Landmarks Commission Policy Manual 5-19-25.pdf, Landmarks Commission Policy Manual 2-9-26_track changes.pdf, Landmarks Commission Policy Manual 2-9-26.pdf

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Author:

Hearing Date:

Entered by: lheiser-ertel@cityofmadison.com

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History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	LANDMARKS COMMISSION	09/14/2020	Refer	LANDMARKS COMMISSION		11/01/2021	Pass
	Action Text:	A motion was made by Martin, seconded by Arnesen, to Refer the item to a future meeting after the proposed amendments have been presented at the tribal meeting. The motion passed by voice vote/other.					
1	LANDMARKS COMMISSION	10/18/2021	Refer	LANDMARKS COMMISSION		11/01/2021	Pass
	Action Text:	A motion was made by Taylor, seconded by Martin, to Refer the item to the November 1, 2021 Landmarks Commission meeting. The motion passed by voice vote/other.					
	Notes:						
1	LANDMARKS COMMISSION	11/01/2021	Approve				Pass
	Action Text:	A motion was made by McLean, seconded by Kaliszewski, to Approve the proposed policy manual amendments. The motion passed by voice vote/other.					
	Notes:	*Alex Saloutos, registering neither in support nor in opposition and wishing to speak*					
1	LANDMARKS COMMISSION	05/01/2023	Approve				Pass
	Action Text:	A motion was made by Arnesen, seconded by McLean, to Approve the proposed Landmarks Commission Policy Manual amendments. The motion passed by voice vote/other.					
	Notes:	Bailey discussed the proposed changes to the Policy Manual.					
1	LANDMARKS COMMISSION	05/19/2025	Approve				Pass
	Action Text:	A motion was made by Morrison, seconded by Arnesen, to Approve the proposed changes to the policy manual. The motion passed by voice vote/other.					

Text of Legislative File 62133

Title

Amendment to Landmarks Commission Policy Manual

PLANNING DIVISION STAFF REPORT

September 14, 2020

PREPARED FOR THE LANDMARKS COMMISSION

Regarding: Amendment to Landmarks Commission Policy Guide

Legistar File ID #: 62133

Prepared By: Heather L. Bailey, Ph.D., Preservation Planner

Background

When the Landmarks Commission last reviewed a proposal for construction on a landmark site containing a burial mound, the commission members had extensive discussion about how to best evaluate the proposed work in relation to the archaeological resources and potential human remains on the property. Staff has been requiring that property owners provide evidence that they are complying with State burial law by submitting an approved Request to Disturb permit from the Wisconsin Historical Society, but that does not always incorporate tribal input into the review process.

Alder and commission member Arvina Martin requested that staff submit the project proposal to the Ho-Chunk Nation Tribal Historic Preservation Office to see if there were concerns for that project. Staff has prepared language to include in the Landmarks Commission Policy Guide to make that process standard practice for all project reviews that include tribally-affiliated cultural resources on landmark sites. Below is the proposed text and the amended Policy Manual is also attached (see page 9).

Proposed Amendment

Tribal Consultation for Archaeological Sites

For project requests that involve ground-disturbing activities on landmark sites with archaeology or human remains with tribal association, staff shall notify the Tribal Historic Preservation Offices of interested tribes about the proposed project and ask for comments or concerns related to the proposal. Staff will provide any tribal comments to the Landmarks Commission to incorporate into their review of the project proposal.

INTRODUCTION

The purpose of this basic policy and procedures manual is to put into one document a list of the current activities, procedures and basic policies of the City of Madison Landmarks Commission.

This manual is general in nature, but includes helpful references to specific ordinances further describing the role of the Landmarks Commission.

The Landmarks Commission is given authority by Madison General Ordinances Chapters 33, 41, and 28, which specify the criteria for actions by the Commission or places the Commission in an advisory role.

In compliance with Chapter 33.01(9)(b), the Landmarks Commission may adopt rules of procedure. See Madison General Ordinances 33.01(9)(b).

RULES OF PROCEDURE

The following rules of procedure were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Commission Leadership

In June of odd numbered years, the Commission shall elect a Chair and a Vice-Chair. In the absence of the Chair, the Vice-Chair shall serve as Chair. In the absence of both the Chair and Vice-Chair, the Commission shall select an acting Chair from its membership.

The Preservation Planner or her/his designee shall serve as Secretary to the Commission.

b) Orientation for New Commissioners

As new Commission members are appointed, each shall be furnished with a membership roster, calendar of meeting dates, a Policy and Procedures Manual that includes rules of procedure, relevant ordinances and standards, maps of local historic districts, and a list of designated landmarks. Staff will schedule orientation meetings with new members to provide information and review policy and procedures. New members are encouraged to attend the training sessions offered for all city boards and commissions on rules governing open records and open meetings, as well as ethical standards of conduct. They are also encouraged to view the Historic Preservation Commission Training online instruction offered by the Wisconsin Historical Society.

c) Quorum

Four members shall constitute a quorum for the transaction of business and the taking of official action. A majority of the quorum present is required for approval of a project. In cases where a vote of the Chair will change the outcome of a project, the Chair must vote. Whenever a quorum is not present within fifteen (15) minutes of the scheduled meeting time, the Commission shall adjourn without taking any action, except that it may set a date and time for its next meeting. See Madison General Ordinances 33.01(8).

d) Parliamentary Procedure

Robert's Rules of Order shall govern parliamentary procedure in Commission meetings, except that any Madison General Ordinance or Commission procedural rule shall take precedence over Robert's Rules of Order.

The Landmarks Commission is required to utilize the Common Council's process for Reconsideration. See Madison General Ordinances 2.21 (2013).

The following processes will differ from Robert's Rules of Order: (a list will be provided here if typical processes are found to differ)

e) Secretary

The Preservation Planner is a staff member of the Department of Planning and Community and Economic Development, Planning Division. The Preservation Planner shall serve as the Secretary of the Landmarks Commission and carry out the duties that the Landmarks Commission properly delegates to the Preservation Planner under Chapter 41. In carrying out those duties, the Preservation Planner shall exercise his or her own professional judgment and expertise, consistent with Chapter 41 and subject to general oversight by the Landmarks Commission.

f) Designees

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The Secretary shall be the designee. The Secretary and the Landmarks Commission shall appoint other designees as appropriate and revise this document as required.

As Secretary, the Preservation Planner is hereby appointed as the designee of the Commission and is able to review Category 1, 2 and 3 projects. William Fruhling and Rebecca Cnare are hereby appointed to review Category 1 and Category 2 projects. When the Preservation Planner is unavailable, William Fruhling or Rebecca Cnare may review Category 3 projects and act as the Secretary of the Commission. Building Inspection Support staff and Plan Review & Permitting staff are hereby appointed to review Category 2 projects. Please refer to the Designee Review Process on page 6.

No one else is permitted to issue Certificates of Appropriateness on behalf of the Landmarks Commission.

g) Records

1. Agendas

   The Secretary shall prepare an agenda for each meeting. The agenda shall be approved by the Chair. The agenda appears on the City's Legislative Information Center website, which is available on the main City website.

   The order of business will be as follows:

   I. Roll Call

   II. Minutes

   III. Public Comment

   IV. Disclosures and Recusals

   V. Requests for Certificates of Appropriateness (requiring a public hearing)

   VI. Request for Certificates of Appropriateness (not requiring a public hearing)

   VII. Adjacency to Landmarks Advisory Recommendations

   VIII. Buildings Proposed for Demolition

   IX. New Business

   X. Unfinished Business

   XI. Regular Business

   XII. Secretary's Report

   XIII. Adjournment

   All requests to be placed on the Commission agenda shall be received by the Planning Division Office by the submission deadline. The Secretary shall determine whether the submissions are complete and in proper form.

2. Minutes and Action Reports

   The Secretary shall prepare the minutes for each meeting. The minutes appear on the City's Legislative Information Center website, which is available on the main City website.

   A copy of the minutes of the past meeting is provided with the agenda for the next meeting. The originals of the Commission minutes are kept in the Planning Division Office.

   The Secretary shall prepare the action reports for each meeting. The action reports shall be reviewed as part of the meeting minutes. The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

3. Communications, Petitions, etc.

   All communications, petitions, and reports should be addressed to the Commission and delivered or mailed to the Secretary. Commission members shall report and forward to the Secretary any individual communications they receive.

Written comments should be submitted 24 hours in advance of the meeting. Comments received less than 24 hours in advance of the meeting may not be processed for review at the meeting, but will be added to the public record as time allows.

4. Reports to other Bodies (the Urban Design Commission, Plan Commission, and Common Council)

   The Secretary shall report the action of the Commission to the Urban Design Commission, Plan Commission and Common Council on all matters as appropriate.

   The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

5. Public Record

   All Commission agendas, meeting minutes, action reports, communications, petitions, and miscellaneous reports shall be available on the City's Legislative Information Center website, which is available on the main City website.

h) Conduct of Meetings

Members of the public who wish to speak on agenda items shall register to speak by completing a registration form. Sign in shall be allowed up to the time of discussion for each agenda item.

Testimony on non-public hearing items before the Commission is limited to three (3) minutes and on public hearing items is limited to five (5) minutes; additional time may be allowed with the consent of the Commission. The Chair and Secretary shall monitor the time.

The Chair shall endeavor to keep testimony focused, and to maintain the decorum of the meeting.

No argumentative questioning of the Commission or speakers shall be permitted, and no member of the public may question another speaker. Speakers may direct questions to the Chair during their testimony; questions will be noted, and may be answered at the appropriate time during the hearing. Any Commission member may question a speaker on the facts presented or for clarification of a statement made.

Public testimony by Skype or phone or similar method shall be permitted subject to the discretion of the Chair and the Commission.

For the purposes of a public hearing, the Chair shall open the public hearing and call for alternate registrants for and against the subject under consideration. The name and address of each person appearing shall be stated. Upon conclusion of the public statements, the Chair shall close the public hearing. Once the hearing is closed, no member of the public may comment further unless the Commission votes to suspend its rules for this purpose.

Commission members may then ask questions of staff, make motions, engage in discussion, and vote on the item presented during the public hearing.

i) Motions and Voting

Motions shall be restated by the chair before a vote is taken. The name of the maker of a motion and of the person to second the motion shall be recorded.

The Chair may participate in discussion, questioning and debate, but will not make motions or vote on any matter unless to break a tie. Members of the Common Council who are not serving on the Commission likewise may participate in discussions, but may not make motions or vote on any matters.

Motions shall be passed by an affirmative vote with not less than a majority of the Commission in attendance. Voting shall be by voice. Any member of the Commission can request a roll call vote.

Please refer to the Review Process Policies, Actions on Matters Before the Commission on page 10.

j) Reports

The Commission may ask for reports and recommendations from the Secretary on any matters before it that are consistent with the annual work plan of the Preservation Planner.

k) Suspension of Rules

The Commission may suspend any of its procedural rules (except City and State Codes) by a majority vote of the members present.

l) Amendments

These rules, policies and procedures may be amended at any regular meeting by a majority vote of the members present. At a minimum, the Commission will review and update this document as necessary in May of even-numbered years and recorded with the City Clerk after being adopted by the Landmarks Commission.

m) Attendance

Commissioners shall endeavor to attend all regularly scheduled meetings of the Commission. Commissioners shall contact the Secretary to request an excused absence as soon as they are aware of a possible scheduling conflict. The City of Madison has specific rules for attendance that cannot be waived by Commission procedures and policies.

REVIEW PROCESS POLICIES

The following review process policies were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Development Review Process Summary

The development review process varies based on the complexity of a proposal and the type of request involved. However, each process generally includes three stages; the pre-application stage, the commissions review stage, and the plan sign-off, permitting, and inspection stage.

The Landmarks Commission has final review authority in some instances. In other instances, the Commission is required to make an advisory recommendation to the Plan Commission and/or the Urban Design Commission. When review by multiple Commissions is required, the Landmarks Commission is typically the first Commission to take action in the development review process.

b) Designee Review Process

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The categories below indicate the types of projects that may be approved by designees. In all cases, the designees may use their discretion and send the request to the Commission for a formal review. Please refer to the Rules of Procedure, Designees, page 2.

Category 1:

1. In kind repairs to existing buildings/structures that will not change the appearance.

Category 2:

1. Reroofing projects which will replicate the use of three-in-one tab asphalt or fiberglass shingles or other rectangular asphalt or fiberglass shingles of similar scale or sawn wooden shingles. Reroofing with tile, slate or metal may be approved of there is historical documentation, physical evidence, or generally understood methodology or practice that the building once had a tile, slate or metal roof. Reroofing projects on buildings or parts of buildings with flat roofs or shed roofs that are not visible from the street may be approved. If a house is shingled in the French method, new shingles of the same design may be approved. Small attic ventilators that match the roof in color may be approved.
2. Replacement in-kind of exterior mechanical equipment when it maintains a similar size and configuration.

Category 3:

1. Residing with narrow gauge clapboard composite, aluminum, or vinyl to the extent mandated by the Landmarks Ordinance on the following conditions:
   - The original material must be clapboard.
   - The new siding must approximate the width of the original siding.
   - Any decorative woodwork, such as molding on windows, decorative bargeboards, porch posts, spindles, etc., should be retained or covered with new material in such a way as to duplicate the appearance of the original. All trim should be from the siding. Soffits may be covered with aluminum, provided that they are ventilated.

- All later non-original layers of siding must be removed before the new siding is applied, or else all trim should be built up to project from the siding approximately the same amount as the original. Original siding must be retained and encapsulated.

2. Gutters and downspouts of enameled or anodized metal (not raw aluminum), provided that any decorative downspout or gutter details are retained. If existing gutters are raw aluminum and only parts are being replaced, then the designee(s) may approve matching the existing gutters.

3. Handrails designed to be compatible with the style of the house.

4. Project that will result in only a minor change of appearance and that will not destroy significant architectural elements, such as converting a door to a window on the rear of the house, or adding a flat skylight on a roofline not visible from the street.

5. Projects that will result in a moderate change of appearance provided that there are compelling reasons for beginning work before the next Landmarks Commission meeting (such as emergency structural repairs or the onset of bad weather). Such projects must also be approved by the Chair of the Landmarks Commission, or in his/her absence the Vice Chair.

6. Replacement of the face of an existing sign with new information and the installation of awnings, provided that the proposed design will not detract from the character of the building or district.

7. The construction of a small garden shed in the rear yard of a property provided that the shed does not adversely affect the primary structure, is of simple design, with gable, hip or shed roof and provided that the shed design is compatible with the design of the house and the neighborhood.

8. Projects that restore the original appearance/condition using historic materials may be approved provided that there is historical documentation, physical evidence, or generally understood methodology.

9. Projects that have received a recent Certificate of Appropriateness from the Commission and require a minor modification (not a Minor Alteration) to that approval that does not destroy historic fabric or historic character and does not reverse or alter any portion of the project that was a significant part of the Commission discussion. Consistent with open meeting requirements, Staff may consult with members of the Commission.

10. Exterior alterations to sites that are adjacent to landmarks provided that the alterations are minor alterations and will result in only a minor change of appearance.

c) Actions on Matters Before the Commission

1. Certificate of Appropriateness

   For any Certificate of Appropriateness where the Landmarks Commission approval is required, the Commission may take one of the following actions:

   - The Commission shall ***Approve*** the Certificate of Appropriateness if it determines that the request meets the applicable standards for approval. The Commission may adopt

conditions of approval for a project if it believes that those conditions will allow the project to meet the standards for approval.

- The Commission shall ***Deny*** the Certificate of Appropriateness if it feels the request does not meet the applicable standards for approval. In doing so, the Commission shall specifically state the standards that the request does not meet and the reasons why those standards are not met.
- The Commission shall ***Refer*** the matter to a future meeting if it believes that the request currently before it does not meet the applicable standards for approval but that it could with additional modification or if it determines that the Commission has not been provided with complete information to make a determination. A referral may also be requested by the applicant or by staff because the request is not, or may not be, procedurally ready to proceed. For any referral, the Commission should specify its reasons for referring the matter to a future meeting.

2. Adjacency to Landmarks Advisory Recommendation

   For any advisory recommendation related to adjacency to landmarks and landmark sites, the Commission shall use the language of section 28.144 to provide an advisory recommendation.

   An example motion for an advisory recommendation may be similar to the following:

   "The Landmarks Commission finds that the proposed development is not so large or visually intrusive as to adversely affect the historic character and integrity of the adjacent landmark."

3. Historic Value Advisory Recommendation

   When advised by the Preservation Planner regarding a demolition request, the LC may provide a report to the Plan Commission on the historic, architectural or cultural significance of the structure for which a demolition permit is sought, to assist the Plan Commission in its determination of whether the standards of Chapter 28 are satisfied. The determination of historic value does not look at the proposed project for the site - only the historic value of the existing building.

   For any advisory recommendation related to the historic value of buildings proposed for demolition, the Commission shall take one of the following actions:

   a. *The Commission finds that the building(s) has no known historic value.*

   b. *The Commission finds that the building(s) has historic value related to the vernacular context of Madison's built environment, or as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant.*

   c. *The Commission finds that the building(s) has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, and/or as an intact or rare example of a certain architectural style or method of construction.*

   The Commission may also provide a separate report regarding a property proposed for demolition to the Plan Commission. This report can further describe the historic value of the property outside of the language of the actions above.

4. Window Replacement Requests

   For window replacement applications, applicants shall provide information on whether the windows proposed for replacement are original to the structure or date to the period of significance for the landmark or historic district. If the windows are historic, the applicant must provide a 3rd party assessment of whether the windows are physically beyond repair and/or are not economically feasible to repair. This assessment must come from a contractor who completes window repair, such as a carpenter, painter, or general contractor.

   An application will evaluate each window individually and provide a description of the window and window component dimensions of the existing window and the proposed replacement windows.

   The Commission shall take one of the following actions:

   - Determine if the proposed window is physically beyond repair and/or is not economically feasible to repair.
   - If it is feasible and practical to repair the windows, then they must be repaired.
   - If the window requires replacement, approve replacement products that are similar in design, color, scale, architectural appearance, and other visual qualities. The window size and component dimensions should be comparable.

5. Tribal Consultation for Archaeological Sites

   For project requests that involve ground-disturbing activities on landmark sites with archaeology or human remains with tribal association, staff shall notify the Tribal Historic Preservation Offices of interested tribes about the proposed project and ask for comments or concerns related to the proposal. Staff will provide any tribal comments to the Landmarks Commission to incorporate into their review of the project proposal.

GENERAL POLICIES

The following general policies were adopted by the Commission to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) New Alder Orientation

In June of each odd-numbered year, staff shall prepare a one-page handout regarding the Landmarks Commission process and purpose of the City's preservation program to be provided at the City's new alder orientation.

b) Education Series

Each May, in recognition of national Historic Preservation month, the Landmarks Commission may host a public education and outreach session during a regularly scheduled or special meeting.

The Commission may prepare information packets for property owners related to maintenance of historic buildings.

c) Regular Review of Policy and Procedure Manual

At the beginning of each even numbered calendar year, the Landmarks Commission shall review the adopted policy and procedure document and make any revisions as needed. The adopted document shall be filed with the City Clerk's Office.

d) Landmark Plaque Procedure

According to 41.07(8), the City shall provide a plaque for a recently designated landmark site. Preservation staff will draft the text for the plaque using materials prepared for the nomination process. The text will include the items of interest as described in the Ordinance. Staff will allow the Owner to review the text and provide suggestions. Once the text has been reviewed by the Owner, staff will forward it to the Landmarks Commission for review and final approval.

According to the Ordinance, the plaque should be located so it is easily visible to passing pedestrians. Plaques should be mounted to building walls on or near the primary façade preferably near the entrance or on landscape elements including natural boulders or formed concrete bases. In some cases, the plaque could be mounted on fences or entrance piers. The plaque can be fabricated with horizontal or vertical format to work with the space provided. Staff should suggest a plaque location and coordinate with the property owner to select a final location. Under no circumstances, shall the plaque be located in a place that would obscure or damage unique architectural or character defining features. If a property owner is not agreeable to placing a plaque on the building, staff may locate the plaque on a concrete base on the street side of the terrace.

Typically, the plaques should be fabricated and installed within the 12 months after designation; however, it may be more cost effective to have numerous plaques fabricated and installed at once. Preservation staff will consider the most cost effective means when having plaques fabricated.

Plaques will have a uniform appearance and will have horizontal or vertical formats to complement the area selected for installation. The specifications are as follows:

Size:	16" x 24" x ½" thick
Material:	cast brushed aluminum
Background:	painted black (satin finish)
Texture:	leatherette
Copy:	raised TIMES ROMAN all caps. Not to exceed 500 characters. Silver color.
Border:	single line. Silver color.
Mounting:	concealed

Typical horizontal plaque format (vertical format would be similar):

JAMES & BRIDGET CASSERLY HOUSE

1891

THE CASSERLY HOUSE IS A CLASSIC EXAMPLE OF A QUEEN ANNE STYLE HOUSE BUILT FOR A MIDDLE-CLASS FAMILY. JAMES CASSERLY WAS A FOREMAN AND LATER SUPERINTENDENT OF THE MADISON DEMOCRAT, ONE OF MADISON'S TWO MAJOR NEWSPAPERS AT THE TURN-OF-THE-CENTURY. THE CASSERLYS WERE ONE OF THE MANY FAMILIES OF IRISH DESCENT WHO LIVED IN THIS NEIGHBORHOOD. IN THE 1960S, THE HOUSE BECAME A ROOMING HOUSE AND ITS CONDITION DETERIORATED. IN 1980, IT WAS CAREFULLY RESTORED AS OFFICES AND AN APARTMENT.

DESIGNATED APRIL 25, 1983

MADISON LANDMARKS COMMISSION

Staff will work with the plaque installer and property owner to schedule the installations. Staff will provide the plaque installer with descriptive documents indicating the approved location of the plaque. Staff should communicate the installation date to the property owner and should be available during installation to visit the site if necessary. The plaque is property of the City of Madison and should not be removed or altered once installed. Should a plaque need to be removed for maintenance or repairs, the property owner must receive written approval from the Preservation Planner prior to performing such work. Once the work is complete, the plaque should be promptly reinstalled at the expense of the property owner.

Plaques are fabricated from aluminum and are originally painted black and matte silver/gray. Maintenance of the plaque is the responsibility of the property owner. Should maintenance be required, the property owner must receive written approval from the Preservation Planner prior to performing such work. In general repainting of a plaque is not desired, but if necessary, may only be done by a professional painter or an individual approved by the Preservation Planner.

CODE OF ETHICS

Landmarks Commission members are required to attend an in-person training conducted by the City Attorney's office. The general summary below cannot replace a full training nor does it constitute legal advice. As questions arise, contact the Office of the City Attorney or the City of Madison Ethics Board.

The Ethics Code spells out standards of conduct intended to foster public trust and promote confidence in the integrity of government by avoiding the appearance of self-interest, personal gain, or benefit. The Code also requires written disclosures by most City elected officials, employees and appointees regarding their private financial or personal interests in matters that may affect the City. See Section 3.35 of the Madison General Ordinances (MGO).

The Madison Ethics Code establishes guidelines to ensure that City elected officials, employees, and appointees (a) act impartially, responsibly and independently, (b) make decisions and policies through proper channels of City governmental structure, and (c) serve the public interest rather than some private interest.

The major areas of responsibility and accountability spelled out in the Code include:

- Disclosure of conflicts of interest and possible disqualification from subsequent action
- Use of office for private gain
- Disclosures of confidential or privileged information
- Receipt of gifts and favors
- Incompatible employment
- Restrictions after leaving office or appointment

As questions regarding conflicts of interest and the application of the Code of Ethics arise, commissioners should consult the Code of Ethics and the Office of the City Attorney. When in doubt, ask the City Attorney's Office or the City of Madison Ethics Board.[1]

OPEN MEETING REQUIREMENTS

Landmarks Commission members are required to attend an in-person training conducted by the City Attorney's office. The general summary below cannot replace a full training nor does it constitute legal advice. As questions arise, contact the Office of the City Attorney.

"In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business." Wisconsin Statutes Section 19.81(1)

Applicable open meetings laws are found in Section 19.81 through 19.98 of the Wisconsin Statutes, reproduced in Section 3.71 Madison General Ordinances, and supplemented by Administrative Procedure Memorandum (APM) 3-13.The Landmarks Commission as a body must meet "open meeting" requirements set forth in these statutes and ordinances to ensure its business is conducted properly. Generally, staff is responsible for ensuring that the meeting is properly noticed and conducted in compliance with these rules.

Individual members are responsible for following certain requirements outside of noticed meetings. Common issues include, but are not limited to:

- Illegal meetings – generally, a meeting occurs any time a group of members discusses Commission-related issues, if the group is large enough to take or block action on an issue. Social encounters among members should be limited to non-Commission topics of conversation. Tours by the Commission should be properly noticed to meet open meeting requirements.
- Email – an email discussion between members could be an illegal meeting. Generally, email should not be used to conduct substantive issue-related Commission business. Messages from citizens to members should be forwarded to staff for dissemination to the full Commission. Messages from staff or an individual member to the full Commission are permissible on procedural issues, but members should take care to reply only to the sender (not reply-all).
- Conference calls – a conference call between members could be an illegal meeting. Meetings may be conducted via conference call, but should be properly noticed as such and provide a public facility with speakerphone so the public is able to hear/participate.[2]

DECISION MAKING

Landmarks Commission members are required to attend an in-person training conducted by the City Attorney's office. The general summary below cannot replace a full training nor does it constitute legal advice. As questions arise, contact the Office of the City Attorney.

All parties who appear before the Commission are entitled to a fair and impartial hearing. This includes:

1. **The appearance of fairness**

   The Commission must make decisions in an impartial and unbiased manner. Actual bias is not required; an impermissibly high *risk* of bias is sufficient to compromise the appearance of fairness. Keen v. Dane County Board of Supervisors, 269 Wis.2d 488 (Ct. App 2003).

2. **Proper notice and hearing**

   Notice is handled by City staff (e.g. publication, mailed notice, noting on agenda). Hearings serve the dual function of providing citizens with an opportunity to express their views and to inform the decision-making body regarding the views of the affected community members.

3. **Decisions based on the standards and the evidence before the body**

   Where decision-making standards are listed in the ordinances, the Commission must follow them. It is the responsibility of the applicant to demonstrate that a proposal meets the standards, and the responsibility of the Commission to explain how it came to a determination. Unless specifically required by statute or ordinance, particularized written findings are not necessary, nor are there "magic words" that must be used. However, a simple statement that "the standards are met" or "are not met" is insufficient to inform the applicant of the reasons for the determination. The decision and the transcript must provide a record that allows meaningful judicial review.[3]

LEGAL ADVICE PROVIDED BY CITY ATTORNEY

Legal advice provided by the City Attorney is privileged and provided on a confidential basis. It should not be released to third parties or discussed at a public meeting, unless the advice is in a formal memorandum that Planning Staff and the City Attorney intend be distributed to the public.

ENDNOTES

1. *Ethics Code training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/ethics/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

2. *Open Meetings training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/meetings/training.cfm

   (See Also: City Attorney Opinion 2004-001, available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2004Opinions.cfm)

3. Quasi-Judicial Decision-making training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/training/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

Note: Madison General Ordinances are available on the City of Madison's Legislative Center on the City's website.

AGENDA # 3

City of Madison, Wisconsin

REPORT OF: LANDMARKS COMMISSION	**PRESENTED:** 9/14/20
TITLE: Amendment to Landmarks Commission Policy Manual	**REFERRED:**
	REREFERRED:
	REPORTED BACK:
AUTHOR: Heather Bailey, Preservation Planner	**ADOPTED:** **POF:**
DATED: 9/17/20	**ID NUMBER:** 62133

Members present were: Anna Andrzejewski, Richard Arnesen, Katie Kaliszewski, Arvina Martin, David McLean, and Maurice Taylor. Excused was Betty Banks.

SUMMARY:

Bailey referenced a previous project the Landmarks Commission reviewed on a site containing a burial mound for which Ald. Martin requested the project undergo an additional review by the Ho-Chunk Nation Tribal Historic Preservation Office. Bailey said that staff has been following State burial law, but is proposing they go above and beyond and add language to the Policy Manual to make it standard practice to include tribal historic preservation offices in the review process. She said that it doesn't happen often, but if the preservation program has a goal of making sure all voices are included and heard, then it makes sense to include tribal voices for those associated sites. She discussed the proposed language and explained that a couple of areas were left non-specific, including the timeline and which tribal historic preservation offices would be contacted. Concerning a timeline, she said that as soon as a submission was received, staff would send the information to the Tribal Historic Preservation Office for input. She said that in the Madison area, likely only the Ho-Chunk Nation would have an interest, but she wanted to leave it open to other tribes who may want to have a voice in the process. She said that she planned to give a presentation at an upcoming meeting of all tribes affiliated with Wisconsin to gather feedback.

Taylor asked about the review process and whether this creates and undue burden on property owners. Bailey said that the state requires a request to disturb permit for sites with known human burials; however, the information in the state system was largely completed by archaeologists and didn't necessarily include tribal voices. She said that the proposed process is not saying property owners can't develop, it is instead actively soliciting tribal comment on the project. She said that staff will put information regarding the added review process on the Landmarks Commission website so that applicants understand and won't be surprised. Taylor asked about the timeline for the tribal review. Bailey said that when she sends the inquiry to the Tribal Historic Preservation Office, she will specify the meeting date when the Landmarks Commission review will take place, so the deadline for feedback will be the date the project is reviewed by the commission. Kaliszewski said that when property owners apply to the state for a permit, there is a 30-day review timeline, so they have an idea of how long it will take. Bailey said that she is going to check if the tribes would like government-to-government communication for this process or if the applicant should contact them. McLean said that it seems like a good idea to get this into our Policy Manual. Martin said that she likes the amendment as well and appreciates that staff has been concerned with maintaining government-to-government relationships with the tribes.

Bailey explained that the tribal meeting she plans to attend is in October, so they may want to discuss and vote on the amendments after that. She said that before she presented the language to the tribes, she wanted to

make sure the commission approved of it. Martin said that her preference would be to make sure the commission approves of the language and then present it at the tribal meeting before officially voting on it. Kaliszewski said that her only comment is that they put in writing the potential timeline for how long tribes have to comment on a project.

ACTION:

A motion was made by Martin, seconded by Arnesen, to refer the item to a future meeting after the proposed amendments have been presented at the tribal meeting. The motion passed by voice vote/other.

PLANNING DIVISION STAFF REPORT October 15, 2021

PREPARED FOR THE LANDMARKS COMMISSION

Regarding: Amendment to Landmarks Commission Policy Guide

Legistar File ID #: 62133

Prepared By: Heather L. Bailey, Ph.D., Preservation Planner

Background

It is time to evaluate the commission's policy guide. For this draft, staff has added another designee from the Planning Division to complete administrative approvals (page 2). Staff would also like to discuss with the commission the categories for level 2 and level 3 approvals (pages 6-7).

At the previous review of the manual, the commission had deferred adoption of the tribal consultation process (page 9) to wait and see what the feedback was from the Wisconsin Inter-Tribal Repatriation Committee. Staff is preparing a Certified Local Government grant to address how to better engage with tribal parties and get a better inventory of archaeological sites in the city. In the meantime, staff has been utilizing the tribal consultation procedure for inquiries related to landmarked archaeological sites. Staff would recommend that we formally adopt this procedure and if after we finish our grant process, we find that we need to fine tune the procedure, we can do so at that time.

While the window policy (page 9) has been largely helpful in reviewing proposed window replacement requests, staff still struggles to get detailed information from applicants. Staff reached out to the tax credit reviewers with the Wisconsin Historical Society and they recommended sending applicants the window documentation diagrams from the National Park Service. Staff could include these as part of our window replacement instructions on our website as illustrative of the instructions that the commission adopted, but we could also include them formally in the policy manual.

Finally under general policies, there are two items highlighted that we and not fully complying with (page 10). The commission should have a discussion on if we should amend or remove these items from the policy guide.

INTRODUCTION

The purpose of this basic policy and procedures manual is to put into one document a list of the current activities, procedures and basic policies of the City of Madison Landmarks Commission.

This manual is general in nature, but includes helpful references to specific ordinances further describing the role of the Landmarks Commission.

The Landmarks Commission is given authority by Madison General Ordinances Chapters 33, 41, and 28, which specify the criteria for actions by the Commission or places the Commission in an advisory role.

In compliance with Chapter 33.01(9)(b), the Landmarks Commission may adopt rules of procedure. See Madison General Ordinances 33.01(9)(b).

RULES OF PROCEDURE

The following rules of procedure were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Commission Leadership

In June of odd numbered years, the Commission shall elect a Chair and a Vice-Chair. In the absence of the Chair, the Vice-Chair shall serve as Chair. In the absence of both the Chair and Vice-Chair, the Commission shall select an acting Chair from its membership.

The Preservation Planner or her/his designee shall serve as Secretary to the Commission.

b) Orientation for New Commissioners

As new Commission members are appointed, each shall be furnished with a membership roster, calendar of meeting dates, a Policy and Procedures Manual that includes rules of procedure, relevant ordinances and standards, maps of local historic districts, and a list of designated landmarks. Staff will schedule orientation meetings with new members to provide information and review policy and procedures. New members are encouraged to attend the training sessions offered for all city boards and commissions on rules governing open records and open meetings, as well as ethical standards of conduct. They are also encouraged to view the Historic Preservation Commission Training online instruction offered by the Wisconsin Historical Society.

c) Quorum

Four members shall constitute a quorum for the transaction of business and the taking of official action. A majority of the quorum present is required for approval of a project. In cases where a vote of the Chair will change the outcome of a project, the Chair must vote. Whenever a quorum is not present within fifteen (15) minutes of the scheduled meeting time, the Commission shall adjourn without taking any action, except that it may set a date and time for its next meeting. See Madison General Ordinances 33.01(8).

d) Parliamentary Procedure

Robert's Rules of Order shall govern parliamentary procedure in Commission meetings, except that any Madison General Ordinance or Commission procedural rule shall take precedence over Robert's Rules of Order.

The Landmarks Commission is required to utilize the Common Council's process for Reconsideration. See Madison General Ordinances 2.21 (2013).

The following processes will differ from Robert's Rules of Order: (a list will be provided here if typical processes are found to differ)

e) Secretary

The Preservation Planner is a staff member of the Department of Planning and Community and Economic Development, Planning Division. The Preservation Planner shall serve as the Secretary of the Landmarks Commission and carry out the duties that the Landmarks Commission properly delegates to the Preservation Planner under Chapter 41. In carrying out those duties, the Preservation Planner shall exercise his or her own professional judgment and expertise, consistent with Chapter 41 and subject to general oversight by the Landmarks Commission.

f) Designees

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The Secretary shall be the designee. The Secretary and the Landmarks Commission shall appoint other designees as appropriate and revise this document as required.

As Secretary, the Preservation Planner is hereby appointed as the designee of the Commission and is able to review Category 1, 2 and 3 projects. William Fruhling, Rebecca Cnare, and Dan McAuliffe are hereby appointed to review Category 1 and Category 2 projects. When the Preservation Planner is unavailable, William Fruhling, Rebecca Cnare, or Dan McAuliffe may review Category 3 projects and act as the Secretary of the Commission. Building Inspection Support staff and Plan Review & Permitting staff are hereby appointed to review Category 2 projects. Please refer to the Designee Review Process on page 6.

No one else is permitted to issue Certificates of Appropriateness on behalf of the Landmarks Commission.

g) Records

1. Agendas

   The Secretary shall prepare an agenda for each meeting. The agenda shall be approved by the Chair. The agenda appears on the City's Legislative Information Center website, which is available on the main City website.

   The order of business will be as follows:

   I. Roll Call

   II. Minutes

   III. Public Comment

   IV. Disclosures and Recusals

   V. Requests for Certificates of Appropriateness (requiring a public hearing)

   VI. Request for Certificates of Appropriateness (not requiring a public hearing)

   VII. Adjacency to Landmarks Advisory Recommendations

   VIII. Buildings Proposed for Demolition

   IX. New Business

   X. Unfinished Business

   XI. Regular Business

   XII. Secretary's Report

   XIII. Adjournment

   All requests to be placed on the Commission agenda shall be received by the Planning Division Office by the submission deadline. The Secretary shall determine whether the submissions are complete and in proper form.

2. Minutes and Action Reports

   The Secretary shall prepare the minutes for each meeting. The minutes appear on the City's Legislative Information Center website, which is available on the main City website.

   A copy of the minutes of the past meeting is provided with the agenda for the next meeting. The originals of the Commission minutes are kept in the Planning Division Office.

   The Secretary shall prepare the action reports for each meeting. The action reports shall be reviewed as part of the meeting minutes. The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

3. Communications, Petitions, etc.

   All communications, petitions, and reports should be addressed to the Commission and delivered or mailed to the Secretary. Commission members shall report and forward to the Secretary any individual communications they receive.

Written comments should be submitted 24 hours in advance of the meeting. Comments received less than 24 hours in advance of the meeting may not be processed for review at the meeting, but will be added to the public record as time allows.

4. Reports to other Bodies (the Urban Design Commission, Plan Commission, and Common Council)

   The Secretary shall report the action of the Commission to the Urban Design Commission, Plan Commission and Common Council on all matters as appropriate.

   The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

5. Public Record

   All Commission agendas, meeting minutes, action reports, communications, petitions, and miscellaneous reports shall be available on the City's Legislative Information Center website, which is available on the main City website.

h) Conduct of Meetings

Members of the public who wish to speak on agenda items shall register to speak by completing a registration form. Sign in shall be allowed up to the time of discussion for each agenda item.

Testimony on non-public hearing items before the Commission is limited to three (3) minutes and on public hearing items is limited to five (5) minutes; additional time may be allowed with the consent of the Commission. The Chair and Secretary shall monitor the time.

The Chair shall endeavor to keep testimony focused, and to maintain the decorum of the meeting.

No argumentative questioning of the Commission or speakers shall be permitted, and no member of the public may question another speaker. Speakers may direct questions to the Chair during their testimony; questions will be noted, and may be answered at the appropriate time during the hearing. Any Commission member may question a speaker on the facts presented or for clarification of a statement made.

Public testimony by Skype or phone or similar method shall be permitted subject to the discretion of the Chair and the Commission.

For the purposes of a public hearing, the Chair shall open the public hearing and call for alternate registrants for and against the subject under consideration. The name and address of each person appearing shall be stated. Upon conclusion of the public statements, the Chair shall close the public hearing. Once the hearing is closed, no member of the public may comment further unless the Commission votes to suspend its rules for this purpose.

Commission members may then ask questions of staff, make motions, engage in discussion, and vote on the item presented during the public hearing.

i) Motions and Voting

Motions shall be restated by the chair before a vote is taken. The name of the maker of a motion and of the person to second the motion shall be recorded.

The Chair may participate in discussion, questioning and debate, but will not make motions or vote on any matter unless to break a tie. Members of the Common Council who are not serving on the Commission likewise may participate in discussions, but may not make motions or vote on any matters.

Motions shall be passed by an affirmative vote with not less than a majority of the Commission in attendance. Voting shall be by voice. Any member of the Commission can request a roll call vote.

Please refer to the Review Process Policies, Actions on Matters Before the Commission on page 10.

j) Reports

The Commission may ask for reports and recommendations from the Secretary on any matters before it that are consistent with the annual work plan of the Preservation Planner.

k) Suspension of Rules

The Commission may suspend any of its procedural rules (except City and State Codes) by a majority vote of the members present.

l) Amendments

These rules, policies and procedures may be amended at any regular meeting by a majority vote of the members present. At a minimum, the Commission will review and update this document as necessary in May of even-numbered years and recorded with the City Clerk after being adopted by the Landmarks Commission.

m) Attendance

Commissioners shall endeavor to attend all regularly scheduled meetings of the Commission. Commissioners shall contact the Secretary to request an excused absence as soon as they are aware of a possible scheduling conflict. The City of Madison has specific rules for attendance that cannot be waived by Commission procedures and policies.

REVIEW PROCESS POLICIES

The following review process policies were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Development Review Process Summary

The development review process varies based on the complexity of a proposal and the type of request involved. However, each process generally includes three stages; the pre-application stage, the commissions review stage, and the plan sign-off, permitting, and inspection stage.

The Landmarks Commission has final review authority in some instances. In other instances, the Commission is required to make an advisory recommendation to the Plan Commission and/or the Urban Design Commission. When review by multiple Commissions is required, the Landmarks Commission is typically the first Commission to take action in the development review process.

b) Designee Review Process

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The categories below indicate the types of projects that may be approved by designees. In all cases, the designees may use their discretion and send the request to the Commission for a formal review. Please refer to the Rules of Procedure, Designees, page 2.

Category 1:

1. In kind repairs to existing buildings/structures that will not change the appearance.

Category 2:

1. Reroofing projects which will replicate the use of three-in-one tab asphalt or fiberglass shingles or other rectangular asphalt or fiberglass shingles of similar scale or sawn wooden shingles. Reroofing with tile, slate or metal may be approved of there is historical documentation, physical evidence, or generally understood methodology or practice that the building once had a tile, slate or metal roof. Reroofing projects on buildings or parts of buildings with flat roofs or shed roofs that are not visible from the street may be approved. If a house is shingled in the French method, new shingles of the same design may be approved. Small attic ventilators that match the roof in color may be approved.
2. Replacement in-kind of exterior mechanical equipment when it maintains a similar size and configuration.

Category 3:

1. Residing with narrow gauge clapboard composite, aluminum, or vinyl to the extent mandated by the Landmarks Ordinance on the following conditions:
   - The original material must be clapboard.
   - The new siding must approximate the width of the original siding.
   - Any decorative woodwork, such as molding on windows, decorative bargeboards, porch posts, spindles, etc., should be retained or covered with new material in such a way as to duplicate the appearance of the original. All trim should be from the siding. Soffits may be covered with aluminum, provided that they are ventilated.

- All later non-original layers of siding must be removed before the new siding is applied, or else all trim should be built up to project from the siding approximately the same amount as the original. Original siding must be retained and encapsulated.

2. Gutters and downspouts of enameled or anodized metal (not raw aluminum), provided that any decorative downspout or gutter details are retained. If existing gutters are raw aluminum and only parts are being replaced, then the designee(s) may approve matching the existing gutters.

3. Handrails designed to be compatible with the style of the house.

4. Project that will result in only a minor change of appearance and that will not destroy significant architectural elements, such as converting a door to a window on the rear of the house, or adding a flat skylight on a roofline not visible from the street.

5. Projects that will result in a moderate change of appearance provided that there are compelling reasons for beginning work before the next Landmarks Commission meeting (such as emergency structural repairs or the onset of bad weather). Such projects must also be approved by the Chair of the Landmarks Commission, or in his/her absence the Vice Chair.

6. Replacement of the face of an existing sign with new information and the installation of awnings, provided that the proposed design will not detract from the character of the building or district.

7. The construction of a small garden shed in the rear yard of a property provided that the shed does not adversely affect the primary structure, is of simple design, with gable, hip or shed roof and provided that the shed design is compatible with the design of the house and the neighborhood.

8. Projects that restore the original appearance/condition using historic materials may be approved provided that there is historical documentation, physical evidence, or generally understood methodology.

9. Projects that have received a recent Certificate of Appropriateness from the Commission and require a minor modification (not a Minor Alteration) to that approval that does not destroy historic fabric or historic character and does not reverse or alter any portion of the project that was a significant part of the Commission discussion. Consistent with open meeting requirements, Staff may consult with members of the Commission.

10. Exterior alterations to sites that are adjacent to landmarks provided that the alterations are minor alterations and will result in only a minor change of appearance.

c) Actions on Matters Before the Commission

1. Certificate of Appropriateness

   For any Certificate of Appropriateness where the Landmarks Commission approval is required, the Commission may take one of the following actions:

   - The Commission shall ***Approve*** the Certificate of Appropriateness if it determines that the request meets the applicable standards for approval. The Commission may adopt

conditions of approval for a project if it believes that those conditions will allow the project to meet the standards for approval.

- The Commission shall ***Deny*** the Certificate of Appropriateness if it feels the request does not meet the applicable standards for approval. In doing so, the Commission shall specifically state the standards that the request does not meet and the reasons why those standards are not met.
- The Commission shall ***Refer*** the matter to a future meeting if it believes that the request currently before it does not meet the applicable standards for approval but that it could with additional modification or if it determines that the Commission has not been provided with complete information to make a determination. A referral may also be requested by the applicant or by staff because the request is not, or may not be, procedurally ready to proceed. For any referral, the Commission should specify its reasons for referring the matter to a future meeting.

2. Adjacency to Landmarks Advisory Recommendation

   For any advisory recommendation related to adjacency to landmarks and landmark sites, the Commission shall use the language of section 28.144 to provide an advisory recommendation.

   An example motion for an advisory recommendation may be similar to the following:

   "The Landmarks Commission finds that the proposed development is not so large or visually intrusive as to adversely affect the historic character and integrity of the adjacent landmark."

3. Historic Value Advisory Recommendation

   When advised by the Preservation Planner regarding a demolition request, the LC may provide a report to the Plan Commission on the historic, architectural or cultural significance of the structure for which a demolition permit is sought, to assist the Plan Commission in its determination of whether the standards of Chapter 28 are satisfied. The determination of historic value does not look at the proposed project for the site - only the historic value of the existing building.

   For any advisory recommendation related to the historic value of buildings proposed for demolition, the Commission shall take one of the following actions:

   a. *The Commission finds that the building(s) has no known historic value.*

   b. *The Commission finds that the building(s) has historic value related to the vernacular context of Madison's built environment, or as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant.*

   c. *The Commission finds that the building(s) has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, and/or as an intact or rare example of a certain architectural style or method of construction.*

   The Commission may also provide a separate report regarding a property proposed for demolition to the Plan Commission. This report can further describe the historic value of the property outside of the language of the actions above.

4. Window Replacement Requests

   For window replacement applications, applicants shall provide information on whether the windows proposed for replacement are original to the structure or date to the period of significance for the landmark or historic district. If the windows are historic, the applicant must provide a 3rd party assessment of whether the windows are physically beyond repair and/or are not economically feasible to repair. This assessment must come from a contractor who completes window repair, such as a carpenter, painter, or general contractor.

   An application will evaluate each window individually and provide a description of the window and window component dimensions of the existing window and the proposed replacement windows.

   The Commission shall take one of the following actions:

   - Determine if the proposed window is physically beyond repair and/or is not economically feasible to repair.
   - If it is feasible and practical to repair the windows, then they must be repaired.
   - If the window requires replacement, approve replacement products that are similar in design, color, scale, architectural appearance, and other visual qualities. The window size and component dimensions should be comparable.

5. Tribal Consultation for Archaeological Sites

   For project requests that involve ground-disturbing activities on landmark sites with archaeology or human remains with tribal association, staff shall notify the Tribal Historic Preservation Offices of interested tribes about the proposed project and ask for comments or concerns related to the proposal. Staff will provide any tribal comments to the Landmarks Commission to incorporate into their review of the project proposal.

GENERAL POLICIES

The following general policies were adopted by the Commission to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) New Alder Orientation

In June of each odd-numbered year, staff shall prepare a one-page handout regarding the Landmarks Commission process and purpose of the City's preservation program to be provided at the City's new alder orientation.

b) Education Series

Each May, in recognition of national Historic Preservation month, the Landmarks Commission may host a public education and outreach session during a regularly scheduled or special meeting.

The Commission may prepare information packets for property owners related to maintenance of historic buildings.

c) Regular Review of Policy and Procedure Manual

At the beginning of each even numbered calendar year, the Landmarks Commission shall review the adopted policy and procedure document and make any revisions as needed. The adopted document shall be filed with the City Clerk's Office.

d) Landmark Plaque Procedure

According to 41.07(8), the City shall provide a plaque for a recently designated landmark site. Preservation staff will draft the text for the plaque using materials prepared for the nomination process. The text will include the items of interest as described in the Ordinance. Staff will allow the Owner to review the text and provide suggestions. Once the text has been reviewed by the Owner, staff will forward it to the Landmarks Commission for review and final approval.

According to the Ordinance, the plaque should be located so it is easily visible to passing pedestrians. Plaques should be mounted to building walls on or near the primary façade preferably near the entrance or on landscape elements including natural boulders or formed concrete bases. In some cases, the plaque could be mounted on fences or entrance piers. The plaque can be fabricated with horizontal or vertical format to work with the space provided. Staff should suggest a plaque location and coordinate with the property owner to select a final location. Under no circumstances, shall the plaque be located in a place that would obscure or damage unique architectural or character defining features. If a property owner is not agreeable to placing a plaque on the building, staff may locate the plaque on a concrete base on the street side of the terrace.

Typically, the plaques should be fabricated and installed within the 12 months after designation; however, it may be more cost effective to have numerous plaques fabricated and installed at once. Preservation staff will consider the most cost effective means when having plaques fabricated.

Plaques will have a uniform appearance and will have horizontal or vertical formats to complement the area selected for installation. The specifications are as follows:

Size:	16” x 24” x ½” thick
Material:	cast brushed aluminum
Background:	painted black (satin finish)
Texture:	leatherette
Copy:	raised TIMES ROMAN all caps. Not to exceed 500 characters. Silver color.
Border:	single line. Silver color.
Mounting:	concealed

Typical horizontal plaque format (vertical format would be similar):

JAMES & BRIDGET CASSERLY HOUSE

1891

THE CASSERLY HOUSE IS A CLASSIC EXAMPLE OF A QUEEN ANNE STYLE HOUSE BUILT FOR A MIDDLE-CLASS FAMILY. JAMES CASSERLY WAS A FOREMAN AND LATER SUPERINTENDENT OF THE MADISON DEMOCRAT, ONE OF MADISON’S TWO MAJOR NEWSPAPERS AT THE TURN-OF-THE-CENTURY. THE CASSERLYS WERE ONE OF THE MANY FAMILIES OF IRISH DESCENT WHO LIVED IN THIS NEIGHBORHOOD. IN THE 1960S, THE HOUSE BECAME A ROOMING HOUSE AND ITS CONDITION DETERIORATED. IN 1980, IT WAS CAREFULLY RESTORED AS OFFICES AND AN APARTMENT.

DESIGNATED APRIL 25, 1983

MADISON LANDMARKS COMMISSION

Staff will work with the plaque installer and property owner to schedule the installations. Staff will provide the plaque installer with descriptive documents indicating the approved location of the plaque. Staff should communicate the installation date to the property owner and should be available during installation to visit the site if necessary. The plaque is property of the City of Madison and should not be removed or altered once installed. Should a plaque need to be removed for maintenance or repairs, the property owner must receive written approval from the Preservation Planner prior to performing such work. Once the work is complete, the plaque should be promptly reinstalled at the expense of the property owner.

Plaques are fabricated from aluminum and are originally painted black and matte silver/gray. Maintenance of the plaque is the responsibility of the property owner. Should maintenance be required, the property owner must receive written approval from the Preservation Planner prior to performing such work. In general repainting of a plaque is not desired, but if necessary, may only be done by a professional painter or an individual approved by the Preservation Planner.

CODE OF ETHICS

Landmarks Commission members are required to attend an in-person training conducted by the City Attorney's office. The general summary below cannot replace a full training nor does it constitute legal advice. As questions arise, contact the Office of the City Attorney or the City of Madison Ethics Board.

The Ethics Code spells out standards of conduct intended to foster public trust and promote confidence in the integrity of government by avoiding the appearance of self-interest, personal gain, or benefit. The Code also requires written disclosures by most City elected officials, employees and appointees regarding their private financial or personal interests in matters that may affect the City. See Section 3.35 of the Madison General Ordinances (MGO).

The Madison Ethics Code establishes guidelines to ensure that City elected officials, employees, and appointees (a) act impartially, responsibly and independently, (b) make decisions and policies through proper channels of City governmental structure, and (c) serve the public interest rather than some private interest.

The major areas of responsibility and accountability spelled out in the Code include:

- Disclosure of conflicts of interest and possible disqualification from subsequent action
- Use of office for private gain
- Disclosures of confidential or privileged information
- Receipt of gifts and favors
- Incompatible employment
- Restrictions after leaving office or appointment

As questions regarding conflicts of interest and the application of the Code of Ethics arise, commissioners should consult the Code of Ethics and the Office of the City Attorney. When in doubt, ask the City Attorney's Office or the City of Madison Ethics Board.[1]

OPEN MEETING REQUIREMENTS

Landmarks Commission members are required to attend an in-person training conducted by the City Attorney's office. The general summary below cannot replace a full training nor does it constitute legal advice. As questions arise, contact the Office of the City Attorney.

"In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business." Wisconsin Statutes Section 19.81(1)

Applicable open meetings laws are found in Section 19.81 through 19.98 of the Wisconsin Statutes, reproduced in Section 3.71 Madison General Ordinances, and supplemented by Administrative Procedure Memorandum (APM) 3-13.The Landmarks Commission as a body must meet "open meeting" requirements set forth in these statutes and ordinances to ensure its business is conducted properly. Generally, staff is responsible for ensuring that the meeting is properly noticed and conducted in compliance with these rules.

Individual members are responsible for following certain requirements outside of noticed meetings. Common issues include, but are not limited to:

- Illegal meetings – generally, a meeting occurs any time a group of members discusses Commission-related issues, if the group is large enough to take or block action on an issue. Social encounters among members should be limited to non-Commission topics of conversation. Tours by the Commission should be properly noticed to meet open meeting requirements.
- Email – an email discussion between members could be an illegal meeting. Generally, email should not be used to conduct substantive issue-related Commission business. Messages from citizens to members should be forwarded to staff for dissemination to the full Commission. Messages from staff or an individual member to the full Commission are permissible on procedural issues, but members should take care to reply only to the sender (not reply-all).
- Conference calls – a conference call between members could be an illegal meeting. Meetings may be conducted via conference call, but should be properly noticed as such and provide a public facility with speakerphone so the public is able to hear/participate.[2]

DECISION MAKING

Landmarks Commission members are required to attend an in-person training conducted by the City Attorney's office. The general summary below cannot replace a full training nor does it constitute legal advice. As questions arise, contact the Office of the City Attorney.

All parties who appear before the Commission are entitled to a fair and impartial hearing. This includes:

1. **The appearance of fairness**

   The Commission must make decisions in an impartial and unbiased manner. Actual bias is not required; an impermissibly high *risk* of bias is sufficient to compromise the appearance of fairness. Keen v. Dane County Board of Supervisors, 269 Wis.2d 488 (Ct. App 2003).

2. **Proper notice and hearing**

   Notice is handled by City staff (e.g. publication, mailed notice, noting on agenda). Hearings serve the dual function of providing citizens with an opportunity to express their views and to inform the decision-making body regarding the views of the affected community members.

3. **Decisions based on the standards and the evidence before the body**

   Where decision-making standards are listed in the ordinances, the Commission must follow them. It is the responsibility of the applicant to demonstrate that a proposal meets the standards, and the responsibility of the Commission to explain how it came to a determination. Unless specifically required by statute or ordinance, particularized written findings are not necessary, nor are there "magic words" that must be used. However, a simple statement that "the standards are met" or "are not met" is insufficient to inform the applicant of the reasons for the determination. The decision and the transcript must provide a record that allows meaningful judicial review.[3]

LEGAL ADVICE PROVIDED BY CITY ATTORNEY

Legal advice provided by the City Attorney is privileged and provided on a confidential basis. It should not be released to third parties or discussed at a public meeting, unless the advice is in a formal memorandum that Planning Staff and the City Attorney intend be distributed to the public.

ENDNOTES

1. *Ethics Code training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/ethics/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

2. *Open Meetings training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/meetings/training.cfm

   (See Also: City Attorney Opinion 2004-001, available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2004Opinions.cfm)

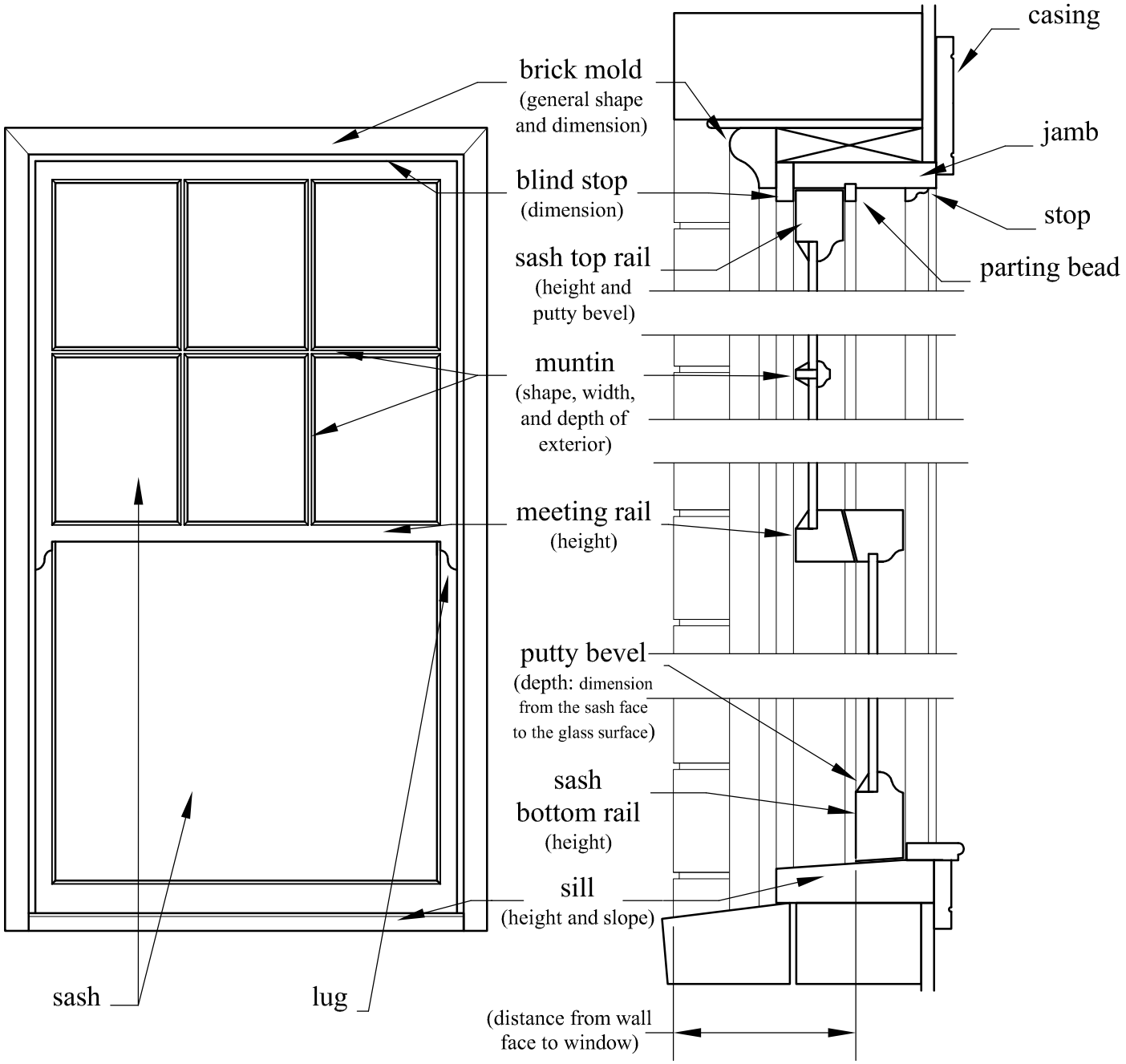
3. Quasi-Judicial Decision-making training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/training/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

Note: Madison General Ordinances are available on the City of Madison's Legislative Center on the City's website.

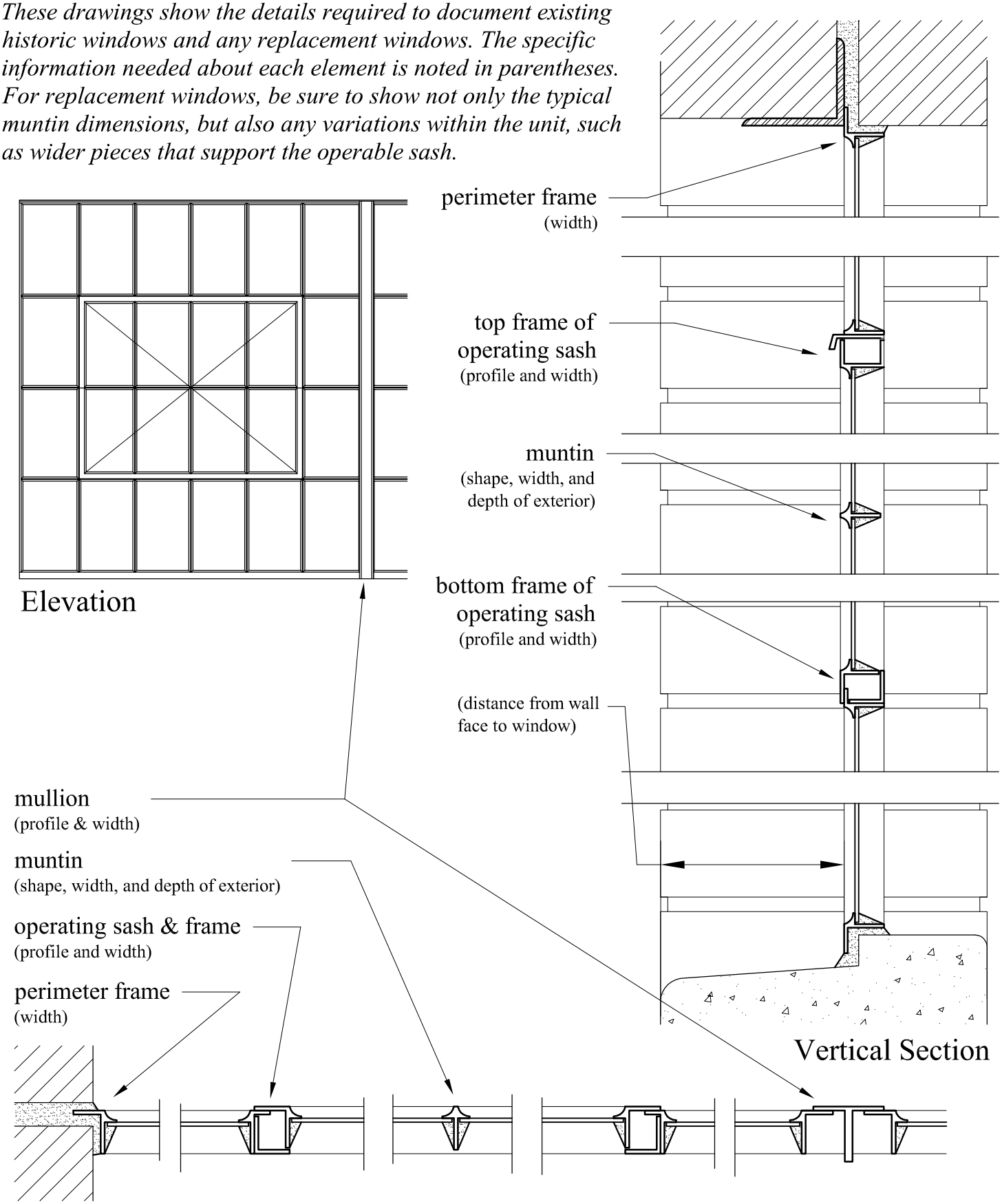
Wood Windows

The drawings below show the details required to document existing historic windows and any replacement windows. The specific information needed about each element is noted in parentheses. Note that the section drawing on the right shows the relationship of the window sash to the exterior wall plane.



Industrial Steel Windows

These drawings show the details required to document existing historic windows and any replacement windows. The specific information needed about each element is noted in parentheses. For replacement windows, be sure to show not only the typical muntin dimensions, but also any variations within the unit, such as wider pieces that support the operable sash.



Alex Saloutos

3318 Hammersley Avenue
Madison, WI 53705
Phone: 608/345-9009
E-mail: asaloutos@tds.net

October 18, 2021

Via email:
landmarkscommission@cityofmadison.com

Heather Bailey
Preservation Planner
City of Madison
215 Martin Luther King Jr. Blvd, Suite 017
P.O. Box 2985
Madison, WI 53701-2985

Re.: **Request to defer vote on proposed changes to Landmarks Commission Policy Manual**

Ms Bailey:

Regarding proposed changes to the Landmarks Commission Policy Manual, item 3, Legistar 62133 on the Landmarks Commission agenda for October 18, 2021, there is a Policy Manual dated October 18, 2021 in the Legistar file. While I've reviewed all of the documents in the Legistar file, including the staff reports, it isn't clear if this manual is the current (approved) manual or it is a draft of the manual that incorporates any proposed changes. It is not labeled and isn't clear.

If this document is a draft of the manual with the proposed changes, is it possible to get a redlined version so it is easy to see all of the proposed changes and their context? Without this information, it is difficult to know what proposed changes are included in the draft, or to comment on them. A redlined draft makes this easy. An alternative solution is a single memo that includes the text for all the sections in the manual with changes, and with the proposed changes redlined. Also, it appears that this is the first meeting of the Landmarks Commission this year where amendments to the manual are on the agenda.

For the above reasons, I respectfully ask that the Landmarks Commission defer a vote on any proposed changes to the Landmarks Policy Manual until a redlined version of the manual with all the proposed changes is available to the public, the public has had a reasonable period period of time to review and comment on the proposed changes, and the public is able to provide input on other meaningful improvements to the manual. Say, 45 days and no less than 30 days for public review and comment.

Thank you for your consideration.

Sincerely,

Alex Saloutos

cc: Heather Stouder
Bill Fruhling

PLANNING DIVISION STAFF REPORT October 19, 2021

PREPARED FOR THE LANDMARKS COMMISSION

Regarding: Amendment to Landmarks Commission Policy Guide

Legistar File ID #: 62133

Prepared By: Heather L. Bailey, Ph.D., Preservation Planner

At its October 18, 2021 meeting, the Landmarks Commission discussed possible edits to the commission's policy guide. Per their direction, staff has updated the draft for review at its November 1, 2021 meeting. Staff made the following edits:

Page 2 — Added Dan McAuliffe as designee for Category 1 and 2 administrative approvals

Pages 6-7 — Moved approval of handrails from Category 3 to Category 2

Page 9 — Added tribal consultation process for archaeological project reviews

Page 10 — Removed "New Alder Orientation"

Also, the visual guide for how to document window replacements will be added to the handout available on the preservation program's webpage.

INTRODUCTION

The purpose of this basic policy and procedures manual is to put into one document a list of the current activities, procedures and basic policies of the City of Madison Landmarks Commission.

This manual is general in nature, but includes helpful references to specific ordinances further describing the role of the Landmarks Commission.

The Landmarks Commission is given authority by Madison General Ordinances Chapters 33, 41, and 28, which specify the criteria for actions by the Commission or places the Commission in an advisory role.

In compliance with Chapter 33.01(9)(b), the Landmarks Commission may adopt rules of procedure. See Madison General Ordinances 33.01(9)(b).

RULES OF PROCEDURE

The following rules of procedure were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Commission Leadership

In June of odd numbered years, the Commission shall elect a Chair and a Vice-Chair. In the absence of the Chair, the Vice-Chair shall serve as Chair. In the absence of both the Chair and Vice-Chair, the Commission shall select an acting Chair from its membership.

The Preservation Planner or her/his designee shall serve as Secretary to the Commission.

b) Orientation for New Commissioners

As new Commission members are appointed, each shall be furnished with a membership roster, calendar of meeting dates, a Policy and Procedures Manual that includes rules of procedure, relevant ordinances and standards, maps of local historic districts, and a list of designated landmarks. Staff will schedule orientation meetings with new members to provide information and review policy and procedures. New members are encouraged to attend the training sessions offered for all city boards and commissions on rules governing open records and open meetings, as well as ethical standards of conduct. They are also encouraged to view the Historic Preservation Commission Training online instruction offered by the Wisconsin Historical Society.

c) Quorum

Four members shall constitute a quorum for the transaction of business and the taking of official action. A majority of the quorum present is required for approval of a project. In cases where a vote of the Chair will change the outcome of a project, the Chair must vote. Whenever a quorum is not present within fifteen (15) minutes of the scheduled meeting time, the Commission shall adjourn without taking any action, except that it may set a date and time for its next meeting. See Madison General Ordinances 33.01(8).

d) Parliamentary Procedure

Robert's Rules of Order shall govern parliamentary procedure in Commission meetings, except that any Madison General Ordinance or Commission procedural rule shall take precedence over Robert's Rules of Order.

The Landmarks Commission is required to utilize the Common Council's process for Reconsideration. See Madison General Ordinances 2.21 (2013).

The following processes will differ from Robert's Rules of Order: (a list will be provided here if typical processes are found to differ)

e) Secretary

The Preservation Planner is a staff member of the Department of Planning and Community and Economic Development, Planning Division. The Preservation Planner shall serve as the Secretary of the Landmarks Commission and carry out the duties that the Landmarks Commission properly delegates to the Preservation Planner under Chapter 41. In carrying out those duties, the Preservation Planner shall exercise his or her own professional judgment and expertise, consistent with Chapter 41 and subject to general oversight by the Landmarks Commission.

f) Designees

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The Secretary shall be the designee. The Secretary and the Landmarks Commission shall appoint other designees as appropriate and revise this document as required.

As Secretary, the Preservation Planner is hereby appointed as the designee of the Commission and is able to review Category 1, 2 and 3 projects. William Fruhling and Rebecca Cnare, and Dan McAuliffe are hereby appointed to review Category 1 and Category 2 projects. When the Preservation Planner is unavailable, William Fruhling, ~~or~~ Rebecca Cnare, or Dan McAuliffe may review Category 3 projects and act as the Secretary of the Commission. Building Inspection Support staff and Plan Review & Permitting staff are hereby appointed to review Category 2 projects. Please refer to the Designee Review Process on page 6.

No one else is permitted to issue Certificates of Appropriateness on behalf of the Landmarks Commission.

g) Records

1. Agendas

   The Secretary shall prepare an agenda for each meeting. The agenda shall be approved by the Chair. The agenda appears on the City's Legislative Information Center website, which is available on the main City website.

   The order of business will be as follows:

   I. Roll Call

   II. Minutes

   III. Public Comment

   IV. Disclosures and Recusals

   V. Requests for Certificates of Appropriateness (requiring a public hearing)

   VI. Request for Certificates of Appropriateness (not requiring a public hearing)

   VII. Adjacency to Landmarks Advisory Recommendations

   VIII. Buildings Proposed for Demolition

   IX. New Business

   X. Unfinished Business

   XI. Regular Business

   XII. Secretary's Report

   XIII. Adjournment

   All requests to be placed on the Commission agenda shall be received by the Planning Division Office by the submission deadline. The Secretary shall determine whether the submissions are complete and in proper form.

2. Minutes and Action Reports

   The Secretary shall prepare the minutes for each meeting. The minutes appear on the City's Legislative Information Center website, which is available on the main City website.

   A copy of the minutes of the past meeting is provided with the agenda for the next meeting. The originals of the Commission minutes are kept in the Planning Division Office.

   The Secretary shall prepare the action reports for each meeting. The action reports shall be reviewed as part of the meeting minutes. The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

3. Communications, Petitions, etc.

   All communications, petitions, and reports should be addressed to the Commission and delivered or mailed to the Secretary. Commission members shall report and forward to the Secretary any individual communications they receive.

Written comments should be submitted 24 hours in advance of the meeting. Comments received less than 24 hours in advance of the meeting may not be processed for review at the meeting, but will be added to the public record as time allows.

4. Reports to other Bodies (the Urban Design Commission, Plan Commission, and Common Council)

   The Secretary shall report the action of the Commission to the Urban Design Commission, Plan Commission and Common Council on all matters as appropriate.

   The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

5. Public Record

   All Commission agendas, meeting minutes, action reports, communications, petitions, and miscellaneous reports shall be available on the City's Legislative Information Center website, which is available on the main City website.

h) Conduct of Meetings

Members of the public who wish to speak on agenda items shall register to speak by completing a registration form. Sign in shall be allowed up to the time of discussion for each agenda item.

Testimony on non-public hearing items before the Commission is limited to three (3) minutes and on public hearing items is limited to five (5) minutes; additional time may be allowed with the consent of the Commission. The Chair and Secretary shall monitor the time.

The Chair shall endeavor to keep testimony focused, and to maintain the decorum of the meeting.

No argumentative questioning of the Commission or speakers shall be permitted, and no member of the public may question another speaker. Speakers may direct questions to the Chair during their testimony; questions will be noted, and may be answered at the appropriate time during the hearing. Any Commission member may question a speaker on the facts presented or for clarification of a statement made.

Public testimony by Skype or phone or similar method shall be permitted subject to the discretion of the Chair and the Commission.

For the purposes of a public hearing, the Chair shall open the public hearing and call for alternate registrants for and against the subject under consideration. The name and address of each person appearing shall be stated. Upon conclusion of the public statements, the Chair shall close the public hearing. Once the hearing is closed, no member of the public may comment further unless the Commission votes to suspend its rules for this purpose.

Commission members may then ask questions of staff, make motions, engage in discussion, and vote on the item presented during the public hearing.

i) Motions and Voting

Motions shall be restated by the chair before a vote is taken. The name of the maker of a motion and of the person to second the motion shall be recorded.

The Chair may participate in discussion, questioning and debate, but will not make motions or vote on any matter unless to break a tie. Members of the Common Council who are not serving on the Commission likewise may participate in discussions, but may not make motions or vote on any matters.

Motions shall be passed by an affirmative vote with not less than a majority of the Commission in attendance. Voting shall be by voice. Any member of the Commission can request a roll call vote.

Please refer to the Review Process Policies, Actions on Matters Before the Commission on page 10.

j) Reports

The Commission may ask for reports and recommendations from the Secretary on any matters before it that are consistent with the annual work plan of the Preservation Planner.

k) Suspension of Rules

The Commission may suspend any of its procedural rules (except City and State Codes) by a majority vote of the members present.

l) Amendments

These rules, policies and procedures may be amended at any regular meeting by a majority vote of the members present. At a minimum, the Commission will review and update this document as necessary in May of even-numbered years and recorded with the City Clerk after being adopted by the Landmarks Commission.

m) Attendance

Commissioners shall endeavor to attend all regularly scheduled meetings of the Commission. Commissioners shall contact the Secretary to request an excused absence as soon as they are aware of a possible scheduling conflict. The City of Madison has specific rules for attendance that cannot be waived by Commission procedures and policies.

REVIEW PROCESS POLICIES

The following review process policies were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Development Review Process Summary

The development review process varies based on the complexity of a proposal and the type of request involved. However, each process generally includes three stages; the pre-application stage, the commissions review stage, and the plan sign-off, permitting, and inspection stage.

The Landmarks Commission has final review authority in some instances. In other instances, the Commission is required to make an advisory recommendation to the Plan Commission and/or the Urban Design Commission. When review by multiple Commissions is required, the Landmarks Commission is typically the first Commission to take action in the development review process.

b) Designee Review Process

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The categories below indicate the types of projects that may be approved by designees. In all cases, the designees may use their discretion and send the request to the Commission for a formal review. Please refer to the Rules of Procedure, Designees, page 2.

Category 1:

1. In kind repairs to existing buildings/structures that will not change the appearance.

Category 2:

1. Reroofing projects which will replicate the use of three-in-one tab asphalt or fiberglass shingles or other rectangular asphalt or fiberglass shingles of similar scale or sawn wooden shingles. Reroofing with tile, slate or metal may be approved of there is historical documentation, physical evidence, or generally understood methodology or practice that the building once had a tile, slate or metal roof. Reroofing projects on buildings or parts of buildings with flat roofs or shed roofs that are not visible from the street may be approved. If a house is shingled in the French method, new shingles of the same design may be approved. Small attic ventilators that match the roof in color may be approved.
2. Replacement in-kind of exterior mechanical equipment when it maintains a similar size and configuration.
3. Handrails designed to be compatible with the style of the house.

Category 3:

1. Residing with narrow gauge clapboard composite, aluminum, or vinyl to the extent mandated by the Landmarks Ordinance on the following conditions:
   - The original material must be clapboard.
   - The new siding must approximate the width of the original siding.
   - Any decorative woodwork, such as molding on windows, decorative bargeboards, porch posts, spindles, etc., should be retained or covered with new material in such a way as to duplicate the appearance of the original. All trim should be from the siding. Soffits may be covered with aluminum, provided that they are ventilated.

- All later non-original layers of siding must be removed before the new siding is applied, or else all trim should be built up to project from the siding approximately the same amount as the original. Original siding must be retained and encapsulated.

2. Gutters and downspouts of enameled or anodized metal (not raw aluminum), provided that any decorative downspout or gutter details are retained. If existing gutters are raw aluminum and only parts are being replaced, then the designee(s) may approve matching the existing gutters.

~~3. Handrails designed to be compatible with the style of the house.~~

4. Project that will result in only a minor change of appearance and that will not destroy significant architectural elements, such as converting a door to a window on the rear of the house, or adding a flat skylight on a roofline not visible from the street.

5. Projects that will result in a moderate change of appearance provided that there are compelling reasons for beginning work before the next Landmarks Commission meeting (such as emergency structural repairs or the onset of bad weather). Such projects must also be approved by the Chair of the Landmarks Commission, or in his/her absence the Vice Chair.

6. Replacement of the face of an existing sign with new information and the installation of awnings, provided that the proposed design will not detract from the character of the building or district.

7. The construction of a small garden shed in the rear yard of a property provided that the shed does not adversely affect the primary structure, is of simple design, with gable, hip or shed roof and provided that the shed design is compatible with the design of the house and the neighborhood.

8. Projects that restore the original appearance/condition using historic materials may be approved provided that there is historical documentation, physical evidence, or generally understood methodology.

9. Projects that have received a recent Certificate of Appropriateness from the Commission and require a minor modification (not a Minor Alteration) to that approval that does not destroy historic fabric or historic character and does not reverse or alter any portion of the project that was a significant part of the Commission discussion. Consistent with open meeting requirements, Staff may consult with members of the Commission.

10. Exterior alterations to sites that are adjacent to landmarks provided that the alterations are minor alterations and will result in only a minor change of appearance.

c) Actions on Matters Before the Commission

1. Certificate of Appropriateness

   For any Certificate of Appropriateness where the Landmarks Commission approval is required, the Commission may take one of the following actions:

   - The Commission shall ***Approve*** the Certificate of Appropriateness if it determines that the request meets the applicable standards for approval. The Commission may adopt

conditions of approval for a project if it believes that those conditions will allow the project to meet the standards for approval.

- The Commission shall ***Deny*** the Certificate of Appropriateness if it feels the request does not meet the applicable standards for approval. In doing so, the Commission shall specifically state the standards that the request does not meet and the reasons why those standards are not met.
- The Commission shall ***Refer*** the matter to a future meeting if it believes that the request currently before it does not meet the applicable standards for approval but that it could with additional modification or if it determines that the Commission has not been provided with complete information to make a determination. A referral may also be requested by the applicant or by staff because the request is not, or may not be, procedurally ready to proceed. For any referral, the Commission should specify its reasons for referring the matter to a future meeting.

2. Adjacency to Landmarks Advisory Recommendation

   For any advisory recommendation related to adjacency to landmarks and landmark sites, the Commission shall use the language of section 28.144 to provide an advisory recommendation.

   An example motion for an advisory recommendation may be similar to the following:

   "The Landmarks Commission finds that the proposed development is not so large or visually intrusive as to adversely affect the historic character and integrity of the adjacent landmark."

3. Historic Value Advisory Recommendation

   When advised by the Preservation Planner regarding a demolition request, the LC may provide a report to the Plan Commission on the historic, architectural or cultural significance of the structure for which a demolition permit is sought, to assist the Plan Commission in its determination of whether the standards of Chapter 28 are satisfied. The determination of historic value does not look at the proposed project for the site - only the historic value of the existing building.

   For any advisory recommendation related to the historic value of buildings proposed for demolition, the Commission shall take one of the following actions:

   a. *The Commission finds that the building(s) has no known historic value.*

   b. *The Commission finds that the building(s) has historic value related to the vernacular context of Madison's built environment, or as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant.*

   c. *The Commission finds that the building(s) has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, and/or as an intact or rare example of a certain architectural style or method of construction.*

   The Commission may also provide a separate report regarding a property proposed for demolition to the Plan Commission. This report can further describe the historic value of the property outside of the language of the actions above.

4. Window Replacement Requests

For window replacement applications, applicants shall provide information on whether the windows proposed for replacement are original to the structure or date to the period of significance for the landmark or historic district. If the windows are historic, the applicant must provide a 3rd party assessment of whether the windows are physically beyond repair and/or are not economically feasible to repair. This assessment must come from a contractor who completes window repair, such as a carpenter, painter, or general contractor.

An application will evaluate each window individually and provide a description of the window and window component dimensions of the existing window and the proposed replacement windows.

The Commission shall take one of the following actions:

- Determine if the proposed window is physically beyond repair and/or is not economically feasible to repair.
- If it is feasible and practical to repair the windows, then they must be repaired.
- If the window requires replacement, approve replacement products that are similar in design, color, scale, architectural appearance, and other visual qualities. The window size and component dimensions should be comparable.

5. Tribal Consultation for Archaeological Sites

For project requests that involve ground-disturbing activities on landmark sites with archaeology or human remains with tribal association, staff shall notify the Tribal Historic Preservation Offices of interested tribes about the proposed project and ask for comments or concerns related to the proposal. Staff will provide any tribal comments to the Landmarks Commission to incorporate into their review of the project proposal.

GENERAL POLICIES

The following general policies were adopted by the Commission to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

~~a) New Alder Orientation~~

~~In June of each odd-numbered year, staff shall prepare a one-page handout regarding the Landmarks Commission process and purpose of the City's preservation program to be provided at the City's new alder orientation.~~

b) Education Series

Each May, in recognition of national Historic Preservation month, the Landmarks Commission may host a public education and outreach session during a regularly scheduled or special meeting.

The Commission may prepare information packets for property owners related to maintenance of historic buildings.

c) Regular Review of Policy and Procedure Manual

At the beginning of each even numbered calendar year, the Landmarks Commission shall review the adopted policy and procedure document and make any revisions as needed. The adopted document shall be filed with the City Clerk's Office.

d) Landmark Plaque Procedure

According to 41.07(8), the City shall provide a plaque for a recently designated landmark site. Preservation staff will draft the text for the plaque using materials prepared for the nomination process. The text will include the items of interest as described in the Ordinance. Staff will allow the Owner to review the text and provide suggestions. Once the text has been reviewed by the Owner, staff will forward it to the Landmarks Commission for review and final approval.

According to the Ordinance, the plaque should be located so it is easily visible to passing pedestrians. Plaques should be mounted to building walls on or near the primary façade preferably near the entrance or on landscape elements including natural boulders or formed concrete bases. In some cases, the plaque could be mounted on fences or entrance piers. The plaque can be fabricated with horizontal or vertical format to work with the space provided. Staff should suggest a plaque location and coordinate with the property owner to select a final location. Under no circumstances, shall the plaque be located in a place that would obscure or damage unique architectural or character defining features. If a property owner is not agreeable to placing a plaque on the building, staff may locate the plaque on a concrete base on the street side of the terrace.

Typically, the plaques should be fabricated and installed within the 12 months after designation; however, it may be more cost effective to have numerous plaques fabricated and installed at once. Preservation staff will consider the most cost effective means when having plaques fabricated.

Plaques will have a uniform appearance and will have horizontal or vertical formats to complement the area selected for installation. The specifications are as follows:

Size:	16" x 24" x ½" thick
Material:	cast brushed aluminum
Background:	painted black (satin finish)
Texture:	leatherette
Copy:	raised TIMES ROMAN all caps. Not to exceed 500 characters. Silver color.
Border:	single line. Silver color.
Mounting:	concealed

Typical horizontal plaque format (vertical format would be similar):

JAMES & BRIDGET CASSERLY HOUSE

1891

THE CASSERLY HOUSE IS A CLASSIC EXAMPLE OF A QUEEN ANNE STYLE HOUSE BUILT FOR A MIDDLE-CLASS FAMILY. JAMES CASSERLY WAS A FOREMAN AND LATER SUPERINTENDENT OF THE MADISON DEMOCRAT, ONE OF MADISON'S TWO MAJOR NEWSPAPERS AT THE TURN-OF-THE-CENTURY. THE CASSERLYS WERE ONE OF THE MANY FAMILIES OF IRISH DESCENT WHO LIVED IN THIS NEIGHBORHOOD. IN THE 1960S, THE HOUSE BECAME A ROOMING HOUSE AND ITS CONDITION DETERIORATED. IN 1980, IT WAS CAREFULLY RESTORED AS OFFICES AND AN APARTMENT.

DESIGNATED APRIL 25, 1983

MADISON LANDMARKS COMMISSION

Staff will work with the plaque installer and property owner to schedule the installations. Staff will provide the plaque installer with descriptive documents indicating the approved location of the plaque. Staff should communicate the installation date to the property owner and should be available during installation to visit the site if necessary. The plaque is property of the City of Madison and should not be removed or altered once installed. Should a plaque need to be removed for maintenance or repairs, the property owner must receive written approval from the Preservation Planner prior to performing such work. Once the work is complete, the plaque should be promptly reinstalled at the expense of the property owner.

Plaques are fabricated from aluminum and are originally painted black and matte silver/gray. Maintenance of the plaque is the responsibility of the property owner. Should maintenance be required, the property owner must receive written approval from the Preservation Planner prior to performing such work. In general repainting of a plaque is not desired, but if necessary, may only be done by a professional painter or an individual approved by the Preservation Planner.

CODE OF ETHICS

Landmarks Commission members are required to attend an in-person training conducted by the City Attorney's office. The general summary below cannot replace a full training nor does it constitute legal advice. As questions arise, contact the Office of the City Attorney or the City of Madison Ethics Board.

The Ethics Code spells out standards of conduct intended to foster public trust and promote confidence in the integrity of government by avoiding the appearance of self-interest, personal gain, or benefit. The Code also requires written disclosures by most City elected officials, employees and appointees regarding their private financial or personal interests in matters that may affect the City. See Section 3.35 of the Madison General Ordinances (MGO).

The Madison Ethics Code establishes guidelines to ensure that City elected officials, employees, and appointees (a) act impartially, responsibly and independently, (b) make decisions and policies through proper channels of City governmental structure, and (c) serve the public interest rather than some private interest.

The major areas of responsibility and accountability spelled out in the Code include:

- Disclosure of conflicts of interest and possible disqualification from subsequent action
- Use of office for private gain
- Disclosures of confidential or privileged information
- Receipt of gifts and favors
- Incompatible employment
- Restrictions after leaving office or appointment

As questions regarding conflicts of interest and the application of the Code of Ethics arise, commissioners should consult the Code of Ethics and the Office of the City Attorney. When in doubt, ask the City Attorney's Office or the City of Madison Ethics Board.[1]

OPEN MEETING REQUIREMENTS

Landmarks Commission members are required to attend an in-person training conducted by the City Attorney's office. The general summary below cannot replace a full training nor does it constitute legal advice. As questions arise, contact the Office of the City Attorney.

"In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business." Wisconsin Statutes Section 19.81(1)

Applicable open meetings laws are found in Section 19.81 through 19.98 of the Wisconsin Statutes, reproduced in Section 3.71 Madison General Ordinances, and supplemented by Administrative Procedure Memorandum (APM) 3-13.The Landmarks Commission as a body must meet "open meeting" requirements set forth in these statutes and ordinances to ensure its business is conducted properly. Generally, staff is responsible for ensuring that the meeting is properly noticed and conducted in compliance with these rules.

Individual members are responsible for following certain requirements outside of noticed meetings. Common issues include, but are not limited to:

- Illegal meetings – generally, a meeting occurs any time a group of members discusses Commission-related issues, if the group is large enough to take or block action on an issue. Social encounters among members should be limited to non-Commission topics of conversation. Tours by the Commission should be properly noticed to meet open meeting requirements.
- Email – an email discussion between members could be an illegal meeting. Generally, email should not be used to conduct substantive issue-related Commission business. Messages from citizens to members should be forwarded to staff for dissemination to the full Commission. Messages from staff or an individual member to the full Commission are permissible on procedural issues, but members should take care to reply only to the sender (not reply-all).
- Conference calls – a conference call between members could be an illegal meeting. Meetings may be conducted via conference call, but should be properly noticed as such and provide a public facility with speakerphone so the public is able to hear/participate.[2]

DECISION MAKING

Landmarks Commission members are required to attend an in-person training conducted by the City Attorney's office. The general summary below cannot replace a full training nor does it constitute legal advice. As questions arise, contact the Office of the City Attorney.

All parties who appear before the Commission are entitled to a fair and impartial hearing. This includes:

1. **The appearance of fairness**

   The Commission must make decisions in an impartial and unbiased manner. Actual bias is not required; an impermissibly high *risk* of bias is sufficient to compromise the appearance of fairness. Keen v. Dane County Board of Supervisors, 269 Wis.2d 488 (Ct. App 2003).

2. **Proper notice and hearing**

   Notice is handled by City staff (e.g. publication, mailed notice, noting on agenda). Hearings serve the dual function of providing citizens with an opportunity to express their views and to inform the decision-making body regarding the views of the affected community members.

3. **Decisions based on the standards and the evidence before the body**

   Where decision-making standards are listed in the ordinances, the Commission must follow them. It is the responsibility of the applicant to demonstrate that a proposal meets the standards, and the responsibility of the Commission to explain how it came to a determination. Unless specifically required by statute or ordinance, particularized written findings are not necessary, nor are there "magic words" that must be used. However, a simple statement that "the standards are met" or "are not met" is insufficient to inform the applicant of the reasons for the determination. The decision and the transcript must provide a record that allows meaningful judicial review.[3]

LEGAL ADVICE PROVIDED BY CITY ATTORNEY

Legal advice provided by the City Attorney is privileged and provided on a confidential basis. It should not be released to third parties or discussed at a public meeting, unless the advice is in a formal memorandum that Planning Staff and the City Attorney intend be distributed to the public.

ENDNOTES

1. *Ethics Code training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/ethics/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

2. *Open Meetings training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/meetings/training.cfm

   (See Also: City Attorney Opinion 2004-001, available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2004Opinions.cfm)

3. Quasi-Judicial Decision-making training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/training/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

Note: Madison General Ordinances are available on the City of Madison's Legislative Center on the City's website.

AGENDA # 3

City of Madison, Wisconsin

REPORT OF: LANDMARKS COMMISSION	**PRESENTED:** 10/18/21
TITLE: Amendment to Landmarks Commission Policy Manual	**REFERRED:**
	REREFERRED:
	REPORTED BACK:
AUTHOR: Heather Bailey, Preservation Planner	**ADOPTED:** **POF:**
DATED: 10/21/21	**ID NUMBER:** 62133

Members present were: Anna Andrzejewski, Katie Kaliszewski, Arvina Martin, and Maurice Taylor. Members excused were: Richard Arnesen and David McLean.

SUMMARY:

Bailey said that last year, the commission reviewed the policy manual in order to look at how they review properties with tribal associations. At that point, they decided to get feedback from tribal partners, which initiated a larger process including potentially formalizing an agreement on engaging with tribal partners. She asked commissioners if they would like to adopt the previously discussed changes including a formal notification to tribal partners when reviewing properties with tribal associations, or if they would like to wait until the larger agreement with the tribal partners is complete.

Bailey discussed other proposed changes to the policy manual as outlined in the staff report. She suggested additional staff be added as a designee to complete administrative approvals and potentially moving items from level 3 to level 2 approvals, such as handrails and gutters. She said that the new window replacement request policy has been helpful, but staff still struggles to get the necessary details from applicants. The Wisconsin Historical Society shared a window component documentation example from the National Park Service that they use for tax credit applications. She suggested they add it to the window replacement request instructions on the website, not formally adopting it as part of the policy manual. She also referenced items in the policy manual that they are not doing, including new alder orientation and an education series, and asked if those items should be removed.

Andrzejewski suggested they remove new alder orientation and keep the education series because it is aspirational. Martin agreed that new alders receive so many materials at orientation that it would be more effective to have individual orientations when requested, as staff is currently doing. She said that Landmarks is nuanced and deserves to have more information shared when it can be properly processed. Kaliszewski agreed. Taylor asked what would go in place of the new alder orientation if alders want more information. Martin said that new alders not serving on the Landmarks Commission generally don't urgently need to know about it and should be encouraged to reach out to staff if they have questions or interest. Andrzejewski said that often Landmarks Commission comes to the fore at Plan Commission or Common Council, so she has gone to Plan Commission to explain what the Landmarks Commission does, which she finds more effective than a handout. She said that if needed, she or staff could go to Common Council or Plan Commission meetings for this purpose.

Martin said that she wanted to add the information on tribal consultation for now, and once they get through the larger process, they can make additional changes as appropriate. Andrzejewski and Kaliszewski agreed.

Andrzejewski and Kaliszewski agreed on adding the window component documentation to the website rather than adopting in the policy manual.

Bailey suggested they move gutters and handrails from category 3 to 2 in order to make it easier and faster for staff to approve projects. Kaliszewski said she was okay with moving handrails, but some people have strong feelings about gutters. Andrzejewski said that if it makes it easier and speeds along the approval process, they could move handrails; however, because it can be a thorny issue, they could keep gutters in category 3.

Commissioners agreed to add additional staff as a designee to complete administrative approvals.

Bailey said they received written correspondence from Alex Saloutos requesting they refer the item to give the public time to review the document.

Andrzejewski said that the staff should put together a draft of the changes authorized by the commission to give the public time to comment on the draft before their next meeting on November 1, 2021.

ACTION:

A motion was made by Taylor, seconded by Martin, to refer the item to the November 1, 2021 Landmarks Commission meeting. The motion passed by voice vote/other.

Public Comment Registrants Report

Landmarks Commission On 11/01/21 5:00 PM				Representing Organization				Lobbying
Agenda Item Registered	**Name**	**Support**	**Speaking**	**Y/N**	**Name(s)**	**Paid**	**Duties**	**Rep**
AGENDA ITEM: 1 Landmarks Commission Public Comment Period								
1 11/01/21 04:27 PM	**ALEX SALOUTOS** District: 11 3818 Hammersley Ave Madison WI 53705	Neither support nor oppose	Yes, I want to speak.	No				
		Support: 0 **Opposed**: 0 **Neither**: 1 Counts distinct registrants and removes duplicate votes						
		Total Registrants: 1						
		Meeting Watchlist: 0						

Report: Council\PublicComment-AgendaItemAlderVersion Executed: 11/1/2021 4:42:32 PM

AGENDA # 5

City of Madison, Wisconsin

REPORT OF: LANDMARKS COMMISSION	**PRESENTED:** 11/1/21
TITLE: Amendment to Landmarks Commission Policy Manual	**REFERRED:**
	REREFERRED:
	REPORTED BACK:
AUTHOR: Heather Bailey, Preservation Planner	**ADOPTED:** **POF:**
DATED: 11/2/21	**ID NUMBER:** 62133

Members present were: Anna Andrzejewski, Katie Kaliszewski, Arvina Martin, and David McLean. Members excused were: Richard Arnesen and Maurice Taylor.

SUMMARY:

Alex Saloutos, registering neither in support nor in opposition and wishing to speak

Saloutos said that they supported the changes to the policy manual aside from removing the new alder orientation because the Landmarks Commission should promote and educate the Common Council on historic preservation. Regarding advisory recommendations to the Plan Commission on the historic value of properties proposed for demolition, they suggested the language be changed from “may” to “shall” where it discussed the Landmarks Commission providing a report to the Plan Commission. They also discussed a demolition delay, which is not currently in the policy manual or ordinance. They said that currently bodies are making decisions about potential historic significance with little to no knowledge, and the delay would give more time to get information and for the community, owner, and city to work together to preserve resources. Regarding window replacement requests, they suggested that the owner be required to provide estimates for repair and replacement using the life cycle cost. They said that is the UW system’s policy and suggested the City use it to write a better policy on window repair and replacement requests.

Bailey summarized the updates to the policy manual discussed at the last meeting and noted in the redlined draft of the policy manual posted in Legistar.

McLean said that he was curious about adding life cycle costs to window replacement estimates. He pointed out that replacement cost usually wins out over repair for up-front cost, but Saloutos is right in that new windows won’t last as long. He said that he wasn’t sure how they would go about getting it into policy format, but it was an interesting thought. Bailey asked who would be providing the life cycle cost information because window replacement companies would be unlikely to provide an accurate estimate. She said there is a variety of information on life cycle cost through links available on the City’s website. McLean said that if it isn’t policy, maybe the commission could put more weight into consideration of life cycle cost as they discuss repair and replacement. Bailey said she could provide relevant informational links to applicants with window projects. Andrzejewski agreed with that idea. She said she would like to stick with the window policy they have for now because it is still a recent policy being tested. She said she appreciated Saloutos raising ideas for the commission to make it better.

Andrzejewski said that Saloutos’ suggestion to change “may” to “shall” for demolition reviews might obligate the commission to do a report, which would increase their burden as well as the burden on staff, who already does a report. Bailey said that would also involve a change to the zoning ordinance. She said that currently,

the ordinance provides flexibility in terms of who provides the report, and the demolition reviews are still going through the public process at Plan Commission. She said that compared to other cities, Madison's demolition ordinance includes a much larger public process for looking at projects from multiple angles.

ACTION:

A motion was made by McLean, seconded by Kaliszewski, to approve the proposed policy manual amendments. The motion passed by voice vote/other.

INTRODUCTION

The purpose of this basic policy and procedures manual is to put into one document a list of the current activities, procedures and basic policies of the City of Madison Landmarks Commission.

This manual is general in nature, but includes helpful references to specific ordinances further describing the role of the Landmarks Commission.

The Landmarks Commission is given authority by Madison General Ordinances (MGO) Chapters 33, 41, and 28, which specify the criteria for actions by the Commission or places the Commission in an advisory role.

In compliance with MGO 33.01(9)(b), the Landmarks Commission may adopt rules of procedure.

RULES OF PROCEDURE

The following rules of procedure were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Commission Leadership

In June of odd numbered years, the Commission shall elect a Chair and a Vice-Chair. In the absence of the Chair, the Vice-Chair shall serve as Chair. In the absence of both the Chair and Vice-Chair, the Commission shall select an acting Chair from its membership.

The Preservation Planner or their designee shall serve as Secretary to the Commission.

b) Orientation for New Commissioners

As new Commission members are appointed, each shall be furnished with a membership roster, calendar of meeting dates, a Policy and Procedures Manual that includes rules of procedure, relevant ordinances and standards, maps of local historic districts, and a list of designated landmarks. Staff will schedule orientation meetings with new members to provide information and review policy and procedures. New members are encouraged to attend the training sessions offered for all city boards and commissions on rules governing open records and open meetings, as well as ethical standards of conduct. They are also encouraged to view the Historic Preservation Commission Training online instruction offered by the Wisconsin Historical Society.

c) Quorum

Four members shall constitute a quorum for the transaction of business and the taking of official action. A majority of the quorum present is required for approval of a project. In cases where a vote of the Chair will change the outcome of a project, the Chair must vote. Whenever a quorum is not present within fifteen (15) minutes of the scheduled meeting time, the Commission shall adjourn without taking any action, except that it may set a date and time for its next meeting. See Madison General Ordinances 33.01(8).

d) Parliamentary Procedure

Robert's Rules of Order shall govern parliamentary procedure in Commission meetings, except that any Madison General Ordinance or Commission procedural rule shall take precedence over Robert's Rules of Order.

The Landmarks Commission is required to utilize the Common Council's process for Reconsideration. See Madison General Ordinances 2.21 (2013).

The following processes will differ from Robert's Rules of Order: (a list will be provided here if typical processes are found to differ)

e) Secretary

The Preservation Planner is a staff member of the Department of Planning and Community and Economic Development, Planning Division. The Preservation Planner shall serve as the Secretary of the Landmarks Commission and carry out the duties that the Landmarks Commission properly delegates to the Preservation Planner under Chapter 41. In carrying out those duties, the Preservation Planner shall exercise their own professional judgment and expertise, consistent with Chapter 41 and subject to general oversight by the Landmarks Commission.

f) Designees

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The Secretary shall be the designee. The Secretary and the Landmarks Commission shall appoint other designees as appropriate and revise this document as required.

As Secretary, the Preservation Planner and the Community and Cultural Resources Planner is hereby appointed as the designee of the Commission and is able to review Category 1, 2 and 3 projects. William Fruhling or Rebecca Cnare are hereby appointed to review Category 1 and Category 2 projects. When the Preservation Planner or the Community and Cultural Resources Planner is unavailable, William Fruhling or Rebecca Cnare may review Category 3 projects and act as the Secretary of the Commission. Building Inspection Support staff and Plan Review & Permitting staff are hereby appointed to review Category 2 projects. Please refer to the Designee Review Process on page 6.

No one else is permitted to issue Certificates of Appropriateness on behalf of the Landmarks Commission.

g) Records

1. Agendas

   The Secretary shall prepare an agenda for each meeting. The agenda shall be approved by the Chair. The agenda appears on the City's Legislative Information Center website, which is available on the main City website.

   The order of business will be as follows:

   I. Roll Call

   II. Minutes

   III. Public Comment

   IV. Disclosures and Recusals

   V. Adjacency to Landmarks Advisory Recommendations

   VI. Requests for Certificates of Appropriateness (requiring a public hearing)

   VII. Request for Certificates of Appropriateness (not requiring a public hearing)

   VIII. New Business

   IX. Unfinished Business

   X. Regular Business

   XI. Secretary's Report

   XII. Buildings Proposed for Demolition

   XIII. Adjournment

   All requests to be placed on the Commission agenda shall be received by the Planning Division Office by the submission deadline. The Secretary shall determine whether the submissions are complete and in proper form.

2. Minutes and Action Reports

   The Secretary shall prepare the minutes for each meeting. The minutes appear on the City's Legislative Information Center website, which is available on the main City website.

   A copy of the minutes of the past meeting is provided with the agenda for the next meeting. The originals of the Commission minutes are kept in the Planning Division Office.

   The Secretary shall prepare the action reports for each meeting. The action reports shall be reviewed as part of the meeting minutes. The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

3. Communications, Petitions, etc.

All communications, petitions, and reports should be addressed to the Commission and emailed, delivered, or mailed to the Secretary. Commission members shall report and forward to the Secretary any individual communications they receive.

Written comments should be submitted 24 hours in advance of the meeting. Comments received less than 24 hours in advance of the meeting may not be processed for review at the meeting, but will be added to the public record as time allows.

4. Reports to other Bodies (the Urban Design Commission, Plan Commission, and Common Council)

   The Secretary shall report the action of the Commission to the Urban Design Commission, Plan Commission and Common Council on all matters as appropriate.

   The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

5. Public Record

   All Commission agendas, meeting minutes, action reports, communications, petitions, and miscellaneous reports shall be available on the City's Legislative Information Center website, which is available on the main City website.

h) Conduct of Meetings

Members of the public who wish to speak on agenda items shall register to speak by registering online or completing a registration form for in-person meetings. Sign in shall be allowed up to the time of discussion for each agenda item.

Testimony before the Commission is limited to three (3) minutes; and additional time may be allowed with the consent of the Commission. The Chair and Secretary shall monitor the time.

The Chair shall endeavor to keep testimony focused, and to maintain the decorum of the meeting.

No argumentative questioning of the Commission or speakers shall be permitted, and no member of the public may question another speaker. Speakers may direct questions to the Chair during their testimony; questions will be noted, and may be answered at the appropriate time during the hearing. Any Commission member may question a speaker on the facts presented or for clarification of a statement made.

For the purposes of a public hearing, the Chair shall open the public hearing and call on registrants in order of their registration. The name of each person appearing shall be stated. Upon conclusion of the public statements, the Chair shall close the public hearing. Once the hearing is closed, no member of the public may comment further unless the Commission votes to suspend its rules for this purpose.

Commission members may then ask questions of staff, make motions, engage in discussion, and vote on the item presented during the public hearing.

i) Motions and Voting

Motions shall be restated by the chair before a vote is taken. The name of the maker of a motion and of the person to second the motion shall be recorded.

The Chair may participate in discussion, questioning and debate, but will not make motions or vote on any matter unless to break a tie. Members of the Common Council who are not serving on the Commission likewise may participate in discussions, but may not make motions or vote on any matters.

Motions shall be passed by an affirmative vote with not less than a majority of the Commission in attendance. Voting shall be by voice when meeting in-person or by raising a hand in a virtual meeting. Any member of the Commission can request a roll call vote.

Please refer to the Review Process Policies, Actions on Matters Before the Commission on page 10.

j) Reports

The Commission may ask for reports and recommendations from the Secretary on any matters before it that are consistent with the annual work plan of the Preservation Planner.

k) Suspension of Rules

The Commission may suspend any of its procedural rules (except City and State Codes) by a majority vote of the members present.

l) Amendments

These rules, policies and procedures may be amended at any regular meeting by a majority vote of the members present. At a minimum, the Commission will review and update this document as necessary in May of even-numbered years and recorded with the City Clerk after being adopted by the Landmarks Commission.

m) Attendance

Commissioners shall endeavor to attend all regularly scheduled meetings of the Commission. Commissioners shall contact the Secretary to request an excused absence as soon as they are aware of a possible scheduling conflict. The City of Madison has specific rules for attendance that cannot be waived by Commission procedures and policies.

REVIEW PROCESS POLICIES

The following review process policies were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Development Review Process Summary

The development review process varies based on the complexity of a proposal and the type of request involved. However, each process generally includes three stages; the pre-application stage, the commissions review stage, and the plan sign-off, permitting, and inspection stage.

The Landmarks Commission has final review authority in some instances. In other instances, the Commission is required to make an advisory recommendation to the Plan Commission and/or the Urban Design Commission. When review by multiple Commissions is required, the Landmarks Commission is typically the first Commission to take action in the development review process.

b) Designee Review Process

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The categories below indicate the types of projects that may be approved by designees. In all cases, the designees may use their discretion and send the request to the Commission for a formal review. Please refer to the Rules of Procedure, Designees, page 2.

Category 1:

1. In kind repairs to existing buildings/structures that will not change the appearance.

Category 2:

1. Reroofing projects which will replicate the use of three-in-one tab asphalt or fiberglass shingles or other rectangular asphalt or fiberglass shingles of similar scale or sawn wooden shingles. Reroofing with tile, slate or metal may be approved of there is historical documentation, physical evidence, or generally understood methodology or practice that the building once had a tile, slate or metal roof. Reroofing projects on buildings or parts of buildings with flat roofs or shed roofs that are not visible from the street may be approved. If a house is shingled in the French method, new shingles of the same design may be approved. Small attic ventilators that match the roof in color may be approved.
2. Replacement in-kind of exterior mechanical equipment when it maintains a similar size and configuration.
3. Handrails designed to be compatible with the style of the house.

Category 3:

1. Project that will result in only a minor change of appearance, aligning with the Spectrum of Review in MGO 41.22, and that will not destroy significant architectural elements, such as converting a door to a window on the rear of the house, or adding a flat skylight on a roofline not visible from the street.

2. Projects that will result in a moderate change of appearance provided that there are compelling reasons for beginning work before the next Landmarks Commission meeting (such as emergency structural repairs or the onset of bad weather). Such projects must also be approved by the Chair of the Landmarks Commission, or in their absence the Vice Chair.

3. Replacement of the face of an existing sign with new information and the installation of awnings, provided that the proposed design will not detract from the character of the building or district.

4. The construction of a small garden shed in the rear yard of a property provided that the shed does not adversely affect the primary structure, is of simple design, with gable, hip or shed roof and provided that the shed design is compatible with the design of the house and the neighborhood.

5. Projects that restore the original appearance/condition using historic materials may be approved provided that there is historical documentation, physical evidence, or generally understood methodology.

6. Projects that have received a recent Certificate of Appropriateness from the Commission and require a minor modification (not a Minor Alteration) to that approval that does not destroy historic fabric or historic character and does not reverse or alter any portion of the project that was a significant part of the Commission discussion. Consistent with open meeting requirements, Staff may consult with members of the Commission.

7. Exterior alterations to sites that are adjacent to landmarks provided that the alterations are minor alterations and will result in only a minor change of appearance.

c) Actions on Matters Before the Commission

1. Certificate of Appropriateness

   For any Certificate of Appropriateness where the Landmarks Commission approval is required, the Commission may take one of the following actions:

   - The Commission shall ***Approve*** the Certificate of Appropriateness if it determines that the request meets the applicable standards for approval. The Commission may adopt conditions of approval for a project if it believes that those conditions will allow the project to meet the standards for approval.
   - The Commission shall ***Deny*** the Certificate of Appropriateness if it believes the request does not meet the applicable standards for approval. In doing so, the Commission shall specifically state the standards that the request does not meet and the reasons why those standards are not met.
   - The Commission shall ***Refer*** the matter to a future meeting if it believes that the request currently before it does not meet the applicable standards for approval but that it could with additional modification or if it determines that the Commission has not been provided with complete information to make a determination. A referral may also be requested by the applicant or by staff because the request is not, or may not be, procedurally ready to proceed. For any referral, the Commission should specify its reasons for referring the matter to a future meeting.

2. Adjacency to Landmarks Advisory Recommendation

For any advisory recommendation related to adjacency to landmarks and landmark sites, the Commission shall use the language of MGO 28.144 to provide an advisory recommendation.

An example motion for an advisory recommendation may be similar to the following:

"The Landmarks Commission finds that the proposed development is not so large or visually intrusive as to adversely affect the historic character and integrity of the adjacent landmark."

3. Historic Value Advisory Recommendation

When advised by the Preservation Planner or the Community and Cultural Resources Planner regarding a demolition request, the LC may provide a report to the Plan Commission on the historic, architectural or cultural significance of the structure for which a demolition permit is sought, to assist the Plan Commission in its determination of whether the standards of Chapter 28 are satisfied. The determination of historic value does not look at the proposed project for the site - only the historic value of the existing resources on the property.

For any advisory recommendation related to the historic value of buildings proposed for demolition, the Commission shall take one of the following actions:

a. *The Commission finds that the building(s) has no known historic value.*

b. *The Commission finds that the building(s) has historic value related to the vernacular context of Madison's built environment, or as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant.*

c. *The Commission finds that the building(s) has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, and/or as an intact or rare example of a certain architectural style or method of construction.*

The Commission may also provide a separate report regarding a property proposed for demolition to the Plan Commission. This report can further describe the historic value of the property outside of the language of the actions above.

4. Window Replacement Requests

For window replacement applications, applicants shall provide information on whether the windows proposed for replacement are original to the structure or date to the period of significance for the landmark or historic district. If the windows are historic, the applicant must provide a 3rd party assessment of whether the windows are physically beyond repair and/or are not economically feasible to repair. This assessment must come from a contractor who completes window repair, such as a carpenter, painter, or general contractor.

An application will evaluate each window individually and provide a description of the window and window component dimensions of the existing window and the proposed replacement windows.

The Commission shall take one of the following actions:

- Determine if the proposed window is physically beyond repair and/or is not economically feasible to repair.
- If it is feasible and practical to repair the windows, then they must be repaired.
- If the window requires replacement, approve replacement products that are similar in design, color, scale, architectural appearance, and other visual qualities. The window size and component dimensions should be comparable.

5. Tribal Consultation for Archaeological Sites

   For project requests that involve ground-disturbing activities on landmark sites with archaeology or human remains with tribal association, staff shall notify the Tribal Historic Preservation Offices of interested tribes about the proposed project and ask for comments or concerns related to the proposal. Staff will provide any tribal comments to the Landmarks Commission to incorporate into their review of the project proposal.

GENERAL POLICIES

The following general policies were adopted by the Commission to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Education Series

Each May, in recognition of national Historic Preservation month, the Landmarks Commission may host a public education and outreach session during a regularly scheduled or special meeting.

The Commission may prepare information packets for property owners related to maintenance of historic buildings.

b) Regular Review of Policy and Procedure Manual

At the beginning of each even numbered calendar year, the Landmarks Commission shall review the adopted policy and procedure document and make any revisions as needed. The adopted document shall be filed with the City Clerk's Office.

c) Landmark Plaque Procedure

According to MGO 41.07(8), the City shall provide a plaque for a recently designated landmark site. Preservation staff will draft the text for the plaque using materials prepared for the nomination process. The text will include the items of interest as described in the Ordinance. Staff will allow the Owner to review the text and provide suggestions. Once the text has been reviewed by the Owner, staff will forward it to the Landmarks Commission for review and final approval.

According to the Ordinance, the plaque should be located so it is easily visible to passing pedestrians. Plaques should be mounted to building walls on or near the primary façade preferably near the entrance or on landscape elements including natural boulders or formed concrete bases. In some cases, the plaque could be mounted on fences or entrance piers. The plaque can be fabricated with horizontal or vertical format to work with the space provided. Staff should suggest a plaque location and coordinate with the property owner to select a final location. Under no circumstances, shall the plaque be located in a place that would obscure or damage unique architectural or character defining features. If a property owner is not agreeable to placing a plaque on the building, staff may locate the plaque on a concrete base on the street side of the terrace.

Typically, the plaques should be fabricated and installed within the 12 months after designation; however, it may be more cost effective to have numerous plaques fabricated and installed at once. Preservation staff will consider the most cost effective means when having plaques fabricated.

Plaques will have a uniform appearance and will have horizontal or vertical formats to complement the area selected for installation. The specifications are as follows:

Size:	16" x 24" x ½" thick
Material:	cast brushed aluminum
Background:	painted black (satin finish)
Texture:	leatherette
Copy:	raised TIMES ROMAN all caps. Not to exceed 500 characters. Silver color.

Border: single line. Silver color.
Mounting: concealed

Typical horizontal plaque format (vertical format would be similar):

JAMES & BRIDGET CASSERLY HOUSE

1891

THE CASSERLY HOUSE IS A CLASSIC EXAMPLE OF A QUEEN ANNE STYLE HOUSE BUILT FOR A MIDDLE-CLASS FAMILY. JAMES CASSERLY WAS A FOREMAN AND LATER SUPERINTENDENT OF THE MADISON DEMOCRAT, ONE OF MADISON'S TWO MAJOR NEWSPAPERS AT THE TURN-OF-THE-CENTURY. THE CASSERLYS WERE ONE OF THE MANY FAMILIES OF IRISH DESCENT WHO LIVED IN THIS NEIGHBORHOOD. IN THE 1960S, THE HOUSE BECAME A ROOMING HOUSE AND ITS CONDITION DETERIORATED. IN 1980, IT WAS CAREFULLY RESTORED AS OFFICES AND AN APARTMENT.

DESIGNATED APRIL 25, 1983

MADISON LANDMARKS COMMISSION

Staff will work with the plaque installer and property owner to schedule the installations. Staff will provide the plaque installer with descriptive documents indicating the approved location of the plaque. Staff should communicate the installation date to the property owner and should be available during installation to visit the site if necessary. The plaque is property of the City of Madison and should not be removed or altered once installed. Should a plaque need to be removed for maintenance or repairs, the property owner must receive written approval from the Preservation Planner prior to performing such work. Once the work is complete, the plaque should be promptly reinstalled at the expense of the property owner.

Plaques are fabricated from aluminum and are originally painted black and matte silver/gray. Maintenance of the plaque is the responsibility of the property owner. Should maintenance be required, the property owner must receive written approval from the Preservation Planner prior to performing such work. In general repainting of a plaque is not desired, but if necessary, may only be done by a professional painter or an individual approved by the Preservation Planner.

CODE OF ETHICS

Landmarks Commission members are required to attend an in-person training conducted by the City Attorney's office. The general summary below cannot replace a full training nor does it constitute legal advice. As questions arise, contact the Office of the City Attorney or the City of Madison Ethics Board.

The Ethics Code spells out standards of conduct intended to foster public trust and promote confidence in the integrity of government by avoiding the appearance of self-interest, personal gain, or benefit. The Code also requires written disclosures by most City elected officials, employees and appointees regarding their private financial or personal interests in matters that may affect the City. See Section 3.35 of the Madison General Ordinances (MGO).

The Madison Ethics Code establishes guidelines to ensure that City elected officials, employees, and appointees (a) act impartially, responsibly and independently, (b) make decisions and policies through proper channels of City governmental structure, and (c) serve the public interest rather than some private interest.

The major areas of responsibility and accountability spelled out in the Code include:

- Disclosure of conflicts of interest and possible disqualification from subsequent action
- Use of office for private gain
- Disclosures of confidential or privileged information
- Receipt of gifts and favors
- Incompatible employment
- Restrictions after leaving office or appointment

As questions regarding conflicts of interest and the application of the Code of Ethics arise, commissioners should consult the Code of Ethics and the Office of the City Attorney. When in doubt, ask the City Attorney's Office or the City of Madison Ethics Board.[1]

OPEN MEETING REQUIREMENTS

The general summary below does not constitute legal advice. As questions arise, contact the Office of the City Attorney.

"In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business." Wisconsin Statutes Section 19.81(1)

Applicable open meetings laws are found in Section 19.81 through 19.98 of the Wisconsin Statutes, reproduced in Section 3.71 Madison General Ordinances, and supplemented by Administrative Procedure Memorandum (APM) 3-13.The Landmarks Commission as a body must meet "open meeting" requirements set forth in these statutes and ordinances to ensure its business is conducted properly. Generally, staff is responsible for ensuring that the meeting is properly noticed and conducted in compliance with these rules.

Individual members are responsible for following certain requirements outside of noticed meetings. Common issues include, but are not limited to:

- Illegal meetings – generally, a meeting occurs any time a group of members discusses Commission-related issues, if the group is large enough to take or block action on an issue. Social encounters among members should be limited to non-Commission topics of conversation. Tours by the Commission should be properly noticed to meet open meeting requirements.
- Email – an email discussion between members could be an illegal meeting. Generally, email should not be used to conduct substantive issue-related Commission business. Messages from citizens to members should be forwarded to staff for dissemination to the full Commission. Messages from staff or an individual member to the full Commission are permissible on procedural issues, but members should take care to reply only to the sender (not reply-all).
- Conference calls – a conference call between members could be an illegal meeting. Meetings may be conducted via conference call, but should be properly noticed as such and provide a public facility with speakerphone so the public is able to hear/participate.[2]

DECISION MAKING

The general summary does not constitute legal advice. As questions arise, contact the Office of the City Attorney.

All parties who appear before the Commission are entitled to a fair and impartial hearing. This includes:

1. **The appearance of fairness**

   The Commission must make decisions in an impartial and unbiased manner. Actual bias is not required; an impermissibly high *risk* of bias is sufficient to compromise the appearance of fairness. Keen v. Dane County Board of Supervisors, 269 Wis.2d 488 (Ct. App 2003).

2. **Proper notice and hearing**

   Notice is handled by City staff (e.g. publication, mailed notice, noting on agenda). Hearings serve the dual function of providing citizens with an opportunity to express their views and to inform the decision-making body regarding the views of the affected community members.

3. **Decisions based on the standards and the evidence before the body**

   Where decision-making standards are listed in the ordinances, the Commission must follow them. It is the responsibility of the applicant to demonstrate that a proposal meets the standards, and the responsibility of the Commission to explain how it came to a determination. Unless specifically required by statute or ordinance, particularized written findings are not necessary, nor are there "magic words" that must be used. However, a simple statement that "the standards are met" or "are not met" is insufficient to inform the applicant of the reasons for the determination. The decision and the transcript must provide a record that allows meaningful judicial review.[3]

LEGAL ADVICE PROVIDED BY CITY ATTORNEY

Legal advice provided by the City Attorney is privileged and provided on a confidential basis. It should not be released to third parties or discussed at a public meeting, unless the advice is in a formal memorandum that Planning Staff and the City Attorney intend be distributed to the public.

ENDNOTES

1. *Ethics Code training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/ethics/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

2. *Open Meetings training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/meetings/training.cfm

   (See Also: City Attorney Opinion 2004-001, available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2004Opinions.cfm)

3. Quasi-Judicial Decision-making training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/training/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

Note: Madison General Ordinances are available on the City of Madison's Legislative Center on the City's website.

INTRODUCTION

The purpose of this basic policy and procedures manual is to put into one document a list of the current activities, procedures and basic policies of the City of Madison Landmarks Commission.

This manual is general in nature, but includes helpful references to specific ordinances further describing the role of the Landmarks Commission.

The Landmarks Commission is given authority by Madison General Ordinances (MGO) Chapters 33, 41, and 28, which specify the criteria for actions by the Commission or places the Commission in an advisory role.

In compliance with ~~Chapter~~ MGO 33.01(9)(b), the Landmarks Commission may adopt rules of procedure. ~~See Madison General Ordinances 33.01(9)(b).~~

RULES OF PROCEDURE

The following rules of procedure were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Commission Leadership

In June of odd numbered years, the Commission shall elect a Chair and a Vice-Chair. In the absence of the Chair, the Vice-Chair shall serve as Chair. In the absence of both the Chair and Vice-Chair, the Commission shall select an acting Chair from its membership.

The Preservation Planner or ~~her/his~~their designee shall serve as Secretary to the Commission.

b) Orientation for New Commissioners

As new Commission members are appointed, each shall be furnished with a membership roster, calendar of meeting dates, a Policy and Procedures Manual that includes rules of procedure, relevant ordinances and standards, maps of local historic districts, and a list of designated landmarks. Staff will schedule orientation meetings with new members to provide information and review policy and procedures. New members are encouraged to attend the training sessions offered for all city boards and commissions on rules governing open records and open meetings, as well as ethical standards of conduct. They are also encouraged to view the Historic Preservation Commission Training online instruction offered by the Wisconsin Historical Society.

c) Quorum

Four members shall constitute a quorum for the transaction of business and the taking of official action. A majority of the quorum present is required for approval of a project. In cases where a vote of the Chair will change the outcome of a project, the Chair must vote. Whenever a quorum is not present within fifteen (15) minutes of the scheduled meeting time, the Commission shall adjourn without taking any action, except that it may set a date and time for its next meeting. See Madison General Ordinances 33.01(8).

d) Parliamentary Procedure

Robert's Rules of Order shall govern parliamentary procedure in Commission meetings, except that any Madison General Ordinance or Commission procedural rule shall take precedence over Robert's Rules of Order.

The Landmarks Commission is required to utilize the Common Council's process for Reconsideration. See Madison General Ordinances 2.21 (2013).

The following processes will differ from Robert's Rules of Order: (a list will be provided here if typical processes are found to differ)

e) Secretary

The Preservation Planner is a staff member of the Department of Planning and Community and Economic Development, Planning Division. The Preservation Planner shall serve as the Secretary of the Landmarks Commission and carry out the duties that the Landmarks Commission properly delegates to the Preservation Planner under Chapter 41. In carrying out those duties, the Preservation Planner shall exercise ~~his or her~~ their own professional judgment and expertise, consistent with Chapter 41 and subject to general oversight by the Landmarks Commission.

f) Designees

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The Secretary shall be the designee. The Secretary and the Landmarks Commission shall appoint other designees as appropriate and revise this document as required.

As Secretary, the Preservation Planner and the Community and Cultural Resources Planner is hereby appointed as the designee of the Commission and is able to review Category 1, 2 and 3 projects. William Fruhling or ~~,~~ Rebecca Cnare~~, and Dan McAuliffe~~ are hereby appointed to review Category 1 and Category 2 projects. When the Preservation Planner or the Community and Cultural Resources Planner is unavailable, William Fruhling or ~~,~~ Rebecca Cnare~~, or Dan McAuliffe~~ may review Category 3 projects and act as the Secretary of the Commission. Building Inspection Support staff and Plan Review & Permitting staff are hereby appointed to review Category 2 projects. Please refer to the Designee Review Process on page 6.

No one else is permitted to issue Certificates of Appropriateness on behalf of the Landmarks Commission.

g) Records

1. Agendas

   The Secretary shall prepare an agenda for each meeting. The agenda shall be approved by the Chair. The agenda appears on the City's Legislative Information Center website, which is available on the main City website.

   The order of business will be as follows:

   I. Roll Call

   II. Minutes

   III. Public Comment

   IV. Disclosures and Recusals

   V. Adjacency to Landmarks Advisory Recommendations ~~Requests for Certificates of Appropriateness (requiring a public hearing)~~

   VI. Requests for Certificates of Appropriateness (requiring a public hearing)~~Request for Certificates of App public hearing)~~

   VII. Request for Certificates of Appropriateness (not requiring a public hearing)~~Adjacency to Landmarks Ad~~

   VIII. New Business ~~Buildings Proposed for Demolition~~

   IX. Unfinished Business ~~New Business~~

   X. Regular Business ~~Unfinished Business~~

   XI. Secretary's Report ~~Regular Business~~

   XII. ~~Secretary's Report~~Buildings Proposed for Demolition

   XIII. Adjournment

   All requests to be placed on the Commission agenda shall be received by the Planning Division Office by the submission deadline. The Secretary shall determine whether the submissions are complete and in proper form.

2. Minutes and Action Reports

   The Secretary shall prepare the minutes for each meeting. The minutes appear on the City's Legislative Information Center website, which is available on the main City website.

   A copy of the minutes of the past meeting is provided with the agenda for the next meeting. The originals of the Commission minutes are kept in the Planning Division Office.

   The Secretary shall prepare the action reports for each meeting. The action reports shall be reviewed as part of the meeting minutes. The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

3. Communications, Petitions, etc.

All communications, petitions, and reports should be addressed to the Commission and emailed, delivered, or mailed to the Secretary. Commission members shall report and forward to the Secretary any individual communications they receive.

Written comments should be submitted 24 hours in advance of the meeting. Comments received less than 24 hours in advance of the meeting may not be processed for review at the meeting, but will be added to the public record as time allows.

4. Reports to other Bodies (the Urban Design Commission, Plan Commission, and Common Council)

   The Secretary shall report the action of the Commission to the Urban Design Commission, Plan Commission and Common Council on all matters as appropriate.

   The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

5. Public Record

   All Commission agendas, meeting minutes, action reports, communications, petitions, and miscellaneous reports shall be available on the City's Legislative Information Center website, which is available on the main City website.

h) Conduct of Meetings

Members of the public who wish to speak on agenda items shall register to speak by registering online or completing a registration form for in-person meetings. Sign in shall be allowed up to the time of discussion for each agenda item.

Testimony on non-public hearing items before the Commission is limited to three (3) minutes and on public hearing items is limited to five (5) minutes; and additional time may be allowed with the consent of the Commission. The Chair and Secretary shall monitor the time.

The Chair shall endeavor to keep testimony focused, and to maintain the decorum of the meeting.

No argumentative questioning of the Commission or speakers shall be permitted, and no member of the public may question another speaker. Speakers may direct questions to the Chair during their testimony; questions will be noted, and may be answered at the appropriate time during the hearing. Any Commission member may question a speaker on the facts presented or for clarification of a statement made.

Public testimony by Skype or phone or similar method shall be permitted subject to the discretion of the Chair and the Commission.

For the purposes of a public hearing, the Chair shall open the public hearing and call for alternate registrants for and against the subject under consideration call on registrants in order of their registration. The name and address of each person appearing shall be stated. Upon conclusion of the public statements, the Chair shall close the public hearing. Once the hearing is closed, no member of the public may comment further unless the Commission votes to suspend its rules for this purpose.

Commission members may then ask questions of staff, make motions, engage in discussion, and vote on the item presented during the public hearing.

i) Motions and Voting

Motions shall be restated by the chair before a vote is taken. The name of the maker of a motion and of the person to second the motion shall be recorded.

The Chair may participate in discussion, questioning and debate, but will not make motions or vote on any matter unless to break a tie. Members of the Common Council who are not serving on the Commission likewise may participate in discussions, but may not make motions or vote on any matters.

Motions shall be passed by an affirmative vote with not less than a majority of the Commission in attendance. Voting shall be by voice when meeting in-person or by raising a hand in a virtual meeting. Any member of the Commission can request a roll call vote.

Please refer to the Review Process Policies, Actions on Matters Before the Commission on page 10.

j) Reports

The Commission may ask for reports and recommendations from the Secretary on any matters before it that are consistent with the annual work plan of the Preservation Planner.

k) Suspension of Rules

The Commission may suspend any of its procedural rules (except City and State Codes) by a majority vote of the members present.

l) Amendments

These rules, policies and procedures may be amended at any regular meeting by a majority vote of the members present. At a minimum, the Commission will review and update this document as necessary in May of even-numbered years and recorded with the City Clerk after being adopted by the Landmarks Commission.

m) Attendance

Commissioners shall endeavor to attend all regularly scheduled meetings of the Commission. Commissioners shall contact the Secretary to request an excused absence as soon as they are aware of a possible scheduling conflict. The City of Madison has specific rules for attendance that cannot be waived by Commission procedures and policies.

REVIEW PROCESS POLICIES

The following review process policies were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Development Review Process Summary

The development review process varies based on the complexity of a proposal and the type of request involved. However, each process generally includes three stages; the pre-application stage, the commissions review stage, and the plan sign-off, permitting, and inspection stage.

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Category 1:

1. In kind repairs to existing buildings/structures that will not change the appearance.

Category 2:

1. Reroofing projects which will replicate the use of three-in-one tab asphalt or fiberglass shingles or other rectangular asphalt or fiberglass shingles of similar scale or sawn wooden shingles. Reroofing with tile, slate or metal may be approved of there is historical documentation, physical evidence, or generally understood methodology or practice that the building once had a tile, slate or metal roof. Reroofing projects on buildings or parts of buildings with flat roofs or shed roofs that are not visible from the street may be approved. If a house is shingled in the French method, new shingles of the same design may be approved. Small attic ventilators that match the roof in color may be approved.
2. Replacement in-kind of exterior mechanical equipment when it maintains a similar size and configuration.
3. Handrails designed to be compatible with the style of the house.

Category 3:

~~1. Residing with narrow gauge clapboard composite, aluminum, or vinyl to the extent mandated by the Landmarks Ordinance on the following conditions:~~

- ~~The original material must be clapboard.~~
- ~~The new siding must approximate the width of the original siding.~~
- ~~Any decorative woodwork, such as molding on windows, decorative bargeboards, porch posts, spindles, etc., should be retained or covered with new material in such a way as to duplicate the appearance of the original. All trim should be from the siding. Soffits may be covered with aluminum, provided that they are ventilated.~~

- ~~All later non-original layers of siding must be removed before the new siding is applied, or else all trim should be built up to project from the siding approximately the same amount as the original. Original siding must be retained and encapsulated.~~

~~2. Gutters and downspouts of enameled or anodized metal (not raw aluminum), provided that any decorative downspout or gutter details are retained. If existing gutters are raw aluminum and only parts are being replaced, then the designee(s) may approve matching the existing gutters.~~

~~3~~1. Project that will result in only a minor change of appearance, aligning with the Spectrum of Review in MGO 41.22, and that will not destroy significant architectural elements, such as converting a door to a window on the rear of the house, or adding a flat skylight on a roofline not visible from the street.

~~4~~2. Projects that will result in a moderate change of appearance provided that there are compelling reasons for beginning work before the next Landmarks Commission meeting (such as emergency structural repairs or the onset of bad weather). Such projects must also be approved by the Chair of the Landmarks Commission, or in their absence the Vice Chair.

~~5~~3. Replacement of the face of an existing sign with new information and the installation of awnings, provided that the proposed design will not detract from the character of the building or district.

~~6~~4. The construction of a small garden shed in the rear yard of a property provided that the shed does not adversely affect the primary structure, is of simple design, with gable, hip or shed roof and provided that the shed design is compatible with the design of the house and the neighborhood.

~~7~~5. Projects that restore the original appearance/condition using historic materials may be approved provided that there is historical documentation, physical evidence, or generally understood methodology.

~~8~~6. Projects that have received a recent Certificate of Appropriateness from the Commission and require a minor modification (not a Minor Alteration) to that approval that does not destroy historic fabric or historic character and does not reverse or alter any portion of the project that was a significant part of the Commission discussion. Consistent with open meeting requirements, Staff may consult with members of the Commission.

~~9~~7. Exterior alterations to sites that are adjacent to landmarks provided that the alterations are minor alterations and will result in only a minor change of appearance.

c) Actions on Matters Before the Commission

1. Certificate of Appropriateness

   For any Certificate of Appropriateness where the Landmarks Commission approval is required, the Commission may take one of the following actions:

   - The Commission shall ***Approve*** the Certificate of Appropriateness if it determines that the request meets the applicable standards for approval. The Commission may adopt conditions of approval for a project if it believes that those conditions will allow the project to meet the standards for approval.

- The Commission shall ***Deny*** the Certificate of Appropriateness if it ~~feels~~ believes the request does not meet the applicable standards for approval. In doing so, the Commission shall specifically state the standards that the request does not meet and the reasons why those standards are not met.
- The Commission shall ***Refer*** the matter to a future meeting if it believes that the request currently before it does not meet the applicable standards for approval but that it could with additional modification or if it determines that the Commission has not been provided with complete information to make a determination. A referral may also be requested by the applicant or by staff because the request is not, or may not be, procedurally ready to proceed. For any referral, the Commission should specify its reasons for referring the matter to a future meeting.

2. Adjacency to Landmarks Advisory Recommendation

For any advisory recommendation related to adjacency to landmarks and landmark sites, the Commission shall use the language of ~~section~~ MGO 28.144 to provide an advisory recommendation.

An example motion for an advisory recommendation may be similar to the following:

"The Landmarks Commission finds that the proposed development is not so large or visually intrusive as to adversely affect the historic character and integrity of the adjacent landmark."

3. Historic Value Advisory Recommendation

When advised by the Preservation Planner or the Community and Cultural Resources Planner regarding a demolition request, the LC may provide a report to the Plan Commission on the historic, architectural or cultural significance of the structure for which a demolition permit is sought, to assist the Plan Commission in its determination of whether the standards of Chapter 28 are satisfied. The determination of historic value does not look at the proposed project for the site - only the historic value of the existing ~~building~~resources on the property.

For any advisory recommendation related to the historic value of buildings proposed for demolition, the Commission shall take one of the following actions:

a. The Commission finds that the building(s) has no known historic value.

b. The Commission finds that the building(s) has historic value related to the vernacular context of Madison's built environment, or as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant.

c. The Commission finds that the building(s) has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, and/or as an intact or rare example of a certain architectural style or method of construction.

The Commission may also provide a separate report regarding a property proposed for demolition to the Plan Commission. This report can further describe the historic value of the property outside of the language of the actions above.

4. Window Replacement Requests

   For window replacement applications, applicants shall provide information on whether the windows proposed for replacement are original to the structure or date to the period of significance for the landmark or historic district. If the windows are historic, the applicant must provide a 3rd party assessment of whether the windows are physically beyond repair and/or are not economically feasible to repair. This assessment must come from a contractor who completes window repair, such as a carpenter, painter, or general contractor.

   An application will evaluate each window individually and provide a description of the window and window component dimensions of the existing window and the proposed replacement windows.

   The Commission shall take one of the following actions:

   - Determine if the proposed window is physically beyond repair and/or is not economically feasible to repair.
   - If it is feasible and practical to repair the windows, then they must be repaired.
   - If the window requires replacement, approve replacement products that are similar in design, color, scale, architectural appearance, and other visual qualities. The window size and component dimensions should be comparable.

5. Tribal Consultation for Archaeological Sites

   For project requests that involve ground-disturbing activities on landmark sites with archaeology or human remains with tribal association, staff shall notify the Tribal Historic Preservation Offices of interested tribes about the proposed project and ask for comments or concerns related to the proposal. Staff will provide any tribal comments to the Landmarks Commission to incorporate into their review of the project proposal.

GENERAL POLICIES

The following general policies were adopted by the Commission to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Education Series

Each May, in recognition of national Historic Preservation month, the Landmarks Commission may host a public education and outreach session during a regularly scheduled or special meeting.

The Commission may prepare information packets for property owners related to maintenance of historic buildings.

b) Regular Review of Policy and Procedure Manual

At the beginning of each even numbered calendar year, the Landmarks Commission shall review the adopted policy and procedure document and make any revisions as needed. The adopted document shall be filed with the City Clerk's Office.

c) Landmark Plaque Procedure

According to MGO 41.07(8), the City shall provide a plaque for a recently designated landmark site. Preservation staff will draft the text for the plaque using materials prepared for the nomination process. The text will include the items of interest as described in the Ordinance. Staff will allow the Owner to review the text and provide suggestions. Once the text has been reviewed by the Owner, staff will forward it to the Landmarks Commission for review and final approval.

According to the Ordinance, the plaque should be located so it is easily visible to passing pedestrians. Plaques should be mounted to building walls on or near the primary façade preferably near the entrance or on landscape elements including natural boulders or formed concrete bases. In some cases, the plaque could be mounted on fences or entrance piers. The plaque can be fabricated with horizontal or vertical format to work with the space provided. Staff should suggest a plaque location and coordinate with the property owner to select a final location. Under no circumstances, shall the plaque be located in a place that would obscure or damage unique architectural or character defining features. If a property owner is not agreeable to placing a plaque on the building, staff may locate the plaque on a concrete base on the street side of the terrace.

Typically, the plaques should be fabricated and installed within the 12 months after designation; however, it may be more cost effective to have numerous plaques fabricated and installed at once. Preservation staff will consider the most cost effective means when having plaques fabricated.

Plaques will have a uniform appearance and will have horizontal or vertical formats to complement the area selected for installation. The specifications are as follows:

Size:	16" x 24" x ½" thick
Material:	cast brushed aluminum
Background:	painted black (satin finish)
Texture:	leatherette
Copy:	raised TIMES ROMAN all caps. Not to exceed 500 characters. Silver color.

Border: single line. Silver color.
Mounting: concealed

Typical horizontal plaque format (vertical format would be similar):

JAMES & BRIDGET CASSERLY HOUSE

1891

THE CASSERLY HOUSE IS A CLASSIC EXAMPLE OF A QUEEN ANNE STYLE HOUSE BUILT FOR A MIDDLE-CLASS FAMILY. JAMES CASSERLY WAS A FOREMAN AND LATER SUPERINTENDENT OF THE MADISON DEMOCRAT, ONE OF MADISON'S TWO MAJOR NEWSPAPERS AT THE TURN-OF-THE-CENTURY. THE CASSERLYS WERE ONE OF THE MANY FAMILIES OF IRISH DESCENT WHO LIVED IN THIS NEIGHBORHOOD. IN THE 1960S, THE HOUSE BECAME A ROOMING HOUSE AND ITS CONDITION DETERIORATED. IN 1980, IT WAS CAREFULLY RESTORED AS OFFICES AND AN APARTMENT.

DESIGNATED APRIL 25, 1983

MADISON LANDMARKS COMMISSION

Staff will work with the plaque installer and property owner to schedule the installations. Staff will provide the plaque installer with descriptive documents indicating the approved location of the plaque. Staff should communicate the installation date to the property owner and should be available during installation to visit the site if necessary. The plaque is property of the City of Madison and should not be removed or altered once installed. Should a plaque need to be removed for maintenance or repairs, the property owner must receive written approval from the Preservation Planner prior to performing such work. Once the work is complete, the plaque should be promptly reinstalled at the expense of the property owner.

Plaques are fabricated from aluminum and are originally painted black and matte silver/gray. Maintenance of the plaque is the responsibility of the property owner. Should maintenance be required, the property owner must receive written approval from the Preservation Planner prior to performing such work. In general repainting of a plaque is not desired, but if necessary, may only be done by a professional painter or an individual approved by the Preservation Planner.

CODE OF ETHICS

Landmarks Commission members are required to attend an in-person training conducted by the City Attorney's office. The general summary below cannot replace a full training nor does it constitute legal advice. As questions arise, contact the Office of the City Attorney or the City of Madison Ethics Board.

The Ethics Code spells out standards of conduct intended to foster public trust and promote confidence in the integrity of government by avoiding the appearance of self-interest, personal gain, or benefit. The Code also requires written disclosures by most City elected officials, employees and appointees regarding their private financial or personal interests in matters that may affect the City. See Section 3.35 of the Madison General Ordinances (MGO).

The Madison Ethics Code establishes guidelines to ensure that City elected officials, employees, and appointees (a) act impartially, responsibly and independently, (b) make decisions and policies through proper channels of City governmental structure, and (c) serve the public interest rather than some private interest.

The major areas of responsibility and accountability spelled out in the Code include:

- Disclosure of conflicts of interest and possible disqualification from subsequent action
- Use of office for private gain
- Disclosures of confidential or privileged information
- Receipt of gifts and favors
- Incompatible employment
- Restrictions after leaving office or appointment

As questions regarding conflicts of interest and the application of the Code of Ethics arise, commissioners should consult the Code of Ethics and the Office of the City Attorney. When in doubt, ask the City Attorney's Office or the City of Madison Ethics Board.[1]

OPEN MEETING REQUIREMENTS

~~Landmarks Commission members are required to attend an in-person training conducted by the City Attorney's office.~~ The general summary below ~~cannot replace a full training nor~~ does ~~it~~not constitute legal advice. As questions arise, contact the Office of the City Attorney.

"In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business." Wisconsin Statutes Section 19.81(1)

Applicable open meetings laws are found in Section 19.81 through 19.98 of the Wisconsin Statutes, reproduced in Section 3.71 Madison General Ordinances, and supplemented by Administrative Procedure Memorandum (APM) 3-13.The Landmarks Commission as a body must meet "open meeting" requirements set forth in these statutes and ordinances to ensure its business is conducted properly. Generally, staff is responsible for ensuring that the meeting is properly noticed and conducted in compliance with these rules.

Individual members are responsible for following certain requirements outside of noticed meetings. Common issues include, but are not limited to:

- Illegal meetings – generally, a meeting occurs any time a group of members discusses Commission-related issues, if the group is large enough to take or block action on an issue. Social encounters among members should be limited to non-Commission topics of conversation. Tours by the Commission should be properly noticed to meet open meeting requirements.
- Email – an email discussion between members could be an illegal meeting. Generally, email should not be used to conduct substantive issue-related Commission business. Messages from citizens to members should be forwarded to staff for dissemination to the full Commission. Messages from staff or an individual member to the full Commission are permissible on procedural issues, but members should take care to reply only to the sender (not reply-all).
- Conference calls – a conference call between members could be an illegal meeting. Meetings may be conducted via conference call, but should be properly noticed as such and provide a public facility with speakerphone so the public is able to hear/participate.[2]

DECISION MAKING

~~Landmarks Commission members are required to attend an in-person training~~ [FW1]~~conducted by the City Attorney's office.~~ The general summary ~~below cannot replace a full training nor~~ does ~~it~~ not constitute legal advice. As questions arise, contact the Office of the City Attorney.

All parties who appear before the Commission are entitled to a fair and impartial hearing. This includes:

1. **The appearance of fairness**

   The Commission must make decisions in an impartial and unbiased manner. Actual bias is not required; an impermissibly high *risk* of bias is sufficient to compromise the appearance of fairness. Keen v. Dane County Board of Supervisors, 269 Wis.2d 488 (Ct. App 2003).

2. **Proper notice and hearing**

   Notice is handled by City staff (e.g. publication, mailed notice, noting on agenda). Hearings serve the dual function of providing citizens with an opportunity to express their views and to inform the decision-making body regarding the views of the affected community members.

3. **Decisions based on the standards and the evidence before the body**

   Where decision-making standards are listed in the ordinances, the Commission must follow them. It is the responsibility of the applicant to demonstrate that a proposal meets the standards, and the responsibility of the Commission to explain how it came to a determination. Unless specifically required by statute or ordinance, particularized written findings are not necessary, nor are there "magic words" that must be used. However, a simple statement that "the standards are met" or "are not met" is insufficient to inform the applicant of the reasons for the determination. The decision and the transcript must provide a record that allows meaningful judicial review.[3]

LEGAL ADVICE PROVIDED BY CITY ATTORNEY

Legal advice provided by the City Attorney is privileged and provided on a confidential basis. It should not be released to third parties or discussed at a public meeting, unless the advice is in a formal memorandum that Planning Staff and the City Attorney intend be distributed to the public.

ENDNOTES

1. *Ethics Code training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/ethics/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

2. *Open Meetings training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/meetings/training.cfm

   (See Also: City Attorney Opinion 2004-001, available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2004Opinions.cfm)

3. Quasi-Judicial Decision-making training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/training/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

Note: Madison General Ordinances are available on the City of Madison's Legislative Center on the City's website.

INTRODUCTION

The purpose of this basic policy and procedures manual is to put into one document a list of the current activities, procedures and basic policies of the City of Madison Landmarks Commission.

This manual is general in nature, but includes helpful references to specific ordinances further describing the role of the Landmarks Commission.

The Landmarks Commission is given authority by Madison General Ordinances (MGO) Chapters 33, 41, and 28, which specify the criteria for actions by the Commission or places the Commission in an advisory role.

In compliance with MGO 33.01(9)(b), the Landmarks Commission may adopt rules of procedure.

RULES OF PROCEDURE

The following rules of procedure were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Commission Leadership

In June of odd numbered years, the Commission shall elect a Chair and a Vice-Chair. In the absence of the Chair, the Vice-Chair shall serve as Chair. In the absence of both the Chair and Vice-Chair, the Commission shall select an acting Chair from its membership.

The Preservation Planner or their designee shall serve as Secretary to the Commission.

b) Orientation for New Commissioners

As new Commission members are appointed, each shall be furnished with a membership roster, calendar of meeting dates, a Policy and Procedures Manual that includes rules of procedure, relevant ordinances and standards, maps of local historic districts, and a list of designated landmarks. Staff will schedule orientation meetings with new members to provide information and review policy and procedures. New members are encouraged to attend the training sessions offered for all city boards and commissions on rules governing open records and open meetings, as well as ethical standards of conduct. They are also encouraged to view the Historic Preservation Commission Training online instruction offered by the Wisconsin Historical Society.

c) Quorum

Four members shall constitute a quorum for the transaction of business and the taking of official action. A majority of the quorum present is required for approval of a project. In cases where a vote of the Chair will change the outcome of a project, the Chair must vote. Whenever a quorum is not present within fifteen (15) minutes of the scheduled meeting time, the Commission shall adjourn without taking any action, except that it may set a date and time for its next meeting. See Madison General Ordinances 33.01(8).

d) Parliamentary Procedure

Robert's Rules of Order shall govern parliamentary procedure in Commission meetings, except that any Madison General Ordinance or Commission procedural rule shall take precedence over Robert's Rules of Order.

The Landmarks Commission is required to utilize the Common Council's process for Reconsideration. See Madison General Ordinances 2.21 (2013).

The following processes will differ from Robert's Rules of Order: (a list will be provided here if typical processes are found to differ)

e) Secretary

The Preservation Planner is a staff member of the Department of Planning and Community and Economic Development, Planning Division. The Preservation Planner shall serve as the Secretary of the Landmarks Commission and carry out the duties that the Landmarks Commission properly delegates to the Preservation Planner under Chapter 41. In carrying out those duties, the Preservation Planner shall exercise their own professional judgment and expertise, consistent with Chapter 41 and subject to general oversight by the Landmarks Commission.

f) Designees

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The Secretary shall be the designee. The Secretary and the Landmarks Commission shall appoint other designees as appropriate and revise this document as required.

As Secretary, the Preservation Planner and the Community and Cultural Resources Planner is hereby appointed as the designee of the Commission and is able to review Category 1, 2 and 3 projects. William Fruhling or Rebecca Cnare are hereby appointed to review Category 1 and Category 2 projects. When the Preservation Planner or the Community and Cultural Resources Planner is unavailable, William Fruhling or Rebecca Cnare may review Category 3 projects and act as the Secretary of the Commission. Building Inspection Support staff and Plan Review & Permitting staff are hereby appointed to review Category 2 projects. Please refer to the Designee Review Process on page 6.

No one else is permitted to issue Certificates of Appropriateness on behalf of the Landmarks Commission.

g) Records

1. Agendas

   The Secretary shall prepare an agenda for each meeting. The agenda shall be approved by the Chair. The agenda appears on the City's Legislative Information Center website, which is available on the main City website.

   The order of business will be as follows:

   I. Roll Call

   II. Minutes

   III. Public Comment

   IV. Disclosures and Recusals

   V. Adjacency to Landmarks Advisory Recommendations

   VI. Requests for Certificates of Appropriateness (requiring a public hearing)

   VII. Request for Certificates of Appropriateness (not requiring a public hearing)

   VIII. New Business

   IX. Unfinished Business

   X. Regular Business

   XI. Secretary's Report

   XII. Buildings Proposed for Demolition

   XIII. Adjournment

   All requests to be placed on the Commission agenda shall be received by the Planning Division Office by the submission deadline. The Secretary shall determine whether the submissions are complete and in proper form.

2. Minutes and Action Reports

   The Secretary shall prepare the minutes for each meeting. The minutes appear on the City's Legislative Information Center website, which is available on the main City website.

   A copy of the minutes of the past meeting is provided with the agenda for the next meeting. The originals of the Commission minutes are kept in the Planning Division Office.

   The Secretary shall prepare the action reports for each meeting. The action reports shall be reviewed as part of the meeting minutes. The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

3. Communications, Petitions, etc.

All communications, petitions, and reports should be addressed to the Commission and emailed, delivered, or mailed to the Secretary. Commission members shall report and forward to the Secretary any individual communications they receive.

Written comments should be submitted 24 hours in advance of the meeting. Comments received less than 24 hours in advance of the meeting may not be processed for review at the meeting, but will be added to the public record as time allows.

4. Reports to other Bodies (the Urban Design Commission, Plan Commission, and Common Council)

   The Secretary shall report the action of the Commission to the Urban Design Commission, Plan Commission and Common Council on all matters as appropriate.

   The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

5. Public Record

   All Commission agendas, meeting minutes, action reports, communications, petitions, and miscellaneous reports shall be available on the City's Legislative Information Center website, which is available on the main City website.

h) Conduct of Meetings

Members of the public who wish to speak on agenda items shall register to speak by registering online or completing a registration form for in-person meetings. Sign in shall be allowed up to the time of discussion for each agenda item.

Testimony before the Commission is limited to three (3) minutes; and additional time may be allowed with the consent of the Commission. The Chair and Secretary shall monitor the time.

The Chair shall endeavor to keep testimony focused, and to maintain the decorum of the meeting.

No argumentative questioning of the Commission or speakers shall be permitted, and no member of the public may question another speaker. Speakers may direct questions to the Chair during their testimony; questions will be noted, and may be answered at the appropriate time during the hearing. Any Commission member may question a speaker on the facts presented or for clarification of a statement made.

For the purposes of a public hearing, the Chair shall open the public hearing and call on registrants in order of their registration. The name of each person appearing shall be stated. Upon conclusion of the public statements, the Chair shall close the public hearing. Once the hearing is closed, no member of the public may comment further unless the Commission votes to suspend its rules for this purpose.

Commission members may then ask questions of staff, make motions, engage in discussion, and vote on the item presented during the public hearing.

i) Motions and Voting

Motions shall be restated by the chair before a vote is taken. The name of the maker of a motion and of the person to second the motion shall be recorded.

The Chair may participate in discussion, questioning and debate, but will not make motions or vote on any matter unless to break a tie. Members of the Common Council who are not serving on the Commission likewise may participate in discussions, but may not make motions or vote on any matters.

Motions shall be passed by an affirmative vote with not less than a majority of the Commission in attendance. Voting shall be by voice when meeting in-person or by raising a hand in a virtual meeting. Any member of the Commission can request a roll call vote.

Please refer to the Review Process Policies, Actions on Matters Before the Commission on page 10.

j) Reports

The Commission may ask for reports and recommendations from the Secretary on any matters before it that are consistent with the annual work plan of the Preservation Planner.

k) Suspension of Rules

The Commission may suspend any of its procedural rules (except City and State Codes) by a majority vote of the members present.

l) Amendments

These rules, policies and procedures may be amended at any regular meeting by a majority vote of the members present. At a minimum, the Commission will review and update this document as necessary in May of even-numbered years and recorded with the City Clerk after being adopted by the Landmarks Commission.

m) Attendance

Commissioners shall endeavor to attend all regularly scheduled meetings of the Commission. Commissioners shall contact the Secretary to request an excused absence as soon as they are aware of a possible scheduling conflict. The City of Madison has specific rules for attendance that cannot be waived by Commission procedures and policies.

REVIEW PROCESS POLICIES

The following review process policies were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Development Review Process Summary

The development review process varies based on the complexity of a proposal and the type of request involved. However, each process generally includes three stages; the pre-application stage, the commissions review stage, and the plan sign-off, permitting, and inspection stage.

The Landmarks Commission has final review authority in some instances. In other instances, the Commission is required to make an advisory recommendation to the Plan Commission and/or the Urban Design Commission. When review by multiple Commissions is required, the Landmarks Commission is typically the first Commission to take action in the development review process.

b) Designee Review Process

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The categories below indicate the types of projects that may be approved by designees. In all cases, the designees may use their discretion and send the request to the Commission for a formal review. Please refer to the Rules of Procedure, Designees, page 2.

Category 1:

1. In kind repairs to existing buildings/structures that will not change the appearance.

Category 2:

1. Reroofing projects which will replicate the use of three-in-one tab asphalt or fiberglass shingles or other rectangular asphalt or fiberglass shingles of similar scale or sawn wooden shingles. Reroofing with tile, slate or metal may be approved of there is historical documentation, physical evidence, or generally understood methodology or practice that the building once had a tile, slate or metal roof. Reroofing projects on buildings or parts of buildings with flat roofs or shed roofs that are not visible from the street may be approved. If a house is shingled in the French method, new shingles of the same design may be approved. Small attic ventilators that match the roof in color may be approved.
2. Replacement in-kind of exterior mechanical equipment when it maintains a similar size and configuration.
3. Handrails designed to be compatible with the style of the house.

Category 3:

1. Project that will result in only a minor change of appearance, aligning with the Spectrum of Review in MGO 41.22, and that will not destroy significant architectural elements, such as converting a door to a window on the rear of the house, or adding a flat skylight on a roofline not visible from the street.

2. Projects that will result in a moderate change of appearance provided that there are compelling reasons for beginning work before the next Landmarks Commission meeting (such as emergency structural repairs or the onset of bad weather). Such projects must also be approved by the Chair of the Landmarks Commission, or in their absence the Vice Chair.

3. Replacement of the face of an existing sign with new information and the installation of awnings, provided that the proposed design will not detract from the character of the building or district.

4. The construction of a small garden shed in the rear yard of a property provided that the shed does not adversely affect the primary structure, is of simple design, with gable, hip or shed roof and provided that the shed design is compatible with the design of the house and the neighborhood.

5. Projects that restore the original appearance/condition using historic materials may be approved provided that there is historical documentation, physical evidence, or generally understood methodology.

6. Projects that have received a recent Certificate of Appropriateness from the Commission and require a minor modification (not a Minor Alteration) to that approval that does not destroy historic fabric or historic character and does not reverse or alter any portion of the project that was a significant part of the Commission discussion. Consistent with open meeting requirements, Staff may consult with members of the Commission.

7. Exterior alterations to sites that are adjacent to landmarks provided that the alterations are minor alterations and will result in only a minor change of appearance.

c) Actions on Matters Before the Commission

1. Certificate of Appropriateness

   For any Certificate of Appropriateness where the Landmarks Commission approval is required, the Commission may take one of the following actions:

   - The Commission shall ***Approve*** the Certificate of Appropriateness if it determines that the request meets the applicable standards for approval. The Commission may adopt conditions of approval for a project if it believes that those conditions will allow the project to meet the standards for approval.
   - The Commission shall ***Deny*** the Certificate of Appropriateness if it believes the request does not meet the applicable standards for approval. In doing so, the Commission shall specifically state the standards that the request does not meet and the reasons why those standards are not met.
   - The Commission shall ***Refer*** the matter to a future meeting if it believes that the request currently before it does not meet the applicable standards for approval but that it could with additional modification or if it determines that the Commission has not been provided with complete information to make a determination. A referral may also be requested by the applicant or by staff because the request is not, or may not be, procedurally ready to proceed. For any referral, the Commission should specify its reasons for referring the matter to a future meeting.

2. Adjacency to Landmarks Advisory Recommendation

For any advisory recommendation related to adjacency to landmarks and landmark sites, the Commission shall use the language of MGO 28.144 to provide an advisory recommendation.

An example motion for an advisory recommendation may be similar to the following:

"The Landmarks Commission finds that the proposed development is not so large or visually intrusive as to adversely affect the historic character and integrity of the adjacent landmark."

3. Historic Value Advisory Recommendation

When advised by the Preservation Planner or the Community and Cultural Resources Planner regarding a demolition request, the LC may provide a report to the Plan Commission on the historic, architectural or cultural significance of the structure for which a demolition permit is sought, to assist the Plan Commission in its determination of whether the standards of Chapter 28 are satisfied. The determination of historic value does not look at the proposed project for the site - only the historic value of the existing resources on the property.

For any advisory recommendation related to the historic value of buildings proposed for demolition, the Commission shall take one of the following actions:

a. *The Commission finds that the building(s) has no known historic value.*

b. *The Commission finds that the building(s) has historic value related to the vernacular context of Madison's built environment, or as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant.*

c. *The Commission finds that the building(s) has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, and/or as an intact or rare example of a certain architectural style or method of construction.*

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For window replacement applications, applicants shall provide information on whether the windows proposed for replacement are original to the structure or date to the period of significance for the landmark or historic district. If the windows are historic, the applicant must provide a 3rd party assessment of whether the windows are physically beyond repair and/or are not economically feasible to repair. This assessment must come from a contractor who completes window repair, such as a carpenter, painter, or general contractor.

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   For project requests that involve ground-disturbing activities on landmark sites with archaeology or human remains with tribal association, staff shall notify the Tribal Historic Preservation Offices of interested tribes about the proposed project and ask for comments or concerns related to the proposal. Staff will provide any tribal comments to the Landmarks Commission to incorporate into their review of the project proposal.

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c) Landmark Plaque Procedure

According to MGO 41.07(8), the City shall provide a plaque for a recently designated landmark site. Preservation staff will draft the text for the plaque using materials prepared for the nomination process. The text will include the items of interest as described in the Ordinance. Staff will allow the Owner to review the text and provide suggestions. Once the text has been reviewed by the Owner, staff will forward it to the Landmarks Commission for review and final approval.

According to the Ordinance, the plaque should be located so it is easily visible to passing pedestrians. Plaques should be mounted to building walls on or near the primary façade preferably near the entrance or on landscape elements including natural boulders or formed concrete bases. In some cases, the plaque could be mounted on fences or entrance piers. The plaque can be fabricated with horizontal or vertical format to work with the space provided. Staff should suggest a plaque location and coordinate with the property owner to select a final location. Under no circumstances, shall the plaque be located in a place that would obscure or damage unique architectural or character defining features. If a property owner is not agreeable to placing a plaque on the building, staff may locate the plaque on a concrete base on the street side of the terrace.

Typically, the plaques should be fabricated and installed within the 12 months after designation; however, it may be more cost effective to have numerous plaques fabricated and installed at once. Preservation staff will consider the most cost effective means when having plaques fabricated.

Plaques will have a uniform appearance and will have horizontal or vertical formats to complement the area selected for installation. The specifications are as follows:

Size:	16" x 24" x ½" thick
Material:	cast brushed aluminum
Background:	painted black (satin finish)
Texture:	leatherette
Copy:	raised TIMES ROMAN all caps. Not to exceed 500 characters. Silver color.

Border: single line. Silver color.
Mounting: concealed

Typical horizontal plaque format (vertical format would be similar):

JAMES & BRIDGET CASSERLY HOUSE

1891

THE CASSERLY HOUSE IS A CLASSIC EXAMPLE OF A QUEEN ANNE STYLE HOUSE BUILT FOR A MIDDLE-CLASS FAMILY. JAMES CASSERLY WAS A FOREMAN AND LATER SUPERINTENDENT OF THE MADISON DEMOCRAT, ONE OF MADISON'S TWO MAJOR NEWSPAPERS AT THE TURN-OF-THE-CENTURY. THE CASSERLYS WERE ONE OF THE MANY FAMILIES OF IRISH DESCENT WHO LIVED IN THIS NEIGHBORHOOD. IN THE 1960S, THE HOUSE BECAME A ROOMING HOUSE AND ITS CONDITION DETERIORATED. IN 1980, IT WAS CAREFULLY RESTORED AS OFFICES AND AN APARTMENT.

DESIGNATED APRIL 25, 1983

MADISON LANDMARKS COMMISSION

Staff will work with the plaque installer and property owner to schedule the installations. Staff will provide the plaque installer with descriptive documents indicating the approved location of the plaque. Staff should communicate the installation date to the property owner and should be available during installation to visit the site if necessary. The plaque is property of the City of Madison and should not be removed or altered once installed. Should a plaque need to be removed for maintenance or repairs, the property owner must receive written approval from the Preservation Planner prior to performing such work. Once the work is complete, the plaque should be promptly reinstalled at the expense of the property owner.

Plaques are fabricated from aluminum and are originally painted black and matte silver/gray. Maintenance of the plaque is the responsibility of the property owner. Should maintenance be required, the property owner must receive written approval from the Preservation Planner prior to performing such work. In general repainting of a plaque is not desired, but if necessary, may only be done by a professional painter or an individual approved by the Preservation Planner.

CODE OF ETHICS

The general summary below does notconstitute legal advice. As questions arise, contact the Office of the City Attorney or the City of Madison Ethics Board.

The Ethics Code spells out standards of conduct intended to foster public trust and promote confidence in the integrity of government by avoiding the appearance of self-interest, personal gain, or benefit. The Code also requires written disclosures by most City elected officials, employees and appointees regarding their private financial or personal interests in matters that may affect the City. See Section 3.35 of the Madison General Ordinances (MGO).

The Madison Ethics Code establishes guidelines to ensure that City elected officials, employees, and appointees (a) act impartially, responsibly and independently, (b) make decisions and policies through proper channels of City governmental structure, and (c) serve the public interest rather than some private interest.

The major areas of responsibility and accountability spelled out in the Code include:

- Disclosure of conflicts of interest and possible disqualification from subsequent action
- Use of office for private gain
- Disclosures of confidential or privileged information
- Receipt of gifts and favors
- Incompatible employment
- Restrictions after leaving office or appointment

As questions regarding conflicts of interest and the application of the Code of Ethics arise, commissioners should consult the Code of Ethics and the Office of the City Attorney. When in doubt, ask the City Attorney's Office or the City of Madison Ethics Board.[1]

OPEN MEETING REQUIREMENTS

The general summary below does not constitute legal advice. As questions arise, contact the Office of the City Attorney.

"In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business." Wisconsin Statutes Section 19.81(1)

Applicable open meetings laws are found in Section 19.81 through 19.98 of the Wisconsin Statutes, reproduced in Section 3.71 Madison General Ordinances, and supplemented by Administrative Procedure Memorandum (APM) 3-13.The Landmarks Commission as a body must meet "open meeting" requirements set forth in these statutes and ordinances to ensure its business is conducted properly. Generally, staff is responsible for ensuring that the meeting is properly noticed and conducted in compliance with these rules.

Individual members are responsible for following certain requirements outside of noticed meetings. Common issues include, but are not limited to:

- Illegal meetings – generally, a meeting occurs any time a group of members discusses Commission-related issues, if the group is large enough to take or block action on an issue. Social encounters among members should be limited to non-Commission topics of conversation. Tours by the Commission should be properly noticed to meet open meeting requirements.
- Email – an email discussion between members could be an illegal meeting. Generally, email should not be used to conduct substantive issue-related Commission business. Messages from citizens to members should be forwarded to staff for dissemination to the full Commission. Messages from staff or an individual member to the full Commission are permissible on procedural issues, but members should take care to reply only to the sender (not reply-all).
- Conference calls – a conference call between members could be an illegal meeting. Meetings may be conducted via conference call, but should be properly noticed as such and provide a public facility with speakerphone so the public is able to hear/participate.[2]

DECISION MAKING

The general summary does not constitute legal advice. As questions arise, contact the Office of the City Attorney.

All parties who appear before the Commission are entitled to a fair and impartial hearing. This includes:

1. **The appearance of fairness**

   The Commission must make decisions in an impartial and unbiased manner. Actual bias is not required; an impermissibly high *risk* of bias is sufficient to compromise the appearance of fairness. Keen v. Dane County Board of Supervisors, 269 Wis.2d 488 (Ct. App 2003).

2. **Proper notice and hearing**

   Notice is handled by City staff (e.g. publication, mailed notice, noting on agenda). Hearings serve the dual function of providing citizens with an opportunity to express their views and to inform the decision-making body regarding the views of the affected community members.

3. **Decisions based on the standards and the evidence before the body**

   Where decision-making standards are listed in the ordinances, the Commission must follow them. It is the responsibility of the applicant to demonstrate that a proposal meets the standards, and the responsibility of the Commission to explain how it came to a determination. Unless specifically required by statute or ordinance, particularized written findings are not necessary, nor are there "magic words" that must be used. However, a simple statement that "the standards are met" or "are not met" is insufficient to inform the applicant of the reasons for the determination. The decision and the transcript must provide a record that allows meaningful judicial review.[3]

LEGAL ADVICE PROVIDED BY CITY ATTORNEY

Legal advice provided by the City Attorney is privileged and provided on a confidential basis. It should not be released to third parties or discussed at a public meeting, unless the advice is in a formal memorandum that Planning Staff and the City Attorney intend be distributed to the public.

ELECTED & APPOINTED OFFICIAL CODE OF CONDUCT

The City of Madison and its elected and appointed officials (alders, mayor, and City board, commission, or committee members) share a commitment to ethical conduct and service to the city and its residents. In alignment with the City of Madison vision to be inclusive, innovative, and thriving, and its mission to provide the highest quality of service for our residents and visitors, City elected and appointed officials shall maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their position to bully, harass, or abuse others. This Code is designed to communicate the expectation that City elected and appointed officials shall treat City staff and each other with respect and courtesy at all times. This policy is intended to promote an inclusive and positive work environment and working relationships, and prevent unlawful discrimination.

This policy applies to all elected and appointed City officials and applies to any conduct or interaction that occurs at the workplace and at any location or on any platform that can be reasonably regarded as an extension of the workplace, including but not limited to the use of a telephone, voicemail, text messages, video meeting, and/or any social media or online platforms. City staff members, including department and division heads, are governed by APM 3-5 and APM 2-33.

City elected and appointed officials, in the performance of their duties, shall create and maintain a welcoming, respectful, and inclusive work environment and shall not engage in abusive, violent, bullying, harassing, discriminatory or other threatening or intimidating behavior or language. Harassment of or discrimination against any person on the basis of any City protected class* status or statuses is expressly prohibited.

- **Bullying** is repeated, unwanted, aggressive physical or verbal behavior which hurts another individual, physically, mentally, or emotionally.
- **Harassment** is repeated or egregious unwelcome, intimidating, hostile or offensive actions, words, jokes or comments based on any protected class status or statuses.
- **Discrimination** is unfair treatment of an individual or members of a group based on their protected class status.

Bullying, **harassment**, and **discrimination** are demeaning to others and undermine the integrity of relationships. In the event that these shared objectives are not met, effort shall be taken to notify the individuals of the substance of the issue so that they can resolve it. Self-correction or informal resolution between parties in a timely manner is strongly encouraged, with formal sanctions only as a rare and last option if informal communication and resolution is unsuccessful. Formal sanctions include formal censure by the Common Council or committee of one of its members, removal of a committee member from the body, or, in limited cases pursuant to Wis. Stat. § 17.001, removal of a Common Council member from office. Per state statute, alders and appointees to BCCs can only be removed by a vote of the Council for cause, meaning "inefficiency, neglect of duty, official misconduct or malfeasance in office."

Elected or appointed City officials, upon entering office or being appointed as a BCC member, shall be provided a copy of this policy and shall acknowledge receipt. Failure to acknowledge receipt does not exempt an individual from the requirements of this policy.

The City shall offer trainings and other supports to promote an inclusive and welcoming environment and provide elected and appointed officials with resources to assist them in resolving any issues that may arise. Please refer to MGO 3.35 Code of Ethics for regulations on additional aspects of conduct, such as conflicts of interest, use of public office, political activity, and receiving gifts and favors.

*City protected classes: age, arrest record, citizenship status, color, conviction record, credit history, disability, domestic partners, familial status, gender identity, genetic identity, HIV status, homelessness, less than honorable discharge from military, marital status, military/veteran status, national origin/ancestry, non-religious, physical appearance, political beliefs, race, religion, sex, sexual orientation, source of income, student status, unemployment, use or non-use of lawful products off the employer's premises during non-work hours

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ENDNOTES

1. *Ethics Code training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/ethics/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

2. *Open Meetings training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/meetings/training.cfm

   (See Also: City Attorney Opinion 2004-001, available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2004Opinions.cfm)

3. Quasi-Judicial Decision-making training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/training/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

Note: Madison General Ordinances are available on the City of Madison's Legislative Center on the City's website.

INTRODUCTION

The purpose of this basic policy and procedures manual is to put into one document a list of the current activities, procedures and basic policies of the City of Madison Landmarks Commission.

This manual is general in nature, but includes helpful references to specific ordinances further describing the role of the Landmarks Commission.

The Landmarks Commission is given authority by Madison General Ordinances (MGO) Chapters 33, 41, and 28, which specify the criteria for actions by the Commission or places the Commission in an advisory role.

In compliance with ~~Chapter~~ MGO 33.01(9)(b), the Landmarks Commission may adopt rules of procedure. ~~See Madison General Ordinances 33.01(9)(b).~~

RULES OF PROCEDURE

The following rules of procedure were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Commission Leadership

In June of odd numbered years, the Commission shall elect a Chair and a Vice-Chair. In the absence of the Chair, the Vice-Chair shall serve as Chair. In the absence of both the Chair and Vice-Chair, the Commission shall select an acting Chair from its membership.

The Preservation Planner or ~~her/his~~their designee shall serve as Secretary to the Commission.

b) Orientation for New Commissioners

As new Commission members are appointed, each shall be furnished with a membership roster, calendar of meeting dates, a Policy and Procedures Manual that includes rules of procedure, relevant ordinances and standards, maps of local historic districts, and a list of designated landmarks. Staff will schedule orientation meetings with new members to provide information and review policy and procedures. New members are encouraged to attend the training sessions offered for all city boards and commissions on rules governing open records and open meetings, as well as ethical standards of conduct. They are also encouraged to view the Historic Preservation Commission Training online instruction offered by the Wisconsin Historical Society.

c) Quorum

Four members shall constitute a quorum for the transaction of business and the taking of official action. A majority of the quorum present is required for approval of a project. In cases where a vote of the Chair will change the outcome of a project, the Chair must vote. Whenever a quorum is not present within fifteen (15) minutes of the scheduled meeting time, the Commission shall adjourn without taking any action, except that it may set a date and time for its next meeting. See Madison General Ordinances 33.01(8).

d) Parliamentary Procedure

Robert's Rules of Order shall govern parliamentary procedure in Commission meetings, except that any Madison General Ordinance or Commission procedural rule shall take precedence over Robert's Rules of Order.

The Landmarks Commission is required to utilize the Common Council's process for Reconsideration. See Madison General Ordinances 2.21 (2013).

The following processes will differ from Robert's Rules of Order: (a list will be provided here if typical processes are found to differ)

e) Secretary

The Preservation Planner is a staff member of the Department of Planning and Community and Economic Development, Planning Division. The Preservation Planner shall serve as the Secretary of the Landmarks Commission and carry out the duties that the Landmarks Commission properly delegates to the Preservation Planner under Chapter 41. In carrying out those duties, the Preservation Planner shall exercise ~~his or her~~ their own professional judgment and expertise, consistent with Chapter 41 and subject to general oversight by the Landmarks Commission.

f) Designees

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The Secretary shall be the designee. The Secretary and the Landmarks Commission shall appoint other designees as appropriate and revise this document as required.

As Secretary, the Preservation Planner and the Community and Cultural Resources Planner is hereby appointed as the designee of the Commission and is able to review Category 1, 2 and 3 projects. William Fruhling or ~~,~~ Rebecca Cnare~~, and Dan McAuliffe~~ are hereby appointed to review Category 1 and Category 2 projects. When the Preservation Planner or the Community and Cultural Resources Planner is unavailable, William Fruhling or ~~,~~ Rebecca Cnare~~, or Dan McAuliffe~~ may review Category 3 projects and act as the Secretary of the Commission. Building Inspection Support staff and Plan Review & Permitting staff are hereby appointed to review Category 2 projects. Please refer to the Designee Review Process on page 6.

No one else is permitted to issue Certificates of Appropriateness on behalf of the Landmarks Commission.

g) Records

1. Agendas

   The Secretary shall prepare an agenda for each meeting. The agenda shall be approved by the Chair. The agenda appears on the City's Legislative Information Center website, which is available on the main City website.

   The order of business will be as follows:

   I. Roll Call

   II. Minutes

   III. Public Comment

   IV. Disclosures and Recusals

   V. Adjacency to Landmarks Advisory Recommendations ~~Requests for Certificates of Appropriateness (requiring a public hearing)~~

   VI. Requests for Certificates of Appropriateness (requiring a public hearing)~~Request for Certificates of Appropriateness (not requiring a public hearing)~~

   VII. Request for Certificates of Appropriateness (not requiring a public hearing)~~Adjacency to Landmarks Advisory Recommendations~~

   VIII. New Business ~~Buildings Proposed for Demolition~~

   IX. Unfinished Business ~~New Business~~

   X. Regular Business ~~Unfinished Business~~

   XI. Secretary's Report ~~Regular Business~~

   XII. ~~Secretary's Report~~Buildings Proposed for Demolition

   XIII. Adjournment

   All requests to be placed on the Commission agenda shall be received by the Planning Division Office by the submission deadline. The Secretary shall determine whether the submissions are complete and in proper form.

2. Minutes and Action Reports

   The Secretary shall prepare the minutes for each meeting. The minutes appear on the City's Legislative Information Center website, which is available on the main City website.

   A copy of the minutes of the past meeting is provided with the agenda for the next meeting. The originals of the Commission minutes are kept in the Planning Division Office.

   The Secretary shall prepare the action reports for each meeting. The action reports shall be reviewed as part of the meeting minutes. The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

3. Communications, Petitions, etc.

All communications, petitions, and reports should be addressed to the Commission and emailed, delivered, or mailed to the Secretary. Commission members shall report and forward to the Secretary any individual communications they receive.

Written comments should be submitted 24 hours in advance of the meeting. Comments received less than 24 hours in advance of the meeting may not be processed for review at the meeting, but will be added to the public record as time allows.

4. Reports to other Bodies (the Urban Design Commission, Plan Commission, and Common Council)

   The Secretary shall report the action of the Commission to the Urban Design Commission, Plan Commission and Common Council on all matters as appropriate.

   The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

5. Public Record

   All Commission agendas, meeting minutes, action reports, communications, petitions, and miscellaneous reports shall be available on the City's Legislative Information Center website, which is available on the main City website.

h) Conduct of Meetings

Members of the public who wish to speak on agenda items shall register to speak by registering online or completing a registration form for in-person meetings. Sign in shall be allowed up to the time of discussion for each agenda item.

Testimony ~~on non-public hearing items~~ before the Commission is limited to three (3) minutes ~~and on public hearing items is limited to five (5) minutes~~; and additional time may be allowed with the consent of the Commission. The Chair and Secretary shall monitor the time.

The Chair shall endeavor to keep testimony focused, and to maintain the decorum of the meeting.

No argumentative questioning of the Commission or speakers shall be permitted, and no member of the public may question another speaker. Speakers may direct questions to the Chair during their testimony; questions will be noted, and may be answered at the appropriate time during the hearing. Any Commission member may question a speaker on the facts presented or for clarification of a statement made.

~~Public testimony by Skype or phone or similar method shall be permitted subject to the discretion of the Chair and the Commission.~~

For the purposes of a public hearing, the Chair shall open the public hearing and ~~call for alternate registrants for and against the subject under consideration~~call on registrants in order of their registration. The name ~~and address~~ of each person appearing shall be stated. Upon conclusion of the public statements, the Chair shall close the public hearing. Once the hearing is closed, no member of the public may comment further unless the Commission votes to suspend its rules for this purpose.

Commission members may then ask questions of staff, make motions, engage in discussion, and vote on the item presented during the public hearing.

i) Motions and Voting

Motions shall be restated by the chair before a vote is taken. The name of the maker of a motion and of the person to second the motion shall be recorded.

The Chair may participate in discussion, questioning and debate, but will not make motions or vote on any matter unless to break a tie. Members of the Common Council who are not serving on the Commission likewise may participate in discussions, but may not make motions or vote on any matters.

Motions shall be passed by an affirmative vote with not less than a majority of the Commission in attendance. Voting shall be by voice when meeting in-person or by raising a hand in a virtual meeting. Any member of the Commission can request a roll call vote.

Please refer to the Review Process Policies, Actions on Matters Before the Commission on page 10.

j) Reports

The Commission may ask for reports and recommendations from the Secretary on any matters before it that are consistent with the annual work plan of the Preservation Planner.

k) Suspension of Rules

The Commission may suspend any of its procedural rules (except City and State Codes) by a majority vote of the members present.

l) Amendments

These rules, policies and procedures may be amended at any regular meeting by a majority vote of the members present. At a minimum, the Commission will review and update this document as necessary in May of even-numbered years and recorded with the City Clerk after being adopted by the Landmarks Commission.

m) Attendance

Commissioners shall endeavor to attend all regularly scheduled meetings of the Commission. Commissioners shall contact the Secretary to request an excused absence as soon as they are aware of a possible scheduling conflict. The City of Madison has specific rules for attendance that cannot be waived by Commission procedures and policies.

REVIEW PROCESS POLICIES

The following review process policies were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Development Review Process Summary

The development review process varies based on the complexity of a proposal and the type of request involved. However, each process generally includes three stages; the pre-application stage, the commissions review stage, and the plan sign-off, permitting, and inspection stage.

The Landmarks Commission has final review authority in some instances. In other instances, the Commission is required to make an advisory recommendation to the Plan Commission and/or the Urban Design Commission. When review by multiple Commissions is required, the Landmarks Commission is typically the first Commission to take action in the development review process.

b) Designee Review Process

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The categories below indicate the types of projects that may be approved by designees. In all cases, the designees may use their discretion and send the request to the Commission for a formal review. Please refer to the Rules of Procedure, Designees, page 2.

Category 1:

1. In kind repairs to existing buildings/structures that will not change the appearance.

Category 2:

1. Reroofing projects which will replicate the use of three-in-one tab asphalt or fiberglass shingles or other rectangular asphalt or fiberglass shingles of similar scale or sawn wooden shingles. Reroofing with tile, slate or metal may be approved of there is historical documentation, physical evidence, or generally understood methodology or practice that the building once had a tile, slate or metal roof. Reroofing projects on buildings or parts of buildings with flat roofs or shed roofs that are not visible from the street may be approved. If a house is shingled in the French method, new shingles of the same design may be approved. Small attic ventilators that match the roof in color may be approved.
2. Replacement in-kind of exterior mechanical equipment when it maintains a similar size and configuration.
3. Handrails designed to be compatible with the style of the house.

Category 3:

~~1. Residing with narrow gauge clapboard composite, aluminum, or vinyl to the extent mandated by the Landmarks Ordinance on the following conditions:~~

- ~~The original material must be clapboard.~~
- ~~The new siding must approximate the width of the original siding.~~
- ~~Any decorative woodwork, such as molding on windows, decorative bargeboards, porch posts, spindles, etc., should be retained or covered with new material in such a way as to duplicate the appearance of the original. All trim should be from the siding. Soffits may be covered with aluminum, provided that they are ventilated.~~

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- ~~All later non-original layers of siding must be removed before the new siding is applied, or else all trim should be built up to project from the siding approximately the same amount as the original. Original siding must be retained and encapsulated.~~

~~2. Gutters and downspouts of enameled or anodized metal (not raw aluminum), provided that any decorative downspout or gutter details are retained. If existing gutters are raw aluminum and only parts are being replaced, then the designee(s) may approve matching the existing gutters.~~

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~~3~~1. Project that will result in only a minor change of appearance, aligning with the Spectrum of Review in MGO 41.22, and that will not destroy significant architectural elements, such as converting a door to a window on the rear of the house, or adding a flat skylight on a roofline not visible from the street.

~~4~~2. Projects that will result in a moderate change of appearance provided that there are compelling reasons for beginning work before the next Landmarks Commission meeting (such as emergency structural repairs or the onset of bad weather). Such projects must also be approved by the Chair of the Landmarks Commission, or in their absence the Vice Chair.

~~5~~3. Replacement of the face of an existing sign with new information and the installation of awnings, provided that the proposed design will not detract from the character of the building or district.

~~6~~4. The construction of a small garden shed in the rear yard of a property provided that the shed does not adversely affect the primary structure, is of simple design, with gable, hip or shed roof and provided that the shed design is compatible with the design of the house and the neighborhood.

~~7~~5. Projects that restore the original appearance/condition using historic materials may be approved provided that there is historical documentation, physical evidence, or generally understood methodology.

~~8~~6. Projects that have received a recent Certificate of Appropriateness from the Commission and require a minor modification (not a Minor Alteration) to that approval that does not destroy historic fabric or historic character and does not reverse or alter any portion of the project that was a significant part of the Commission discussion. Consistent with open meeting requirements, Staff may consult with members of the Commission.

~~9~~7. Exterior alterations to sites that are adjacent to landmarks provided that the alterations are minor alterations and will result in only a minor change of appearance.

c) Actions on Matters Before the Commission

1. Certificate of Appropriateness

   For any Certificate of Appropriateness where the Landmarks Commission approval is required, the Commission may take one of the following actions:

   - The Commission shall ***Approve*** the Certificate of Appropriateness if it determines that the request meets the applicable standards for approval. The Commission may adopt conditions of approval for a project if it believes that those conditions will allow the project to meet the standards for approval.

- The Commission shall ***Deny*** the Certificate of Appropriateness if it ~~feels~~ believes the request does not meet the applicable standards for approval. In doing so, the Commission shall specifically state the standards that the request does not meet and the reasons why those standards are not met.
- The Commission shall ***Refer*** the matter to a future meeting if it believes that the request currently before it does not meet the applicable standards for approval but that it could with additional modification or if it determines that the Commission has not been provided with complete information to make a determination. A referral may also be requested by the applicant or by staff because the request is not, or may not be, procedurally ready to proceed. For any referral, the Commission should specify its reasons for referring the matter to a future meeting.

2. Adjacency to Landmarks Advisory Recommendation

For any advisory recommendation related to adjacency to landmarks and landmark sites, the Commission shall use the language of ~~section~~ MGO 28.144 to provide an advisory recommendation.

An example motion for an advisory recommendation may be similar to the following:

"The Landmarks Commission finds that the proposed development is not so large or visually intrusive as to adversely affect the historic character and integrity of the adjacent landmark."

3. Historic Value Advisory Recommendation

When advised by the Preservation Planner or the Community and Cultural Resources Planner regarding a demolition request, the LC may provide a report to the Plan Commission on the historic, architectural or cultural significance of the structure for which a demolition permit is sought, to assist the Plan Commission in its determination of whether the standards of Chapter 28 are satisfied. The determination of historic value does not look at the proposed project for the site - only the historic value of the existing ~~building~~resources on the property.

For any advisory recommendation related to the historic value of buildings proposed for demolition, the Commission shall take one of the following actions:

a. The Commission finds that the building(s) has no known historic value.

b. The Commission finds that the building(s) has historic value related to the vernacular context of Madison's built environment, or as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant.

c. The Commission finds that the building(s) has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, and/or as an intact or rare example of a certain architectural style or method of construction.

The Commission may also provide a separate report regarding a property proposed for demolition to the Plan Commission. This report can further describe the historic value of the property outside of the language of the actions above.

4. Window Replacement Requests

   For window replacement applications, applicants shall provide information on whether the windows proposed for replacement are original to the structure or date to the period of significance for the landmark or historic district. If the windows are historic, the applicant must provide a 3rd party assessment of whether the windows are physically beyond repair and/or are not economically feasible to repair. This assessment must come from a contractor who completes window repair, such as a carpenter, painter, or general contractor.

   An application will evaluate each window individually and provide a description of the window and window component dimensions of the existing window and the proposed replacement windows.

   The Commission shall take one of the following actions:

   - Determine if the proposed window is physically beyond repair and/or is not economically feasible to repair.
   - If it is feasible and practical to repair the windows, then they must be repaired.
   - If the window requires replacement, approve replacement products that are similar in design, color, scale, architectural appearance, and other visual qualities. The window size and component dimensions should be comparable.

5. Tribal Consultation for Archaeological Sites

   For project requests that involve ground-disturbing activities on landmark sites with archaeology or human remains with tribal association, staff shall notify the Tribal Historic Preservation Offices of interested tribes about the proposed project and ask for comments or concerns related to the proposal. Staff will provide any tribal comments to the Landmarks Commission to incorporate into their review of the project proposal.

GENERAL POLICIES

The following general policies were adopted by the Commission to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Education Series

Each May, in recognition of national Historic Preservation month, the Landmarks Commission may host a public education and outreach session during a regularly scheduled or special meeting.

The Commission may prepare information packets for property owners related to maintenance of historic buildings.

b) Regular Review of Policy and Procedure Manual

At the beginning of each even numbered calendar year, the Landmarks Commission shall review the adopted policy and procedure document and make any revisions as needed. The adopted document shall be filed with the City Clerk's Office.

c) Landmark Plaque Procedure

According to MGO 41.07(8), the City shall provide a plaque for a recently designated landmark site. Preservation staff will draft the text for the plaque using materials prepared for the nomination process. The text will include the items of interest as described in the Ordinance. Staff will allow the Owner to review the text and provide suggestions. Once the text has been reviewed by the Owner, staff will forward it to the Landmarks Commission for review and final approval.

According to the Ordinance, the plaque should be located so it is easily visible to passing pedestrians. Plaques should be mounted to building walls on or near the primary façade preferably near the entrance or on landscape elements including natural boulders or formed concrete bases. In some cases, the plaque could be mounted on fences or entrance piers. The plaque can be fabricated with horizontal or vertical format to work with the space provided. Staff should suggest a plaque location and coordinate with the property owner to select a final location. Under no circumstances, shall the plaque be located in a place that would obscure or damage unique architectural or character defining features. If a property owner is not agreeable to placing a plaque on the building, staff may locate the plaque on a concrete base on the street side of the terrace.

Typically, the plaques should be fabricated and installed within the 12 months after designation; however, it may be more cost effective to have numerous plaques fabricated and installed at once. Preservation staff will consider the most cost effective means when having plaques fabricated.

Plaques will have a uniform appearance and will have horizontal or vertical formats to complement the area selected for installation. The specifications are as follows:

Size:	16" x 24" x ½" thick
Material:	cast brushed aluminum
Background:	painted black (satin finish)
Texture:	leatherette
Copy:	raised TIMES ROMAN all caps. Not to exceed 500 characters. Silver color.

Border: single line. Silver color.
Mounting: concealed

Typical horizontal plaque format (vertical format would be similar):

JAMES & BRIDGET CASSERLY HOUSE

1891

THE CASSERLY HOUSE IS A CLASSIC EXAMPLE OF A QUEEN ANNE STYLE HOUSE BUILT FOR A MIDDLE-CLASS FAMILY. JAMES CASSERLY WAS A FOREMAN AND LATER SUPERINTENDENT OF THE MADISON DEMOCRAT, ONE OF MADISON'S TWO MAJOR NEWSPAPERS AT THE TURN-OF-THE-CENTURY. THE CASSERLYS WERE ONE OF THE MANY FAMILIES OF IRISH DESCENT WHO LIVED IN THIS NEIGHBORHOOD. IN THE 1960S, THE HOUSE BECAME A ROOMING HOUSE AND ITS CONDITION DETERIORATED. IN 1980, IT WAS CAREFULLY RESTORED AS OFFICES AND AN APARTMENT.

DESIGNATED APRIL 25, 1983

MADISON LANDMARKS COMMISSION

Staff will work with the plaque installer and property owner to schedule the installations. Staff will provide the plaque installer with descriptive documents indicating the approved location of the plaque. Staff should communicate the installation date to the property owner and should be available during installation to visit the site if necessary. The plaque is property of the City of Madison and should not be removed or altered once installed. Should a plaque need to be removed for maintenance or repairs, the property owner must receive written approval from the Preservation Planner prior to performing such work. Once the work is complete, the plaque should be promptly reinstalled at the expense of the property owner.

Plaques are fabricated from aluminum and are originally painted black and matte silver/gray. Maintenance of the plaque is the responsibility of the property owner. Should maintenance be required, the property owner must receive written approval from the Preservation Planner prior to performing such work. In general repainting of a plaque is not desired, but if necessary, may only be done by a professional painter or an individual approved by the Preservation Planner.

CODE OF ETHICS

~~Landmarks Commission members are required to attend an in-person training conducted by the City Attorney's office.~~ The general summary below ~~cannot replace a full training nor~~ does not~~it~~ constitute legal advice. As questions arise, contact the Office of the City Attorney or the City of Madison Ethics Board.

The Ethics Code spells out standards of conduct intended to foster public trust and promote confidence in the integrity of government by avoiding the appearance of self-interest, personal gain, or benefit. The Code also requires written disclosures by most City elected officials, employees and appointees regarding their private financial or personal interests in matters that may affect the City. See Section 3.35 of the Madison General Ordinances (MGO).

The Madison Ethics Code establishes guidelines to ensure that City elected officials, employees, and appointees (a) act impartially, responsibly and independently, (b) make decisions and policies through proper channels of City governmental structure, and (c) serve the public interest rather than some private interest.

The major areas of responsibility and accountability spelled out in the Code include:

- Disclosure of conflicts of interest and possible disqualification from subsequent action
- Use of office for private gain
- Disclosures of confidential or privileged information
- Receipt of gifts and favors
- Incompatible employment
- Restrictions after leaving office or appointment

As questions regarding conflicts of interest and the application of the Code of Ethics arise, commissioners should consult the Code of Ethics and the Office of the City Attorney. When in doubt, ask the City Attorney's Office or the City of Madison Ethics Board.[1]

OPEN MEETING REQUIREMENTS

~~Landmarks Commission members are required to attend an in-person training conducted by the City Attorney's office.~~ The general summary below ~~cannot replace a full training nor~~ does ~~it~~not constitute legal advice. As questions arise, contact the Office of the City Attorney.

"In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business." Wisconsin Statutes Section 19.81(1)

Applicable open meetings laws are found in Section 19.81 through 19.98 of the Wisconsin Statutes, reproduced in Section 3.71 Madison General Ordinances, and supplemented by Administrative Procedure Memorandum (APM) 3-13.The Landmarks Commission as a body must meet "open meeting" requirements set forth in these statutes and ordinances to ensure its business is conducted properly. Generally, staff is responsible for ensuring that the meeting is properly noticed and conducted in compliance with these rules.

Individual members are responsible for following certain requirements outside of noticed meetings. Common issues include, but are not limited to:

- Illegal meetings – generally, a meeting occurs any time a group of members discusses Commission-related issues, if the group is large enough to take or block action on an issue. Social encounters among members should be limited to non-Commission topics of conversation. Tours by the Commission should be properly noticed to meet open meeting requirements.
- Email – an email discussion between members could be an illegal meeting. Generally, email should not be used to conduct substantive issue-related Commission business. Messages from citizens to members should be forwarded to staff for dissemination to the full Commission. Messages from staff or an individual member to the full Commission are permissible on procedural issues, but members should take care to reply only to the sender (not reply-all).
- Conference calls – a conference call between members could be an illegal meeting. Meetings may be conducted via conference call, but should be properly noticed as such and provide a public facility with speakerphone so the public is able to hear/participate.[2]

DECISION MAKING

~~Landmarks Commission members are required to attend an in-person training conducted by the City Attorney's office.~~ The general summary ~~below cannot replace a full training nor~~ does ~~it~~ not constitute legal advice. As questions arise, contact the Office of the City Attorney.

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All parties who appear before the Commission are entitled to a fair and impartial hearing. This includes:

1. **The appearance of fairness**

   The Commission must make decisions in an impartial and unbiased manner. Actual bias is not required; an impermissibly high *risk* of bias is sufficient to compromise the appearance of fairness. Keen v. Dane County Board of Supervisors, 269 Wis.2d 488 (Ct. App 2003).

2. **Proper notice and hearing**

   Notice is handled by City staff (e.g. publication, mailed notice, noting on agenda). Hearings serve the dual function of providing citizens with an opportunity to express their views and to inform the decision-making body regarding the views of the affected community members.

3. **Decisions based on the standards and the evidence before the body**

   Where decision-making standards are listed in the ordinances, the Commission must follow them. It is the responsibility of the applicant to demonstrate that a proposal meets the standards, and the responsibility of the Commission to explain how it came to a determination. Unless specifically required by statute or ordinance, particularized written findings are not necessary, nor are there "magic words" that must be used. However, a simple statement that "the standards are met" or "are not met" is insufficient to inform the applicant of the reasons for the determination. The decision and the transcript must provide a record that allows meaningful judicial review.[3]

LEGAL ADVICE PROVIDED BY CITY ATTORNEY

Legal advice provided by the City Attorney is privileged and provided on a confidential basis. It should not be released to third parties or discussed at a public meeting, unless the advice is in a formal memorandum that Planning Staff and the City Attorney intend be distributed to the public.

ELECTED & APPOINTED OFFICIAL CODE OF CONDUCT

The City of Madison and its elected and appointed officials (alders, mayor, and City board, commission, or committee members) share a commitment to ethical conduct and service to the city and its residents. In alignment with the City of Madison vision to be inclusive, innovative, and thriving, and its mission to provide the highest quality of service for our residents and visitors, City elected and appointed officials shall maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their position to bully, harass, or abuse others. This Code is designed to communicate the expectation that City elected and appointed officials shall treat City staff and each other with respect and courtesy at all times. This policy is intended to promote an inclusive and positive work environment and working relationships, and prevent unlawful discrimination.

This policy applies to all elected and appointed City officials and applies to any conduct or interaction that occurs at the workplace and at any location or on any platform that can be reasonably regarded as an extension of the workplace, including but not limited to the use of a telephone, voicemail, text messages, video meeting, and/or any social media or online platforms. City staff members, including department and division heads, are governed by APM 3-5 and APM 2-33.

City elected and appointed officials, in the performance of their duties, shall create and maintain a welcoming, respectful, and inclusive work environment and shall not engage in abusive, violent, bullying, harassing, discriminatory or other threatening or intimidating behavior or language. Harassment of or discrimination against any person on the basis of any City protected class* status or statuses is expressly prohibited.

- **Bullying** is repeated, unwanted, aggressive physical or verbal behavior which hurts another individual, physically, mentally, or emotionally.
- **Harassment** is repeated or egregious unwelcome, intimidating, hostile or offensive actions, words, jokes or comments based on any protected class status or statuses.
- **Discrimination** is unfair treatment of an individual or members of a group based on their protected class status.

Bullying, **harassment**, and **discrimination** are demeaning to others and undermine the integrity of relationships. In the event that these shared objectives are not met, effort shall be taken to notify the individuals of the substance of the issue so that they can resolve it. Self-correction or informal resolution between parties in a timely manner is strongly encouraged, with formal sanctions only as a rare and last option if informal communication and resolution is unsuccessful. Formal sanctions include formal censure by the Common Council or committee of one of its members, removal of a committee member from the body, or, in limited cases pursuant to Wis. Stat. § 17.001, removal of a Common Council member from office. Per state statute, alders and appointees to BCCs can only be removed by a vote of the Council for cause, meaning "inefficiency, neglect of duty, official misconduct or malfeasance in office."

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Elected or appointed City officials, upon entering office or being appointed as a BCC member, shall be provided a copy of this policy and shall acknowledge receipt. Failure to acknowledge receipt does not exempt an individual from the requirements of this policy.

The City shall offer trainings and other supports to promote an inclusive and welcoming environment and provide elected and appointed officials with resources to assist them in resolving any issues that may arise. Please refer to MGO 3.35 Code of Ethics for regulations on additional aspects of conduct, such as conflicts of interest, use of public office, political activity, and receiving gifts and favors.

*City protected classes: age, arrest record, citizenship status, color, conviction record, credit history, disability, domestic partners, familial status, gender identity, genetic identity, HIV status, homelessness, less than honorable discharge from military, marital status, military/veteran status, national origin/ancestry, non-religious, physical appearance, political beliefs, race, religion, sex, sexual orientation, source of income, student status, unemployment, use or non-use of lawful products off the employer's premises during non-work hours

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ENDNOTES

1. *Ethics Code training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/ethics/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

2. *Open Meetings training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/meetings/training.cfm

   (See Also: City Attorney Opinion 2004-001, available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2004Opinions.cfm)

3. Quasi-Judicial Decision-making training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/training/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

Note: Madison General Ordinances are available on the City of Madison's Legislative Center on the City's website.

Landmarks Commission

Policy Manual

Prepared by:
City of Madison, Wisconsin
Department of Planning & Community & Economic Development
Planning Division
Office of the City Attorney
www.CityofMadison.com

Adopted by the City of Madison Landmarks Commission
May 1, 2023

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INTRODUCTION

The purpose of this basic policy and procedures manual is to put into one document a list of the current activities, procedures and basic policies of the City of Madison Landmarks Commission.

This manual is general in nature, but includes helpful references to specific ordinances further describing the role of the Landmarks Commission.

The Landmarks Commission is given authority by Madison General Ordinances (MGO) Chapters 33, 41, and 28, which specify the criteria for actions by the Commission or places the Commission in an advisory role.

In compliance with MGO 33.01(9)(b), the Landmarks Commission may adopt rules of procedure.

RULES OF PROCEDURE

The following rules of procedure were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Commission Leadership

In June of odd numbered years, the Commission shall elect a Chair and a Vice-Chair. In the absence of the Chair, the Vice-Chair shall serve as Chair. In the absence of both the Chair and Vice-Chair, the Commission shall select an acting Chair from its membership.

The Preservation Planner or their designee shall serve as Secretary to the Commission.

b) Orientation for New Commissioners

As new Commission members are appointed, each shall be furnished with a membership roster, calendar of meeting dates, a Policy and Procedures Manual that includes rules of procedure, relevant ordinances and standards, maps of local historic districts, and a list of designated landmarks. Staff will schedule orientation meetings with new members to provide information and review policy and procedures. New members are encouraged to attend the training sessions offered for all city boards and commissions on rules governing open records and open meetings, as well as ethical standards of conduct. They are also encouraged to view the Historic Preservation Commission Training online instruction offered by the Wisconsin Historical Society.

c) Quorum

Four members shall constitute a quorum for the transaction of business and the taking of official action. A majority of the quorum present is required for approval of a project. In cases where a vote of the Chair will change the outcome of a project, the Chair must vote. Whenever a quorum is not present within fifteen (15) minutes of the scheduled meeting time, the Commission shall adjourn without taking any action, except that it may set a date and time for its next meeting. See Madison General Ordinances 33.01(8).

d) Parliamentary Procedure

Robert's Rules of Order shall govern parliamentary procedure in Commission meetings, except that any Madison General Ordinance or Commission procedural rule shall take precedence over Robert's Rules of Order.

The Landmarks Commission is required to utilize the Common Council's process for Reconsideration. See Madison General Ordinances 2.21 (2013).

The following processes will differ from Robert's Rules of Order: (a list will be provided here if typical processes are found to differ)

e) Secretary

The Preservation Planner is a staff member of the Department of Planning and Community and Economic Development, Planning Division. The Preservation Planner shall serve as the Secretary of the Landmarks Commission and carry out the duties that the Landmarks Commission properly delegates to the Preservation Planner under Chapter 41. In carrying out those duties, the Preservation Planner shall exercise their own professional judgment and expertise, consistent with Chapter 41 and subject to general oversight by the Landmarks Commission.

f) Designees

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The Secretary shall be the designee. The Secretary and the Landmarks Commission shall appoint other designees as appropriate and revise this document as required.

As Secretary, the Preservation Planner and the Community and Cultural Resources Planner is hereby appointed as the designee of the Commission and is able to review Category 1, 2 and 3 projects. William Fruhling or Rebecca Cnare are hereby appointed to review Category 1 and Category 2 projects. When the Preservation Planner or the Community and Cultural Resources Planner is unavailable, William Fruhling or Rebecca Cnare may review Category 3 projects and act as the Secretary of the Commission. Building Inspection Support staff and Plan Review & Permitting staff are hereby appointed to review Category 2 projects. Please refer to the Designee Review Process on page 6.

No one else is permitted to issue Certificates of Appropriateness on behalf of the Landmarks Commission.

g) Records

1. Agendas

   The Secretary shall prepare an agenda for each meeting. The agenda shall be approved by the Chair. The agenda appears on the City's Legislative Information Center website, which is available on the main City website.

   The order of business will be as follows:

   I. Roll Call

   II. Minutes

   III. Public Comment

   IV. Disclosures and Recusals

   V. Adjacency to Landmarks Advisory Recommendations

   VI. Requests for Certificates of Appropriateness (requiring a public hearing)

   VII. Request for Certificates of Appropriateness (not requiring a public hearing)

   VIII. New Business

   IX. Unfinished Business

   X. Regular Business

   XI. Secretary's Report

   XII. Buildings Proposed for Demolition

   XIII. Adjournment

   All requests to be placed on the Commission agenda shall be received by the Planning Division Office by the submission deadline. The Secretary shall determine whether the submissions are complete and in proper form.

2. Minutes and Action Reports

   The Secretary shall prepare the minutes for each meeting. The minutes appear on the City's Legislative Information Center website, which is available on the main City website.

   A copy of the minutes of the past meeting is provided with the agenda for the next meeting. The originals of the Commission minutes are kept in the Planning Division Office.

   The Secretary shall prepare the action reports for each meeting. The action reports shall be reviewed as part of the meeting minutes. The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

3. Communications, Petitions, etc.

All communications, petitions, and reports should be addressed to the Commission and emailed, delivered, or mailed to the Secretary. Commission members shall report and forward to the Secretary any individual communications they receive.

Written comments should be submitted 24 hours in advance of the meeting. Comments received less than 24 hours in advance of the meeting may not be processed for review at the meeting, but will be added to the public record as time allows.

4. Reports to other Bodies (the Urban Design Commission, Plan Commission, and Common Council)

   The Secretary shall report the action of the Commission to the Urban Design Commission, Plan Commission and Common Council on all matters as appropriate.

   The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

5. Public Record

   All Commission agendas, meeting minutes, action reports, communications, petitions, and miscellaneous reports shall be available on the City's Legislative Information Center website, which is available on the main City website.

h) Conduct of Meetings

Members of the public who wish to speak on agenda items shall register to speak by registering online or completing a registration form for in-person meetings. Sign in shall be allowed up to the time of discussion for each agenda item.

Testimony before the Commission is limited to three (3) minutes; and additional time may be allowed with the consent of the Commission. The Chair and Secretary shall monitor the time.

The Chair shall endeavor to keep testimony focused, and to maintain the decorum of the meeting.

No argumentative questioning of the Commission or speakers shall be permitted, and no member of the public may question another speaker. Speakers may direct questions to the Chair during their testimony; questions will be noted, and may be answered at the appropriate time during the hearing. Any Commission member may question a speaker on the facts presented or for clarification of a statement made.

For the purposes of a public hearing, the Chair shall open the public hearing and call on registrants in order of their registration. The name of each person appearing shall be stated. Upon conclusion of the public statements, the Chair shall close the public hearing. Once the hearing is closed, no member of the public may comment further unless the Commission votes to suspend its rules for this purpose.

Commission members may then ask questions of staff, make motions, engage in discussion, and vote on the item presented during the public hearing.

i) Motions and Voting

Motions shall be restated by the chair before a vote is taken. The name of the maker of a motion and of the person to second the motion shall be recorded.

The Chair may participate in discussion, questioning and debate, but will not make motions or vote on any matter unless to break a tie. Members of the Common Council who are not serving on the Commission likewise may participate in discussions, but may not make motions or vote on any matters.

Motions shall be passed by an affirmative vote with not less than a majority of the Commission in attendance. Voting shall be by voice when meeting in-person or by raising a hand in a virtual meeting. Any member of the Commission can request a roll call vote.

Please refer to the Review Process Policies, Actions on Matters Before the Commission on page 10.

j) Reports

The Commission may ask for reports and recommendations from the Secretary on any matters before it that are consistent with the annual work plan of the Preservation Planner.

k) Suspension of Rules

The Commission may suspend any of its procedural rules (except City and State Codes) by a majority vote of the members present.

l) Amendments

These rules, policies and procedures may be amended at any regular meeting by a majority vote of the members present. At a minimum, the Commission will review and update this document as necessary in May of even-numbered years and recorded with the City Clerk after being adopted by the Landmarks Commission.

m) Attendance

Commissioners shall endeavor to attend all regularly scheduled meetings of the Commission. Commissioners shall contact the Secretary to request an excused absence as soon as they are aware of a possible scheduling conflict. The City of Madison has specific rules for attendance that cannot be waived by Commission procedures and policies.

REVIEW PROCESS POLICIES

The following review process policies were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Development Review Process Summary

The development review process varies based on the complexity of a proposal and the type of request involved. However, each process generally includes three stages; the pre-application stage, the commissions review stage, and the plan sign-off, permitting, and inspection stage.

The Landmarks Commission has final review authority in some instances. In other instances, the Commission is required to make an advisory recommendation to the Plan Commission and/or the Urban Design Commission. When review by multiple Commissions is required, the Landmarks Commission is typically the first Commission to take action in the development review process.

b) Designee Review Process

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The categories below indicate the types of projects that may be approved by designees. In all cases, the designees may use their discretion and send the request to the Commission for a formal review. Please refer to the Rules of Procedure, Designees, page 2.

Category 1:

1. In kind repairs to existing buildings/structures that will not change the appearance.

Category 2:

1. Reroofing projects which will replicate the use of three-in-one tab asphalt or fiberglass shingles or other rectangular asphalt or fiberglass shingles of similar scale or sawn wooden shingles. Reroofing with tile, slate or metal may be approved of there is historical documentation, physical evidence, or generally understood methodology or practice that the building once had a tile, slate or metal roof. Reroofing projects on buildings or parts of buildings with flat roofs or shed roofs that are not visible from the street may be approved. If a house is shingled in the French method, new shingles of the same design may be approved. Small attic ventilators that match the roof in color may be approved.
2. Replacement in-kind of exterior mechanical equipment when it maintains a similar size and configuration.
3. Handrails designed to be compatible with the style of the house.

Category 3:

1. Project that will result in only a minor change of appearance, aligning with the Spectrum of Review in MGO 41.22, and that will not destroy significant architectural elements, such as converting a door to a window on the rear of the house, or adding a flat skylight on a roofline not visible from the street.

2. Projects that will result in a moderate change of appearance provided that there are compelling reasons for beginning work before the next Landmarks Commission meeting (such as emergency structural repairs or the onset of bad weather). Such projects must also be approved by the Chair of the Landmarks Commission, or in their absence the Vice Chair.

3. Replacement of the face of an existing sign with new information and the installation of awnings, provided that the proposed design will not detract from the character of the building or district.

4. The construction of a small garden shed in the rear yard of a property provided that the shed does not adversely affect the primary structure, is of simple design, with gable, hip or shed roof and provided that the shed design is compatible with the design of the house and the neighborhood.

5. Projects that restore the original appearance/condition using historic materials may be approved provided that there is historical documentation, physical evidence, or generally understood methodology.

6. Projects that have received a recent Certificate of Appropriateness from the Commission and require a minor modification (not a Minor Alteration) to that approval that does not destroy historic fabric or historic character and does not reverse or alter any portion of the project that was a significant part of the Commission discussion. Consistent with open meeting requirements, Staff may consult with members of the Commission.

7. Exterior alterations to sites that are adjacent to landmarks provided that the alterations are minor alterations and will result in only a minor change of appearance.

c) Actions on Matters Before the Commission

1. Certificate of Appropriateness

   For any Certificate of Appropriateness where the Landmarks Commission approval is required, the Commission may take one of the following actions:

   - The Commission shall ***Approve*** the Certificate of Appropriateness if it determines that the request meets the applicable standards for approval. The Commission may adopt conditions of approval for a project if it believes that those conditions will allow the project to meet the standards for approval.
   - The Commission shall ***Deny*** the Certificate of Appropriateness if it believes the request does not meet the applicable standards for approval. In doing so, the Commission shall specifically state the standards that the request does not meet and the reasons why those standards are not met.
   - The Commission shall ***Refer*** the matter to a future meeting if it believes that the request currently before it does not meet the applicable standards for approval but that it could with additional modification or if it determines that the Commission has not been provided with complete information to make a determination. A referral may also be requested by the applicant or by staff because the request is not, or may not be, procedurally ready to proceed. For any referral, the Commission should specify its reasons for referring the matter to a future meeting.

2. Adjacency to Landmarks Advisory Recommendation

For any advisory recommendation related to adjacency to landmarks and landmark sites, the Commission shall use the language of MGO 28.144 to provide an advisory recommendation.

An example motion for an advisory recommendation may be similar to the following:

"The Landmarks Commission finds that the proposed development is not so large or visually intrusive as to adversely affect the historic character and integrity of the adjacent landmark."

3. Historic Value Advisory Recommendation

When advised by the Preservation Planner or the Community and Cultural Resources Planner regarding a demolition request, the LC may provide a report to the Plan Commission on the historic, architectural or cultural significance of the structure for which a demolition permit is sought, to assist the Plan Commission in its determination of whether the standards of Chapter 28 are satisfied. The determination of historic value does not look at the proposed project for the site - only the historic value of the existing resources on the property.

For any advisory recommendation related to the historic value of buildings proposed for demolition, the Commission shall take one of the following actions:

a. *The Commission finds that the building(s) has no known historic value.*

b. *The Commission finds that the building(s) has historic value related to the vernacular context of Madison's built environment, or as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant.*

c. *The Commission finds that the building(s) has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, and/or as an intact or rare example of a certain architectural style or method of construction.*

The Commission may also provide a separate report regarding a property proposed for demolition to the Plan Commission. This report can further describe the historic value of the property outside of the language of the actions above.

4. Window Replacement Requests

For window replacement applications, applicants shall provide information on whether the windows proposed for replacement are original to the structure or date to the period of significance for the landmark or historic district. If the windows are historic, the applicant must provide a 3rd party assessment of whether the windows are physically beyond repair and/or are not economically feasible to repair. This assessment must come from a contractor who completes window repair, such as a carpenter, painter, or general contractor.

An application will evaluate each window individually and provide a description of the window and window component dimensions of the existing window and the proposed replacement windows.

The Commission shall take one of the following actions:

- Determine if the proposed window is physically beyond repair and/or is not economically feasible to repair.
- If it is feasible and practical to repair the windows, then they must be repaired.
- If the window requires replacement, approve replacement products that are similar in design, color, scale, architectural appearance, and other visual qualities. The window size and component dimensions should be comparable.

5. Tribal Consultation for Archaeological Sites

   For project requests that involve ground-disturbing activities on landmark sites with archaeology or human remains with tribal association, staff shall notify the Tribal Historic Preservation Offices of interested tribes about the proposed project and ask for comments or concerns related to the proposal. Staff will provide any tribal comments to the Landmarks Commission to incorporate into their review of the project proposal.

GENERAL POLICIES

The following general policies were adopted by the Commission to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Education Series

Each May, in recognition of national Historic Preservation month, the Landmarks Commission may host a public education and outreach session during a regularly scheduled or special meeting.

The Commission may prepare information packets for property owners related to maintenance of historic buildings.

b) Regular Review of Policy and Procedure Manual

At the beginning of each even numbered calendar year, the Landmarks Commission shall review the adopted policy and procedure document and make any revisions as needed. The adopted document shall be filed with the City Clerk's Office.

c) Landmark Plaque Procedure

According to MGO 41.07(8), the City shall provide a plaque for a recently designated landmark site. Preservation staff will draft the text for the plaque using materials prepared for the nomination process. The text will include the items of interest as described in the Ordinance. Staff will allow the Owner to review the text and provide suggestions. Once the text has been reviewed by the Owner, staff will forward it to the Landmarks Commission for review and final approval.

According to the Ordinance, the plaque should be located so it is easily visible to passing pedestrians. Plaques should be mounted to building walls on or near the primary façade preferably near the entrance or on landscape elements including natural boulders or formed concrete bases. In some cases, the plaque could be mounted on fences or entrance piers. The plaque can be fabricated with horizontal or vertical format to work with the space provided. Staff should suggest a plaque location and coordinate with the property owner to select a final location. Under no circumstances, shall the plaque be located in a place that would obscure or damage unique architectural or character defining features. If a property owner is not agreeable to placing a plaque on the building, staff may locate the plaque on a concrete base on the street side of the terrace.

Typically, the plaques should be fabricated and installed within the 12 months after designation; however, it may be more cost effective to have numerous plaques fabricated and installed at once. Preservation staff will consider the most cost effective means when having plaques fabricated.

Plaques will have a uniform appearance and will have horizontal or vertical formats to complement the area selected for installation. The specifications are as follows:

Size:	16" x 24" x ½" thick
Material:	cast brushed aluminum
Background:	painted black (satin finish)
Texture:	leatherette
Copy:	raised TIMES ROMAN all caps. Not to exceed 500 characters. Silver color.

Border: single line. Silver color.
Mounting: concealed

Typical horizontal plaque format (vertical format would be similar):

JAMES & BRIDGET CASSERLY HOUSE

1891

THE CASSERLY HOUSE IS A CLASSIC EXAMPLE OF A QUEEN ANNE STYLE HOUSE BUILT FOR A MIDDLE-CLASS FAMILY. JAMES CASSERLY WAS A FOREMAN AND LATER SUPERINTENDENT OF THE MADISON DEMOCRAT, ONE OF MADISON'S TWO MAJOR NEWSPAPERS AT THE TURN-OF-THE-CENTURY. THE CASSERLYS WERE ONE OF THE MANY FAMILIES OF IRISH DESCENT WHO LIVED IN THIS NEIGHBORHOOD. IN THE 1960S, THE HOUSE BECAME A ROOMING HOUSE AND ITS CONDITION DETERIORATED. IN 1980, IT WAS CAREFULLY RESTORED AS OFFICES AND AN APARTMENT.

DESIGNATED APRIL 25, 1983

MADISON LANDMARKS COMMISSION

Staff will work with the plaque installer and property owner to schedule the installations. Staff will provide the plaque installer with descriptive documents indicating the approved location of the plaque. Staff should communicate the installation date to the property owner and should be available during installation to visit the site if necessary. The plaque is property of the City of Madison and should not be removed or altered once installed. Should a plaque need to be removed for maintenance or repairs, the property owner must receive written approval from the Preservation Planner prior to performing such work. Once the work is complete, the plaque should be promptly reinstalled at the expense of the property owner.

Plaques are fabricated from aluminum and are originally painted black and matte silver/gray. Maintenance of the plaque is the responsibility of the property owner. Should maintenance be required, the property owner must receive written approval from the Preservation Planner prior to performing such work. In general repainting of a plaque is not desired, but if necessary, may only be done by a professional painter or an individual approved by the Preservation Planner.

CODE OF ETHICS

The general summary below does notconstitute legal advice. As questions arise, contact the Office of the City Attorney or the City of Madison Ethics Board.

The Ethics Code spells out standards of conduct intended to foster public trust and promote confidence in the integrity of government by avoiding the appearance of self-interest, personal gain, or benefit. The Code also requires written disclosures by most City elected officials, employees and appointees regarding their private financial or personal interests in matters that may affect the City. See Section 3.35 of the Madison General Ordinances (MGO).

The Madison Ethics Code establishes guidelines to ensure that City elected officials, employees, and appointees (a) act impartially, responsibly and independently, (b) make decisions and policies through proper channels of City governmental structure, and (c) serve the public interest rather than some private interest.

The major areas of responsibility and accountability spelled out in the Code include:

- Disclosure of conflicts of interest and possible disqualification from subsequent action
- Use of office for private gain
- Disclosures of confidential or privileged information
- Receipt of gifts and favors
- Incompatible employment
- Restrictions after leaving office or appointment

As questions regarding conflicts of interest and the application of the Code of Ethics arise, commissioners should consult the Code of Ethics and the Office of the City Attorney. When in doubt, ask the City Attorney's Office or the City of Madison Ethics Board.[1]

OPEN MEETING REQUIREMENTS

The general summary below does not constitute legal advice. As questions arise, contact the Office of the City Attorney.

"In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business." Wisconsin Statutes Section 19.81(1)

Applicable open meetings laws are found in Section 19.81 through 19.98 of the Wisconsin Statutes, reproduced in Section 3.71 Madison General Ordinances, and supplemented by Administrative Procedure Memorandum (APM) 3-13.The Landmarks Commission as a body must meet "open meeting" requirements set forth in these statutes and ordinances to ensure its business is conducted properly. Generally, staff is responsible for ensuring that the meeting is properly noticed and conducted in compliance with these rules.

Individual members are responsible for following certain requirements outside of noticed meetings. Common issues include, but are not limited to:

- Illegal meetings – generally, a meeting occurs any time a group of members discusses Commission-related issues, if the group is large enough to take or block action on an issue. Social encounters among members should be limited to non-Commission topics of conversation. Tours by the Commission should be properly noticed to meet open meeting requirements.
- Email – an email discussion between members could be an illegal meeting. Generally, email should not be used to conduct substantive issue-related Commission business. Messages from citizens to members should be forwarded to staff for dissemination to the full Commission. Messages from staff or an individual member to the full Commission are permissible on procedural issues, but members should take care to reply only to the sender (not reply-all).
- Conference calls – a conference call between members could be an illegal meeting. Meetings may be conducted via conference call, but should be properly noticed as such and provide a public facility with speakerphone so the public is able to hear/participate.[2]

DECISION MAKING

The general summary does not constitute legal advice. As questions arise, contact the Office of the City Attorney.

All parties who appear before the Commission are entitled to a fair and impartial hearing. This includes:

1. **The appearance of fairness**

   The Commission must make decisions in an impartial and unbiased manner. Actual bias is not required; an impermissibly high *risk* of bias is sufficient to compromise the appearance of fairness. Keen v. Dane County Board of Supervisors, 269 Wis.2d 488 (Ct. App 2003).

2. **Proper notice and hearing**

   Notice is handled by City staff (e.g. publication, mailed notice, noting on agenda). Hearings serve the dual function of providing citizens with an opportunity to express their views and to inform the decision-making body regarding the views of the affected community members.

3. **Decisions based on the standards and the evidence before the body**

   Where decision-making standards are listed in the ordinances, the Commission must follow them. It is the responsibility of the applicant to demonstrate that a proposal meets the standards, and the responsibility of the Commission to explain how it came to a determination. Unless specifically required by statute or ordinance, particularized written findings are not necessary, nor are there "magic words" that must be used. However, a simple statement that "the standards are met" or "are not met" is insufficient to inform the applicant of the reasons for the determination. The decision and the transcript must provide a record that allows meaningful judicial review.[3]

LEGAL ADVICE PROVIDED BY CITY ATTORNEY

Legal advice provided by the City Attorney is privileged and provided on a confidential basis. It should not be released to third parties or discussed at a public meeting, unless the advice is in a formal memorandum that Planning Staff and the City Attorney intend be distributed to the public.

ELECTED & APPOINTED OFFICIAL CODE OF CONDUCT

The City of Madison and its elected and appointed officials (alders, mayor, and City board, commission, or committee members) share a commitment to ethical conduct and service to the city and its residents. In alignment with the City of Madison vision to be inclusive, innovative, and thriving, and its mission to provide the highest quality of service for our residents and visitors, City elected and appointed officials shall maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their position to bully, harass, or abuse others. This Code is designed to communicate the expectation that City elected and appointed officials shall treat City staff and each other with respect and courtesy at all times. This policy is intended to promote an inclusive and positive work environment and working relationships, and prevent unlawful discrimination.

This policy applies to all elected and appointed City officials and applies to any conduct or interaction that occurs at the workplace and at any location or on any platform that can be reasonably regarded as an extension of the workplace, including but not limited to the use of a telephone, voicemail, text messages, video meeting, and/or any social media or online platforms. City staff members, including department and division heads, are governed by APM 3-5 and APM 2-33.

City elected and appointed officials, in the performance of their duties, shall create and maintain a welcoming, respectful, and inclusive work environment and shall not engage in abusive, violent, bullying, harassing, discriminatory or other threatening or intimidating behavior or language. Harassment of or discrimination against any person on the basis of any City protected class* status or statuses is expressly prohibited.

- **Bullying** is repeated, unwanted, aggressive physical or verbal behavior which hurts another individual, physically, mentally, or emotionally.
- **Harassment** is repeated or egregious unwelcome, intimidating, hostile or offensive actions, words, jokes or comments based on any protected class status or statuses.
- **Discrimination** is unfair treatment of an individual or members of a group based on their protected class status.

Bullying, **harassment**, and **discrimination** are demeaning to others and undermine the integrity of relationships. In the event that these shared objectives are not met, effort shall be taken to notify the individuals of the substance of the issue so that they can resolve it. Self-correction or informal resolution between parties in a timely manner is strongly encouraged, with formal sanctions only as a rare and last option if informal communication and resolution is unsuccessful. Formal sanctions include formal censure by the Common Council or committee of one of its members, removal of a committee member from the body, or, in limited cases pursuant to Wis. Stat. § 17.001, removal of a Common Council member from office. Per state statute, alders and appointees to BCCs can only be removed by a vote of the Council for cause, meaning "inefficiency, neglect of duty, official misconduct or malfeasance in office."

Elected or appointed City officials, upon entering office or being appointed as a BCC member, shall be provided a copy of this policy and shall acknowledge receipt. Failure to acknowledge receipt does not exempt an individual from the requirements of this policy.

The City shall offer trainings and other supports to promote an inclusive and welcoming environment and provide elected and appointed officials with resources to assist them in resolving any issues that may arise. Please refer to MGO 3.35 Code of Ethics for regulations on additional aspects of conduct, such as conflicts of interest, use of public office, political activity, and receiving gifts and favors.

*City protected classes: age, arrest record, citizenship status, color, conviction record, credit history, disability, domestic partners, familial status, gender identity, genetic identity, HIV status, homelessness, less than honorable discharge from military, marital status, military/veteran status, national origin/ancestry, non-religious, physical appearance, political beliefs, race, religion, sex, sexual orientation, source of income, student status, unemployment, use or non-use of lawful products off the employer's premises during non-work hours

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ENDNOTES

1. *Ethics Code training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/ethics/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

2. *Open Meetings training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/meetings/training.cfm

   (See Also: City Attorney Opinion 2004-001, available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2004Opinions.cfm)

3. Quasi-Judicial Decision-making training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/training/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

Note: Madison General Ordinances are available on the City of Madison's Legislative Center on the City's website.

INTRODUCTION

The purpose of this basic policy and procedures manual is to put into one document a list of the current activities, procedures and basic policies of the City of Madison Landmarks Commission.

This manual is general in nature, but includes helpful references to specific ordinances further describing the role of the Landmarks Commission.

The Landmarks Commission is given authority by Madison General Ordinances (MGO) Chapters 33, 41, and 28, which specify the criteria for actions by the Commission or places the Commission in an advisory role.

In compliance with MGO 33.01(9)(b), the Landmarks Commission may adopt rules of procedure.

RULES OF PROCEDURE

The following rules of procedure were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Commission Leadership

In June of odd numbered years, the Commission shall elect a Chair and a Vice-Chair. In the absence of the Chair, the Vice-Chair shall serve as Chair. In the absence of both the Chair and Vice-Chair, the Commission shall select an acting Chair from its membership.

The Preservation Planner or their designee shall serve as Secretary to the Commission.

b) Orientation for New Commissioners

As new Commission members are appointed, each shall be furnished with a membership roster, calendar of meeting dates, a Policy and Procedures Manual that includes rules of procedure, relevant ordinances and standards, maps of local historic districts, and a list of designated landmarks. Staff will schedule orientation meetings with new members to provide information and review policy and procedures. New members are encouraged to attend the training sessions offered for all city boards and commissions on rules governing open records and open meetings, as well as ethical standards of conduct. They are also encouraged to view the Historic Preservation Commission Training online instruction offered by the Wisconsin Historical Society.

c) Quorum

Four members shall constitute a quorum for the transaction of business and the taking of official action. A majority of the quorum present is required for approval of a project. In cases where a vote of the Chair will change the outcome of a project, the Chair must vote. Whenever a quorum is not present within fifteen (15) minutes of the scheduled meeting time, the Commission shall adjourn without taking any action, except that it may set a date and time for its next meeting. See Madison General Ordinances 33.01(8).

d) Parliamentary Procedure

Robert's Rules of Order shall govern parliamentary procedure in Commission meetings, except that any Madison General Ordinance or Commission procedural rule shall take precedence over Robert's Rules of Order.

The Landmarks Commission is required to utilize the Common Council's process for Reconsideration. See Madison General Ordinances 2.21 (2013).

The following processes will differ from Robert's Rules of Order: (a list will be provided here if typical processes are found to differ)

e) Secretary

The Preservation Planner is a staff member of the Department of Planning and Community and Economic Development, Planning Division. The Preservation Planner shall serve as the Secretary of the Landmarks Commission and carry out the duties that the Landmarks Commission properly delegates to the Preservation Planner under Chapter 41. In carrying out those duties, the Preservation Planner shall exercise their own professional judgment and expertise, consistent with Chapter 41 and subject to general oversight by the Landmarks Commission.

f) Designees

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The Secretary shall be the designee. The Secretary and the Landmarks Commission shall appoint other designees as appropriate and revise this document as required.

As Secretary, the Preservation Planner and the Community and Cultural Resources Planner is hereby appointed as the designee of the Commission and is able to review Category 1, 2 and 3 projects. William Fruhling or Rebecca Cnare are hereby appointed to review Category 1 and Category 2 projects. When the Preservation Planner or the Community and Cultural Resources Planner is unavailable, William Fruhling or Rebecca Cnare may review Category 3 projects and act as the Secretary of the Commission. Building Inspection Support staff and Plan Review & Permitting staff are hereby appointed to review Category 2 projects. Please refer to the Designee Review Process on page 6.

No one else is permitted to issue Certificates of Appropriateness on behalf of the Landmarks Commission.

g) Records

1. Agendas

   The Secretary shall prepare an agenda for each meeting. The agenda shall be approved by the Chair. The agenda appears on the City's Legislative Information Center website, which is available on the main City website.

   The order of business will be as follows:

   I. Roll Call

   II. Minutes

   III. Public Comment

   IV. Disclosures and Recusals

   V. Adjacency to Landmarks Advisory Recommendations

   VI. Requests for Certificates of Appropriateness (requiring a public hearing)

   VII. Request for Certificates of Appropriateness (not requiring a public hearing)

   VIII. New Business

   IX. Unfinished Business

   X. Regular Business

   XI. Secretary's Report

   XII. Buildings Proposed for Demolition

   XIII. Adjournment

   All requests to be placed on the Commission agenda shall be received by the Planning Division Office by the submission deadline. The Secretary shall determine whether the submissions are complete and in proper form.

2. Minutes and Action Reports

   The Secretary shall prepare the minutes for each meeting. The minutes appear on the City's Legislative Information Center website, which is available on the main City website.

   A copy of the minutes of the past meeting is provided with the agenda for the next meeting. The originals of the Commission minutes are kept in the Planning Division Office.

   The Secretary shall prepare the action reports for each meeting. The action reports shall be reviewed as part of the meeting minutes. The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

3. Communications, Petitions, etc.

All communications, petitions, and reports should be addressed to the Commission and emailed, delivered, or mailed to the Secretary. Commission members shall report and forward to the Secretary any individual communications they receive.

Written comments should be submitted 24 hours in advance of the meeting. Comments received less than 24 hours in advance of the meeting may not be processed for review at the meeting, but will be added to the public record as time allows.

4. Reports to other Bodies (the Urban Design Commission, Plan Commission, and Common Council)

   The Secretary shall report the action of the Commission to the Urban Design Commission, Plan Commission and Common Council on all matters as appropriate.

   The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

5. Public Record

   All Commission agendas, meeting minutes, action reports, communications, petitions, and miscellaneous reports shall be available on the City's Legislative Information Center website, which is available on the main City website.

h) Conduct of Meetings

Members of the public who wish to speak on agenda items shall register to speak by registering online or completing a registration form for in-person meetings. Sign in shall be allowed up to the time of discussion for each agenda item.

Testimony before the Commission is limited to three (3) minutes; and additional time may be allowed with the consent of the Commission. The Chair and Secretary shall monitor the time.

The Chair shall endeavor to keep testimony focused, and to maintain the decorum of the meeting.

No argumentative questioning of the Commission or speakers shall be permitted, and no member of the public may question another speaker. Speakers may direct questions to the Chair during their testimony; questions will be noted, and may be answered at the appropriate time during the hearing. Any Commission member may question a speaker on the facts presented or for clarification of a statement made.

For the purposes of a public hearing, the Chair shall open the public hearing and call on registrants in order of their registration. The name of each person appearing shall be stated. Upon conclusion of the public statements, the Chair shall close the public hearing. Once the hearing is closed, no member of the public may comment further unless the Commission votes to suspend its rules for this purpose.

Commission members may then ask questions of staff, make motions, engage in discussion, and vote on the item presented during the public hearing.

i) Motions and Voting

Motions shall be restated by the chair before a vote is taken. The name of the maker of a motion and of the person to second the motion shall be recorded.

The Chair may participate in discussion, questioning and debate, but will not make motions or vote on any matter unless to break a tie. Members of the Common Council who are not serving on the Commission likewise may participate in discussions, but may not make motions or vote on any matters.

Motions shall be passed by an affirmative vote with not less than a majority of the Commission in attendance. Voting shall be by voice when meeting in-person or by raising a hand in a virtual meeting. Any member of the Commission can request a roll call vote.

Please refer to the Review Process Policies, Actions on Matters Before the Commission on page 10.

j) Reports

The Commission may ask for reports and recommendations from the Secretary on any matters before it that are consistent with the annual work plan of the Preservation Planner.

k) Suspension of Rules

The Commission may suspend any of its procedural rules (except City and State Codes) by a majority vote of the members present.

l) Amendments

These rules, policies and procedures may be amended at any regular meeting by a majority vote of the members present. At a minimum, the Commission will review and update this document as necessary in May of even-numbered years and recorded with the City Clerk after being adopted by the Landmarks Commission.

m) Attendance

Commissioners shall endeavor to attend all regularly scheduled meetings of the Commission. Commissioners shall contact the Secretary to request an excused absence as soon as they are aware of a possible scheduling conflict. The City of Madison has specific rules for attendance that cannot be waived by Commission procedures and policies.

REVIEW PROCESS POLICIES

The following review process policies were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Development Review Process Summary

The development review process varies based on the complexity of a proposal and the type of request involved. However, each process generally includes three stages; the pre-application stage, the commissions review stage, and the plan sign-off, permitting, and inspection stage.

The Landmarks Commission has final review authority in some instances. In other instances, the Commission is required to make an advisory recommendation to the Plan Commission and/or the Urban Design Commission. When review by multiple Commissions is required, the Landmarks Commission is typically the first Commission to take action in the development review process.

b) Designee Review Process

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The categories below indicate the types of projects that may be approved by designees. In all cases, the designees may use their discretion and send the request to the Commission for a formal review. Please refer to the Rules of Procedure, Designees, page 2.

Category 1:

1. In kind repairs to existing buildings/structures that will not change the appearance.

Category 2:

1. Reroofing projects which will ~~replicate the use of three-in-one tab asphalt or fiberglass shingles or other rectangular asphalt or fiberglass shingles of similar scale or sawn wooden shingles.~~ replace asphalt or fiberglass shingles with new rectangular asphalt or fiberglass shingles. Reroofing with wood, tile, slate or metal may be approved if~~of~~ there is historical documentation, physical evidence, or generally understood methodology or practice that the building once had a tile, slate or metal roof. Reroofing projects on buildings or parts of buildings with flat roofs or shed roofs that are not visible from the street may be approved. If a house is shingled ~~in the French method,~~with staggered shingles, new shingles of the same design may be approved. Small attic ventilators that match the roof in color may be approved.
2. Replacement in-kind of exterior mechanical equipment when it maintains a similar size and configuration.
3. Handrails designed to be compatible with the style of the house.

Category 3:

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1. Project that will result in only a minor change of appearance, aligning with the Spectrum of Review in MGO 41.22, and that will not destroy significant architectural elements, such as converting a door to a window on the rear of the house, or adding a flat skylight on a roofline not visible from the street.

2. Projects that will result in a moderate change of appearance provided that there are compelling reasons for beginning work before the next Landmarks Commission meeting (such as emergency structural repairs or the onset of bad weather). Such projects must also be approved by the Chair of the Landmarks Commission, or in their absence the Vice Chair.

3. Replacement of the face of an existing sign with new information and the installation of awnings, provided that the proposed design will not detract from the character of the building or district.

4. The construction of a small garden shed in the rear yard of a property provided that the shed does not adversely affect the primary structure, is of simple design, with gable, hip or shed roof and provided that the shed design is compatible with the design of the house and the neighborhood.

5. Projects that restore the original appearance/condition using historic materials may be approved provided that there is historical documentation, physical evidence, or generally understood methodology.

6. Projects that have received a recent Certificate of Appropriateness from the Commission and require a minor modification (not a Minor Alteration) to that approval that does not destroy historic fabric or historic character and does not reverse or alter any portion of the project that was a significant part of the Commission discussion. Consistent with open meeting requirements, Staff may consult with members of the Commission.

7. Exterior alterations to sites that are adjacent to landmarks provided that the alterations are minor alterations and will result in only a minor change of appearance.

c) Actions on Matters Before the Commission

1. Certificate of Appropriateness

For any Certificate of Appropriateness where the Landmarks Commission approval is required, the Commission may take one of the following actions:

- The Commission shall ***Approve*** the Certificate of Appropriateness if it determines that the request meets the applicable standards for approval. The Commission may adopt conditions of approval for a project if it believes that those conditions will allow the project to meet the standards for approval.
- The Commission shall ***Deny*** the Certificate of Appropriateness if it believes the request does not meet the applicable standards for approval. In doing so, the Commission shall specifically state the standards that the request does not meet and the reasons why those standards are not met.
- The Commission shall ***Refer*** the matter to a future meeting if it believes that the request currently before it does not meet the applicable standards for approval but that it could with additional modification or if it determines that the Commission has not been provided with complete information to make a determination. A referral may also be requested by the applicant or by staff because the request is not, or may not be, procedurally ready to proceed. For any referral, the Commission should specify its reasons for referring the matter to a future meeting.

2. Adjacency to Landmarks Advisory Recommendation

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For any advisory recommendation related to adjacency to landmarks and landmark sites, the Commission shall use the language of MGO 28.144 to provide an advisory recommendation.

An example motion for an advisory recommendation may be similar to the following:

"The Landmarks Commission finds that the proposed development is not so large or visually intrusive as to adversely affect the historic character and integrity of the adjacent landmark."

3. Historic Value Advisory Recommendation

For any advisory recommendation related to demolition of principal structures, per MGO 28.185, the Landmarks Commission shall use language from MGO 41.28 to provide an advisory recommendation to the Plan Commission on the historic value of the property with the proposed demolition.~~When advised by the Preservation Planner or the Community and Cultural Resources Planner regarding a demolition request, the LC may provide a report to the Plan Commission on the historic, architectural or cultural significance of the structure for which a demolition permit is sought, to assist the Plan Commission in its determination of whether the standards of Chapter 28 are satisfied. The determination of historic value does not look at the proposed project for the site - only the historic value of the existing resources on the property.~~

For any advisory recommendation related to the historic value of buildings proposed for demolition, the Commission shall take one of the following actions:

Category A Demolitions: denotes that the Landmarks Commission finds that the building has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, listed in the National Register of Historic Places, and/or as an intact or rare example of a certain architectural style or method of construction.

Category B Demolitions: denotes that the Landmarks Commission finds that the building has historic value related to the vernacular context of Madison's built environment, cultural practices, or as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant.

Category C Demolitions: denotes that the Landmarks Commission finds that the building has no known historic value. This category may also include sites or properties that have archaeological or other site findings of significance, but where removal of the building itself will have no impact.~~*a. The Commission finds that the building(s) has no known historic value.*~~

~~*b. The Commission finds that the building(s) has historic value related to the vernacular context of Madison's built environment, or as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant.*~~

~~*c. The Commission finds that the building(s) has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, and/or as an intact or rare example of a certain architectural style or method of construction.*~~

~~The Commission may also provide a separate report regarding a property proposed for demolition to the Plan Commission. This report can further describe the historic value of the property outside of the language of the actions above.~~

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4. Window Replacement Requests

For window replacement applications that are proposed due to physical condition of the windows, applicants shall provide information on whether the windows proposed for replacement are original to the structure or date to the period of significance for the landmark or historic district. If the windows are historic, the applicant must provide a 3rd party assessment of whether the windows are physically beyond repair and/or are not economically feasible to repair. This assessment must come from a contractor who completes window repair, such as a carpenter, painter, or general contractor.

An application will evaluate each window individually and provide a description of the window and window component dimensions of the existing window and the proposed replacement windows.

The Commission shall take one of the following actions:

- Determine if the proposed window is physically beyond repair and/or is not economically feasible to repair.
- If it is feasible and practical to repair the windows, then they must be repaired.
- If the window requires replacement, approve replacement products that are similar in design, color, scale, architectural appearance, and other visual qualities. The window size and component dimensions should be comparable.

5. Tribal Consultation for Archaeological Sites

For project requests that involve ground-disturbing activities on landmark sites with archaeology or human remains with tribal association, staff shall notify the Tribal Historic Preservation Offices of interested tribes about the proposed project and ask for comments or concerns related to the proposal. Staff will provide any tribal comments to the Landmarks Commission to incorporate into their review of the project proposal.

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GENERAL POLICIES

The following general policies were adopted by the Commission to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Education Series

Each May, in recognition of national Historic Preservation month, the Landmarks Commission may host a public education and outreach session during a regularly scheduled or special meeting.

The Commission may prepare information packets for property owners related to maintenance of historic buildings.

b) Regular Review of Policy and Procedure Manual

At the beginning of each even numbered calendar year, the Landmarks Commission shall review the adopted policy and procedure document and make any revisions as needed. The adopted document shall be filed with the City Clerk's Office.

c) Landmark Plaque Procedure

According to MGO 41.07(8), the City shall provide a plaque for a recently designated landmark site. Preservation staff will draft the text for the plaque using materials prepared for the nomination process. The text will include the items of interest as described in the Ordinance. Staff will allow the Owner to review the text and provide suggestions. Once the text has been reviewed by the Owner, staff will forward it to the Landmarks Commission for review and final approval.

According to the Ordinance, the plaque should be located so it is easily visible to passing pedestrians. Plaques should be mounted to building walls on or near the primary façade preferably near the entrance or on landscape elements including natural boulders or formed concrete bases. In some cases, the plaque could be mounted on fences or entrance piers. The plaque can be fabricated with horizontal or vertical format to work with the space provided. Staff should suggest a plaque location and coordinate with the property owner to select a final location. Under no circumstances, shall the plaque be located in a place that would obscure or damage unique architectural or character defining features. If a property owner is not agreeable to placing a plaque on the building, staff may locate the plaque on a concrete base on the street side of the terrace.

Typically, the plaques should be fabricated and installed within the 12 months after designation; however, it may be more cost effective to have numerous plaques fabricated and installed at once. Preservation staff will consider the most cost effective means when having plaques fabricated.

Plaques will have a uniform appearance and will have horizontal or vertical formats to complement the area selected for installation. The specifications are as follows:

Size:	16" x 24" x ½" thick
Material:	cast brushed aluminum
Background:	painted black (satin finish)
Texture:	leatherette
Copy:	raised TIMES ROMAN all caps. Not to exceed 500 characters. Silver color.

Border: single line. Silver color.
Mounting: concealed

Typical horizontal plaque format (vertical format would be similar):

JAMES & BRIDGET CASSERLY HOUSE

1891

THE CASSERLY HOUSE IS A CLASSIC EXAMPLE OF A QUEEN ANNE STYLE HOUSE BUILT FOR A MIDDLE-CLASS FAMILY. JAMES CASSERLY WAS A FOREMAN AND LATER SUPERINTENDENT OF THE MADISON DEMOCRAT, ONE OF MADISON'S TWO MAJOR NEWSPAPERS AT THE TURN-OF-THE-CENTURY. THE CASSERLYS WERE ONE OF THE MANY FAMILIES OF IRISH DESCENT WHO LIVED IN THIS NEIGHBORHOOD. IN THE 1960S, THE HOUSE BECAME A ROOMING HOUSE AND ITS CONDITION DETERIORATED. IN 1980, IT WAS CAREFULLY RESTORED AS OFFICES AND AN APARTMENT.

DESIGNATED APRIL 25, 1983

MADISON LANDMARKS COMMISSION

Staff will work with the plaque installer and property owner to schedule the installations. Staff will provide the plaque installer with descriptive documents indicating the approved location of the plaque. Staff should communicate the installation date to the property owner and should be available during installation to visit the site if necessary. The plaque is property of the City of Madison and should not be removed or altered once installed. Should a plaque need to be removed for maintenance or repairs, the property owner must receive written approval from the Preservation Planner prior to performing such work. Once the work is complete, the plaque should be promptly reinstalled at the expense of the property owner.

Plaques are fabricated from aluminum and are originally painted black and matte silver/gray. Maintenance of the plaque is the responsibility of the property owner. Should maintenance be required, the property owner must receive written approval from the Preservation Planner prior to performing such work. In general repainting of a plaque is not desired, but if necessary, may only be done by a professional painter or an individual approved by the Preservation Planner.

CODE OF ETHICS

The general summary below does not constitute legal advice. As questions arise, contact the Office of the City Attorney or the City of Madison Ethics Board.

The Ethics Code spells out standards of conduct intended to foster public trust and promote confidence in the integrity of government by avoiding the appearance of self-interest, personal gain, or benefit. The Code also requires written disclosures by most City elected officials, employees and appointees regarding their private financial or personal interests in matters that may affect the City. See Section 3.35 of the Madison General Ordinances (MGO).

The Madison Ethics Code establishes guidelines to ensure that City elected officials, employees, and appointees (a) act impartially, responsibly and independently, (b) make decisions and policies through proper channels of City governmental structure, and (c) serve the public interest rather than some private interest.

The major areas of responsibility and accountability spelled out in the Code include:

- Disclosure of conflicts of interest and possible disqualification from subsequent action
- Use of office for private gain
- Disclosures of confidential or privileged information
- Receipt of gifts and favors
- Incompatible employment
- Restrictions after leaving office or appointment

As questions regarding conflicts of interest and the application of the Code of Ethics arise, commissioners should consult the Code of Ethics and the Office of the City Attorney. When in doubt, ask the City Attorney's Office or the City of Madison Ethics Board.[1]

OPEN MEETING REQUIREMENTS

The general summary below does not constitute legal advice. As questions arise, contact the Office of the City Attorney.

"In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business." Wisconsin Statutes Section 19.81(1)

Applicable open meetings laws are found in Section 19.81 through 19.98 of the Wisconsin Statutes, reproduced in Section 3.71 Madison General Ordinances, and supplemented by Administrative Procedure Memorandum (APM) 3-13.The Landmarks Commission as a body must meet "open meeting" requirements set forth in these statutes and ordinances to ensure its business is conducted properly. Generally, staff is responsible for ensuring that the meeting is properly noticed and conducted in compliance with these rules.

Individual members are responsible for following certain requirements outside of noticed meetings. Common issues include, but are not limited to:

- Illegal meetings – generally, a meeting occurs any time a group of members discusses Commission-related issues, if the group is large enough to take or block action on an issue. Social encounters among members should be limited to non-Commission topics of conversation. Tours by the Commission should be properly noticed to meet open meeting requirements.
- Email – an email discussion between members could be an illegal meeting. Generally, email should not be used to conduct substantive issue-related Commission business. Messages from citizens to members should be forwarded to staff for dissemination to the full Commission. Messages from staff or an individual member to the full Commission are permissible on procedural issues, but members should take care to reply only to the sender (not reply-all).
- Conference calls – a conference call between members could be an illegal meeting. Meetings may be conducted via conference call, but should be properly noticed as such and provide a public facility with speakerphone so the public is able to hear/participate.[2]

DECISION MAKING

The general summary does not constitute legal advice. As questions arise, contact the Office of the City Attorney.

All parties who appear before the Commission are entitled to a fair and impartial hearing. This includes:

1. **The appearance of fairness**

   The Commission must make decisions in an impartial and unbiased manner. Actual bias is not required; an impermissibly high *risk* of bias is sufficient to compromise the appearance of fairness. Keen v. Dane County Board of Supervisors, 269 Wis.2d 488 (Ct. App 2003).

2. **Proper notice and hearing**

   Notice is handled by City staff (e.g. publication, mailed notice, noting on agenda). Hearings serve the dual function of providing citizens with an opportunity to express their views and to inform the decision-making body regarding the views of the affected community members.

3. **Decisions based on the standards and the evidence before the body**

   Where decision-making standards are listed in the ordinances, the Commission must follow them. It is the responsibility of the applicant to demonstrate that a proposal meets the standards, and the responsibility of the Commission to explain how it came to a determination. Unless specifically required by statute or ordinance, particularized written findings are not necessary, nor are there "magic words" that must be used. However, a simple statement that "the standards are met" or "are not met" is insufficient to inform the applicant of the reasons for the determination. The decision and the transcript must provide a record that allows meaningful judicial review.[3]

LEGAL ADVICE PROVIDED BY CITY ATTORNEY

Legal advice provided by the City Attorney is privileged and provided on a confidential basis. It should not be released to third parties or discussed at a public meeting, unless the advice is in a formal memorandum that Planning Staff and the City Attorney intend be distributed to the public.

ELECTED & APPOINTED OFFICIAL CODE OF CONDUCT

The City of Madison and its elected and appointed officials (alders, mayor, and City board, commission, or committee members) share a commitment to ethical conduct and service to the city and its residents. In alignment with the City of Madison vision to be inclusive, innovative, and thriving, and its mission to provide the highest quality of service for our residents and visitors, City elected and appointed officials shall maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their position to bully, harass, or abuse others. This Code is designed to communicate the expectation that City elected and appointed officials shall treat City staff and each other with respect and courtesy at all times. This policy is intended to promote an inclusive and positive work environment and working relationships, and prevent unlawful discrimination.

This policy applies to all elected and appointed City officials and applies to any conduct or interaction that occurs at the workplace and at any location or on any platform that can be reasonably regarded as an extension of the workplace, including but not limited to the use of a telephone, voicemail, text messages, video meeting, and/or any social media or online platforms. City staff members, including department and division heads, are governed by APM 3-5 and APM 2-33.

City elected and appointed officials, in the performance of their duties, shall create and maintain a welcoming, respectful, and inclusive work environment and shall not engage in abusive, violent, bullying, harassing, discriminatory or other threatening or intimidating behavior or language. Harassment of or discrimination against any person on the basis of any City protected class* status or statuses is expressly prohibited.

- **Bullying** is repeated, unwanted, aggressive physical or verbal behavior which hurts another individual, physically, mentally, or emotionally.
- **Harassment** is repeated or egregious unwelcome, intimidating, hostile or offensive actions, words, jokes or comments based on any protected class status or statuses.
- **Discrimination** is unfair treatment of an individual or members of a group based on their protected class status.

Bullying, **harassment**, and **discrimination** are demeaning to others and undermine the integrity of relationships. In the event that these shared objectives are not met, effort shall be taken to notify the individuals of the substance of the issue so that they can resolve it. Self-correction or informal resolution between parties in a timely manner is strongly encouraged, with formal sanctions only as a rare and last option if informal communication and resolution is unsuccessful. Formal sanctions include formal censure by the Common Council or committee of one of its members, removal of a committee member from the body, or, in limited cases pursuant to Wis. Stat. § 17.001, removal of a Common Council member from office. Per state statute, alders and appointees to BCCs can only be removed by a vote of the Council for cause, meaning "inefficiency, neglect of duty, official misconduct or malfeasance in office."

Elected or appointed City officials, upon entering office or being appointed as a BCC member, shall be provided a copy of this policy and shall acknowledge receipt. Failure to acknowledge receipt does not exempt an individual from the requirements of this policy.

The City shall offer trainings and other supports to promote an inclusive and welcoming environment and provide elected and appointed officials with resources to assist them in resolving any issues that may arise. Please refer to MGO 3.35 Code of Ethics for regulations on additional aspects of conduct, such as conflicts of interest, use of public office, political activity, and receiving gifts and favors.

*City protected classes: age, arrest record, citizenship status, color, conviction record, credit history, disability, domestic partners, familial status, gender identity, genetic identity, HIV status, homelessness, less than honorable discharge from military, marital status, military/veteran status, national origin/ancestry, non-religious, physical appearance, political beliefs, race, religion, sex, sexual orientation, source of income, student status, unemployment, use or non-use of lawful products off the employer's premises during non-work hours

ENDNOTES

1. *Ethics Code training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/ethics/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

2. *Open Meetings training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/meetings/training.cfm

   (See Also: City Attorney Opinion 2004-001, available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2004Opinions.cfm)

3. Quasi-Judicial Decision-making training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/training/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

Note: Madison General Ordinances are available on the City of Madison's Legislative Center on the City's website.

INTRODUCTION

The purpose of this basic policy and procedures manual is to put into one document a list of the current activities, procedures and basic policies of the City of Madison Landmarks Commission.

This manual is general in nature, but includes helpful references to specific ordinances further describing the role of the Landmarks Commission.

The Landmarks Commission is given authority by Madison General Ordinances (MGO) Chapters 33, 41, and 28, which specify the criteria for actions by the Commission or places the Commission in an advisory role.

In compliance with MGO 33.01(9)(b), the Landmarks Commission may adopt rules of procedure.

RULES OF PROCEDURE

The following rules of procedure were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Commission Leadership

In June of odd numbered years, the Commission shall elect a Chair and a Vice-Chair. In the absence of the Chair, the Vice-Chair shall serve as Chair. In the absence of both the Chair and Vice-Chair, the Commission shall select an acting Chair from its membership.

The Preservation Planner or their designee shall serve as Secretary to the Commission.

b) Orientation for New Commissioners

As new Commission members are appointed, each shall be furnished with a membership roster, calendar of meeting dates, a Policy and Procedures Manual that includes rules of procedure, relevant ordinances and standards, maps of local historic districts, and a list of designated landmarks. Staff will schedule orientation meetings with new members to provide information and review policy and procedures. New members are encouraged to attend the training sessions offered for all city boards and commissions on rules governing open records and open meetings, as well as ethical standards of conduct. They are also encouraged to view the Historic Preservation Commission Training online instruction offered by the Wisconsin Historical Society.

c) Quorum

Four members shall constitute a quorum for the transaction of business and the taking of official action. A majority of the quorum present is required for approval of a project. In cases where a vote of the Chair will change the outcome of a project, the Chair must vote. Whenever a quorum is not present within fifteen (15) minutes of the scheduled meeting time, the Commission shall adjourn without taking any action, except that it may set a date and time for its next meeting. See Madison General Ordinances 33.01(8).

d) Parliamentary Procedure

Robert's Rules of Order shall govern parliamentary procedure in Commission meetings, except that any Madison General Ordinance or Commission procedural rule shall take precedence over Robert's Rules of Order.

The Landmarks Commission is required to utilize the Common Council's process for Reconsideration. See Madison General Ordinances 2.21 (2013).

The following processes will differ from Robert's Rules of Order: (a list will be provided here if typical processes are found to differ)

e) Secretary

The Preservation Planner is a staff member of the Department of Planning and Community and Economic Development, Planning Division. The Preservation Planner shall serve as the Secretary of the Landmarks Commission and carry out the duties that the Landmarks Commission properly delegates to the Preservation Planner under Chapter 41. In carrying out those duties, the Preservation Planner shall exercise their own professional judgment and expertise, consistent with Chapter 41 and subject to general oversight by the Landmarks Commission.

f) Designees

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The Secretary shall be the designee. The Secretary and the Landmarks Commission shall appoint other designees as appropriate and revise this document as required.

As Secretary, the Preservation Planner and the Community and Cultural Resources Planner is hereby appointed as the designee of the Commission and is able to review Category 1, 2 and 3 projects. William Fruhling or Rebecca Cnare are hereby appointed to review Category 1 and Category 2 projects. When the Preservation Planner or the Community and Cultural Resources Planner is unavailable, William Fruhling or Rebecca Cnare may review Category 3 projects and act as the Secretary of the Commission. Building Inspection Support staff and Plan Review & Permitting staff are hereby appointed to review Category 2 projects. Please refer to the Designee Review Process on page 6.

No one else is permitted to issue Certificates of Appropriateness on behalf of the Landmarks Commission.

g) Records

1. Agendas

   The Secretary shall prepare an agenda for each meeting. The agenda shall be approved by the Chair. The agenda appears on the City's Legislative Information Center website, which is available on the main City website.

   The order of business will be as follows:

   I. Roll Call

   II. Minutes

   III. Public Comment

   IV. Disclosures and Recusals

   V. Adjacency to Landmarks Advisory Recommendations

   VI. Requests for Certificates of Appropriateness (requiring a public hearing)

   VII. Request for Certificates of Appropriateness (not requiring a public hearing)

   VIII. New Business

   IX. Unfinished Business

   X. Regular Business

   XI. Secretary's Report

   XII. Buildings Proposed for Demolition

   XIII. Adjournment

   All requests to be placed on the Commission agenda shall be received by the Planning Division Office by the submission deadline. The Secretary shall determine whether the submissions are complete and in proper form.

2. Minutes and Action Reports

   The Secretary shall prepare the minutes for each meeting. The minutes appear on the City's Legislative Information Center website, which is available on the main City website.

   A copy of the minutes of the past meeting is provided with the agenda for the next meeting. The originals of the Commission minutes are kept in the Planning Division Office.

   The Secretary shall prepare the action reports for each meeting. The action reports shall be reviewed as part of the meeting minutes. The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

3. Communications, Petitions, etc.

All communications, petitions, and reports should be addressed to the Commission and emailed, delivered, or mailed to the Secretary. Commission members shall report and forward to the Secretary any individual communications they receive.

Written comments should be submitted 24 hours in advance of the meeting. Comments received less than 24 hours in advance of the meeting may not be processed for review at the meeting, but will be added to the public record as time allows.

4. Reports to other Bodies (the Urban Design Commission, Plan Commission, and Common Council)

   The Secretary shall report the action of the Commission to the Urban Design Commission, Plan Commission and Common Council on all matters as appropriate.

   The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

5. Public Record

   All Commission agendas, meeting minutes, action reports, communications, petitions, and miscellaneous reports shall be available on the City's Legislative Information Center website, which is available on the main City website.

h) Conduct of Meetings

Members of the public who wish to speak on agenda items shall register to speak by registering online or completing a registration form for in-person meetings. Sign in shall be allowed up to the time of discussion for each agenda item.

Testimony before the Commission is limited to three (3) minutes; and additional time may be allowed with the consent of the Commission. The Chair and Secretary shall monitor the time.

The Chair shall endeavor to keep testimony focused, and to maintain the decorum of the meeting.

No argumentative questioning of the Commission or speakers shall be permitted, and no member of the public may question another speaker. Speakers may direct questions to the Chair during their testimony; questions will be noted, and may be answered at the appropriate time during the hearing. Any Commission member may question a speaker on the facts presented or for clarification of a statement made.

For the purposes of a public hearing, the Chair shall open the public hearing and call on registrants in order of their registration. The name of each person appearing shall be stated. Upon conclusion of the public statements, the Chair shall close the public hearing. Once the hearing is closed, no member of the public may comment further unless the Commission votes to suspend its rules for this purpose.

Commission members may then ask questions of staff, make motions, engage in discussion, and vote on the item presented during the public hearing.

i) Motions and Voting

Motions shall be restated by the chair before a vote is taken. The name of the maker of a motion and of the person to second the motion shall be recorded.

The Chair may participate in discussion, questioning and debate, but will not make motions or vote on any matter unless to break a tie. Members of the Common Council who are not serving on the Commission likewise may participate in discussions, but may not make motions or vote on any matters.

Motions shall be passed by an affirmative vote with not less than a majority of the Commission in attendance. Voting shall be by voice when meeting in-person or by raising a hand in a virtual meeting. Any member of the Commission can request a roll call vote.

Please refer to the Review Process Policies, Actions on Matters Before the Commission on page 10.

j) Reports

The Commission may ask for reports and recommendations from the Secretary on any matters before it that are consistent with the annual work plan of the Preservation Planner.

k) Suspension of Rules

The Commission may suspend any of its procedural rules (except City and State Codes) by a majority vote of the members present.

l) Amendments

These rules, policies and procedures may be amended at any regular meeting by a majority vote of the members present. At a minimum, the Commission will review and update this document as necessary in May of even-numbered years and recorded with the City Clerk after being adopted by the Landmarks Commission.

m) Attendance

Commissioners shall endeavor to attend all regularly scheduled meetings of the Commission. Commissioners shall contact the Secretary to request an excused absence as soon as they are aware of a possible scheduling conflict. The City of Madison has specific rules for attendance that cannot be waived by Commission procedures and policies.

REVIEW PROCESS POLICIES

The following review process policies were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Development Review Process Summary

The development review process varies based on the complexity of a proposal and the type of request involved. However, each process generally includes three stages; the pre-application stage, the commissions review stage, and the plan sign-off, permitting, and inspection stage.

The Landmarks Commission has final review authority in some instances. In other instances, the Commission is required to make an advisory recommendation to the Plan Commission and/or the Urban Design Commission. When review by multiple Commissions is required, the Landmarks Commission is typically the first Commission to take action in the development review process.

b) Designee Review Process

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The categories below indicate the types of projects that may be approved by designees. In all cases, the designees may use their discretion and send the request to the Commission for a formal review. Please refer to the Rules of Procedure, Designees, page 2.

Category 1:

1. In kind repairs to existing buildings/structures that will not change the appearance.

Category 2:

1. Reroofing projects which will replace asphalt or fiberglass shingles with new rectangular asphalt or fiberglass shingles. Reroofing with wood, tile, slate or metal may be approved if there is historical documentation, physical evidence, or generally understood methodology or practice that the building once had a tile, slate or metal roof. Reroofing projects on buildings or parts of buildings with flat roofs or shed roofs that are not visible from the street may be approved. If a house is shingled with staggered shingles, new shingles of the same design may be approved. Small attic ventilators that match the roof in color may be approved.
2. Replacement in-kind of exterior mechanical equipment when it maintains a similar size and configuration.
3. Handrails designed to be compatible with the style of the house.

Category 3:

1. Project that will result in only a minor change of appearance, aligning with the Spectrum of Review in MGO 41.22, and that will not destroy significant architectural elements, such as converting a door to a window on the rear of the house, or adding a flat skylight on a roofline not visible from the street.
2. Projects that will result in a moderate change of appearance provided that there are compelling reasons for beginning work before the next Landmarks Commission meeting (such as emergency structural repairs or the onset of bad weather). Such projects must also be approved by the Chair of the Landmarks Commission, or in their absence the Vice Chair.

3. Replacement of the face of an existing sign with new information and the installation of awnings, provided that the proposed design will not detract from the character of the building or district.
4. The construction of a small garden shed in the rear yard of a property provided that the shed does not adversely affect the primary structure, is of simple design, with gable, hip or shed roof and provided that the shed design is compatible with the design of the house and the neighborhood.
5. Projects that restore the original appearance/condition using historic materials may be approved provided that there is historical documentation, physical evidence, or generally understood methodology.
6. Projects that have received a recent Certificate of Appropriateness from the Commission and require a minor modification (not a Minor Alteration) to that approval that does not destroy historic fabric or historic character and does not reverse or alter any portion of the project that was a significant part of the Commission discussion. Consistent with open meeting requirements, Staff may consult with members of the Commission.
7. Exterior alterations to sites that are adjacent to landmarks provided that the alterations are minor alterations and will result in only a minor change of appearance.

c) Actions on Matters Before the Commission

1. Certificate of Appropriateness

   For any Certificate of Appropriateness where the Landmarks Commission approval is required, the Commission may take one of the following actions:

   - The Commission shall ***Approve*** the Certificate of Appropriateness if it determines that the request meets the applicable standards for approval. The Commission may adopt conditions of approval for a project if it believes that those conditions will allow the project to meet the standards for approval.
   - The Commission shall ***Deny*** the Certificate of Appropriateness if it believes the request does not meet the applicable standards for approval. In doing so, the Commission shall specifically state the standards that the request does not meet and the reasons why those standards are not met.
   - The Commission shall ***Refer*** the matter to a future meeting if it believes that the request currently before it does not meet the applicable standards for approval but that it could with additional modification or if it determines that the Commission has not been provided with complete information to make a determination. A referral may also be requested by the applicant or by staff because the request is not, or may not be, procedurally ready to proceed. For any referral, the Commission should specify its reasons for referring the matter to a future meeting.

2. Adjacency to Landmarks Advisory Recommendation

   For any advisory recommendation related to adjacency to landmarks and landmark sites, the Commission shall use the language of MGO 28.144 to provide an advisory recommendation.

   An example motion for an advisory recommendation may be similar to the following:

   "The Landmarks Commission finds that the proposed development is not so large or visually intrusive as to adversely affect the historic character and integrity of the adjacent landmark."

3. Historic Value Advisory Recommendation

For any advisory recommendation related to demolition of principal structures, per MGO 28.185, the Landmarks Commission shall use language from MGO 41.28 to provide an advisory recommendation to the Plan Commission on the historic value of the property with the proposed demolition.

For any advisory recommendation related to the historic value of buildings proposed for demolition, the Commission shall take one of the following actions:

Category A Demolitions: denotes that the Landmarks Commission finds that the building has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, listed in the National Register of Historic Places, and/or as an intact or rare example of a certain architectural style or method of construction.

Category B Demolitions: denotes that the Landmarks Commission finds that the building has historic value related to the vernacular context of Madison's built environment, cultural practices, or as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant.

Category C Demolitions: denotes that the Landmarks Commission finds that the building has no known historic value. This category may also include sites or properties that have archaeological or other site findings of significance, but where removal of the building itself will have no impact.

4. Window Replacement Requests

For window replacement applications that are proposed due to physical condition of the windows, applicants shall provide information on whether the windows proposed for replacement are original to the structure or date to the period of significance for the landmark or historic district. If the windows are historic, the applicant must provide a 3rd party assessment of whether the windows are physically beyond repair and/or are not economically feasible to repair. This assessment must come from a contractor who completes window repair, such as a carpenter, painter, or general contractor.

An application will evaluate each window individually and provide a description of the window and window component dimensions of the existing window and the proposed replacement windows.

The Commission shall take one of the following actions:

- Determine if the proposed window is physically beyond repair and/or is not economically feasible to repair.
- If it is feasible and practical to repair the windows, then they must be repaired.
- If the window requires replacement, approve replacement products that are similar in design, color, scale, architectural appearance, and other visual qualities. The window size and component dimensions should be comparable.

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c) Landmark Plaque Procedure

According to MGO 41.07(8), the City shall provide a plaque for a recently designated landmark site. Preservation staff will draft the text for the plaque using materials prepared for the nomination process. The text will include the items of interest as described in the Ordinance. Staff will allow the Owner to review the text and provide suggestions. Once the text has been reviewed by the Owner, staff will forward it to the Landmarks Commission for review and final approval.

According to the Ordinance, the plaque should be located so it is easily visible to passing pedestrians. Plaques should be mounted to building walls on or near the primary façade preferably near the entrance or on landscape elements including natural boulders or formed concrete bases. In some cases, the plaque could be mounted on fences or entrance piers. The plaque can be fabricated with horizontal or vertical format to work with the space provided. Staff should suggest a plaque location and coordinate with the property owner to select a final location. Under no circumstances, shall the plaque be located in a place that would obscure or damage unique architectural or character defining features. If a property owner is not agreeable to placing a plaque on the building, staff may locate the plaque on a concrete base on the street side of the terrace.

Typically, the plaques should be fabricated and installed within the 12 months after designation; however, it may be more cost effective to have numerous plaques fabricated and installed at once. Preservation staff will consider the most cost effective means when having plaques fabricated.

Plaques will have a uniform appearance and will have horizontal or vertical formats to complement the area selected for installation. The specifications are as follows:

Size:	16" x 24" x ½" thick
Material:	cast brushed aluminum
Background:	painted black (satin finish)
Texture:	leatherette
Copy:	raised TIMES ROMAN all caps. Not to exceed 500 characters. Silver color.

Border: single line. Silver color.
Mounting: concealed

Typical horizontal plaque format (vertical format would be similar):

JAMES & BRIDGET CASSERLY HOUSE

1891

THE CASSERLY HOUSE IS A CLASSIC EXAMPLE OF A QUEEN ANNE STYLE HOUSE BUILT FOR A MIDDLE-CLASS FAMILY. JAMES CASSERLY WAS A FOREMAN AND LATER SUPERINTENDENT OF THE MADISON DEMOCRAT, ONE OF MADISON'S TWO MAJOR NEWSPAPERS AT THE TURN-OF-THE-CENTURY. THE CASSERLYS WERE ONE OF THE MANY FAMILIES OF IRISH DESCENT WHO LIVED IN THIS NEIGHBORHOOD. IN THE 1960S, THE HOUSE BECAME A ROOMING HOUSE AND ITS CONDITION DETERIORATED. IN 1980, IT WAS CAREFULLY RESTORED AS OFFICES AND AN APARTMENT.

DESIGNATED APRIL 25, 1983

MADISON LANDMARKS COMMISSION

Staff will work with the plaque installer and property owner to schedule the installations. Staff will provide the plaque installer with descriptive documents indicating the approved location of the plaque. Staff should communicate the installation date to the property owner and should be available during installation to visit the site if necessary. The plaque is property of the City of Madison and should not be removed or altered once installed. Should a plaque need to be removed for maintenance or repairs, the property owner must receive written approval from the Preservation Planner prior to performing such work. Once the work is complete, the plaque should be promptly reinstalled at the expense of the property owner.

Plaques are fabricated from aluminum and are originally painted black and matte silver/gray. Maintenance of the plaque is the responsibility of the property owner. Should maintenance be required, the property owner must receive written approval from the Preservation Planner prior to performing such work. In general repainting of a plaque is not desired, but if necessary, may only be done by a professional painter or an individual approved by the Preservation Planner.

CODE OF ETHICS

The general summary below does not constitute legal advice. As questions arise, contact the Office of the City Attorney or the City of Madison Ethics Board.

The Ethics Code spells out standards of conduct intended to foster public trust and promote confidence in the integrity of government by avoiding the appearance of self-interest, personal gain, or benefit. The Code also requires written disclosures by most City elected officials, employees and appointees regarding their private financial or personal interests in matters that may affect the City. See Section 3.35 of the Madison General Ordinances (MGO).

The Madison Ethics Code establishes guidelines to ensure that City elected officials, employees, and appointees (a) act impartially, responsibly and independently, (b) make decisions and policies through proper channels of City governmental structure, and (c) serve the public interest rather than some private interest.

The major areas of responsibility and accountability spelled out in the Code include:

- Disclosure of conflicts of interest and possible disqualification from subsequent action
- Use of office for private gain
- Disclosures of confidential or privileged information
- Receipt of gifts and favors
- Incompatible employment
- Restrictions after leaving office or appointment

As questions regarding conflicts of interest and the application of the Code of Ethics arise, commissioners should consult the Code of Ethics and the Office of the City Attorney. When in doubt, ask the City Attorney's Office or the City of Madison Ethics Board.[1]

OPEN MEETING REQUIREMENTS

The general summary below does not constitute legal advice. As questions arise, contact the Office of the City Attorney.

"In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business." Wisconsin Statutes Section 19.81(1)

Applicable open meetings laws are found in Section 19.81 through 19.98 of the Wisconsin Statutes, reproduced in Section 3.71 Madison General Ordinances, and supplemented by Administrative Procedure Memorandum (APM) 3-13.The Landmarks Commission as a body must meet "open meeting" requirements set forth in these statutes and ordinances to ensure its business is conducted properly. Generally, staff is responsible for ensuring that the meeting is properly noticed and conducted in compliance with these rules.

Individual members are responsible for following certain requirements outside of noticed meetings. Common issues include, but are not limited to:

- Illegal meetings – generally, a meeting occurs any time a group of members discusses Commission-related issues, if the group is large enough to take or block action on an issue. Social encounters among members should be limited to non-Commission topics of conversation. Tours by the Commission should be properly noticed to meet open meeting requirements.
- Email – an email discussion between members could be an illegal meeting. Generally, email should not be used to conduct substantive issue-related Commission business. Messages from citizens to members should be forwarded to staff for dissemination to the full Commission. Messages from staff or an individual member to the full Commission are permissible on procedural issues, but members should take care to reply only to the sender (not reply-all).
- Conference calls – a conference call between members could be an illegal meeting. Meetings may be conducted via conference call, but should be properly noticed as such and provide a public facility with speakerphone so the public is able to hear/participate.[2]

DECISION MAKING

The general summary does not constitute legal advice. As questions arise, contact the Office of the City Attorney.

All parties who appear before the Commission are entitled to a fair and impartial hearing. This includes:

1. **The appearance of fairness**

   The Commission must make decisions in an impartial and unbiased manner. Actual bias is not required; an impermissibly high *risk* of bias is sufficient to compromise the appearance of fairness. Keen v. Dane County Board of Supervisors, 269 Wis.2d 488 (Ct. App 2003).

2. **Proper notice and hearing**

   Notice is handled by City staff (e.g. publication, mailed notice, noting on agenda). Hearings serve the dual function of providing citizens with an opportunity to express their views and to inform the decision-making body regarding the views of the affected community members.

3. **Decisions based on the standards and the evidence before the body**

   Where decision-making standards are listed in the ordinances, the Commission must follow them. It is the responsibility of the applicant to demonstrate that a proposal meets the standards, and the responsibility of the Commission to explain how it came to a determination. Unless specifically required by statute or ordinance, particularized written findings are not necessary, nor are there "magic words" that must be used. However, a simple statement that "the standards are met" or "are not met" is insufficient to inform the applicant of the reasons for the determination. The decision and the transcript must provide a record that allows meaningful judicial review.[3]

LEGAL ADVICE PROVIDED BY CITY ATTORNEY

Legal advice provided by the City Attorney is privileged and provided on a confidential basis. It should not be released to third parties or discussed at a public meeting, unless the advice is in a formal memorandum that Planning Staff and the City Attorney intend be distributed to the public.

ELECTED & APPOINTED OFFICIAL CODE OF CONDUCT

The City of Madison and its elected and appointed officials (alders, mayor, and City board, commission, or committee members) share a commitment to ethical conduct and service to the city and its residents. In alignment with the City of Madison vision to be inclusive, innovative, and thriving, and its mission to provide the highest quality of service for our residents and visitors, City elected and appointed officials shall maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their position to bully, harass, or abuse others. This Code is designed to communicate the expectation that City elected and appointed officials shall treat City staff and each other with respect and courtesy at all times. This policy is intended to promote an inclusive and positive work environment and working relationships, and prevent unlawful discrimination.

This policy applies to all elected and appointed City officials and applies to any conduct or interaction that occurs at the workplace and at any location or on any platform that can be reasonably regarded as an extension of the workplace, including but not limited to the use of a telephone, voicemail, text messages, video meeting, and/or any social media or online platforms. City staff members, including department and division heads, are governed by APM 3-5 and APM 2-33.

City elected and appointed officials, in the performance of their duties, shall create and maintain a welcoming, respectful, and inclusive work environment and shall not engage in abusive, violent, bullying, harassing, discriminatory or other threatening or intimidating behavior or language. Harassment of or discrimination against any person on the basis of any City protected class* status or statuses is expressly prohibited.

- **Bullying** is repeated, unwanted, aggressive physical or verbal behavior which hurts another individual, physically, mentally, or emotionally.
- **Harassment** is repeated or egregious unwelcome, intimidating, hostile or offensive actions, words, jokes or comments based on any protected class status or statuses.
- **Discrimination** is unfair treatment of an individual or members of a group based on their protected class status.

Bullying, **harassment**, and **discrimination** are demeaning to others and undermine the integrity of relationships. In the event that these shared objectives are not met, effort shall be taken to notify the individuals of the substance of the issue so that they can resolve it. Self-correction or informal resolution between parties in a timely manner is strongly encouraged, with formal sanctions only as a rare and last option if informal communication and resolution is unsuccessful. Formal sanctions include formal censure by the Common Council or committee of one of its members, removal of a committee member from the body, or, in limited cases pursuant to Wis. Stat. § 17.001, removal of a Common Council member from office. Per state statute, alders and appointees to BCCs can only be removed by a vote of the Council for cause, meaning "inefficiency, neglect of duty, official misconduct or malfeasance in office."

Elected or appointed City officials, upon entering office or being appointed as a BCC member, shall be provided a copy of this policy and shall acknowledge receipt. Failure to acknowledge receipt does not exempt an individual from the requirements of this policy.

The City shall offer trainings and other supports to promote an inclusive and welcoming environment and provide elected and appointed officials with resources to assist them in resolving any issues that may arise. Please refer to MGO 3.35 Code of Ethics for regulations on additional aspects of conduct, such as conflicts of interest, use of public office, political activity, and receiving gifts and favors.

*City protected classes: age, arrest record, citizenship status, color, conviction record, credit history, disability, domestic partners, familial status, gender identity, genetic identity, HIV status, homelessness, less than honorable discharge from military, marital status, military/veteran status, national origin/ancestry, non-religious, physical appearance, political beliefs, race, religion, sex, sexual orientation, source of income, student status, unemployment, use or non-use of lawful products off the employer's premises during non-work hours

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ENDNOTES

1. *Ethics Code training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/ethics/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

2. *Open Meetings training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/meetings/training.cfm

   (See Also: City Attorney Opinion 2004-001, available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2004Opinions.cfm)

3. Quasi-Judicial Decision-making training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/training/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

Note: Madison General Ordinances are available on the City of Madison's Legislative Center on the City's website.

INTRODUCTION

The purpose of this basic policy and procedures manual is to put into one document a list of the current activities, procedures and basic policies of the City of Madison Landmarks Commission.

This manual is general in nature, but includes helpful references to specific ordinances further describing the role of the Landmarks Commission.

The Landmarks Commission is given authority by Madison General Ordinances (MGO) Chapters 33, 41, and 28, which specify the criteria for actions by the Commission or places the Commission in an advisory role.

In compliance with MGO 33.01(9)(b), the Landmarks Commission may adopt rules of procedure.

RULES OF PROCEDURE

The following rules of procedure were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Commission Leadership

In June ~~of odd numbered years,~~ the Commission shall elect a Chair and a Vice-Chair. In the absence of the Chair, the Vice-Chair shall serve as Chair. In the absence of both the Chair and Vice-Chair, the Commission shall select an acting Chair from its membership.

The Preservation Planner or their designee shall serve as Secretary to the Commission.

b) Orientation for New Commissioners

As new Commission members are appointed, each shall be furnished with a membership roster, calendar of meeting dates, a Policy and Procedures Manual that includes rules of procedure, relevant ordinances and standards, maps of local historic districts, and a list of designated landmarks. Staff will schedule orientation meetings with new members to provide information and review policy and procedures. New members are encouraged to attend the training sessions offered for all city boards and commissions on rules governing open records and open meetings, as well as ethical standards of conduct. They are also encouraged to view the Historic Preservation Commission Training online instruction offered by the Wisconsin Historical Society.

c) Quorum

Four members shall constitute a quorum for the transaction of business and the taking of official action. A majority of the quorum present is required for approval of a project. In cases where a vote of the Chair will change the outcome of a project, the Chair must vote. Whenever a quorum is not present within fifteen (15) minutes of the scheduled meeting time, the Commission shall adjourn without taking any action, except that it may set a date and time for its next meeting. See Madison General Ordinances 33.01(8).

d) Parliamentary Procedure

Robert's Rules of Order shall govern parliamentary procedure in Commission meetings, except that any Madison General Ordinance or Commission procedural rule shall take precedence over Robert's Rules of Order.

The Landmarks Commission is required to utilize the Common Council's process for Reconsideration. See Madison General Ordinances 2.21 (2013).

The following processes will differ from Robert's Rules of Order: (a list will be provided here if typical processes are found to differ)

e) Secretary

The Preservation Planner is a staff member of the Department of Planning and Community and Economic Development, Planning Division. The Preservation Planner shall serve as the Secretary of the Landmarks Commission and carry out the duties that the Landmarks Commission properly delegates to the Preservation Planner under Chapter 41. In carrying out those duties, the Preservation Planner shall exercise their own professional judgment and expertise, consistent with Chapter 41 and subject to general oversight by the Landmarks Commission.

f) Designees

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The Secretary shall be the designee. The Secretary and the Landmarks Commission shall appoint other designees as appropriate and revise this document as required.

As Secretary, the Preservation Planner and the Community and Cultural Resources Planner is hereby appointed as the designee of the Commission and is able to review Category 1, 2 and 3 projects. ~~William Fruhling or~~ Rebecca Cnare ~~are~~is hereby appointed to review Category 1 and Category 2 projects. When the Preservation Planner or the Community and Cultural Resources Planner is unavailable, ~~William Fruhling or~~ Rebecca Cnare may review Category 3 projects and act as the Secretary of the Commission. Building Inspection Support staff and Plan Review & Permitting staff are hereby appointed to review Category 2 projects. Please refer to the Designee Review Process on page 6.

No one else is permitted to issue Certificates of ~~Appropriateness~~Approval on behalf of the Landmarks Commission.

g) Records

1. Agendas

   The Secretary shall prepare an agenda for each meeting. The agenda shall be approved by the Chair. The agenda appears on the City's Legislative Information Center website, which is available on the main City website.

   The order of business will be as follows:

   I. Roll Call

   II. Minutes

   III. Public Comment

   IV. Disclosures and Recusals

   V. Adjacency to Landmarks Advisory Recommendations

   VI. Requests for Certificates of ~~Appropriateness~~Approval (requiring a public hearing)

   VII. Request for Certificates of ~~Appropriateness~~Approval (not requiring a public hearing)

   VIII. New Business

   IX. Unfinished Business

   X. Regular Business

   XI. Secretary's Report

   XII. Buildings Proposed for Demolition

   XIII. Adjournment

   All requests to be placed on the Commission agenda shall be received by the Planning Division Office by the submission deadline. The Secretary shall determine whether the submissions are complete and in proper form.

2. Minutes and Action Reports

   The Secretary shall prepare the minutes for each meeting. The minutes appear on the City's Legislative Information Center website, which is available on the main City website.

   A copy of the minutes of the past meeting is provided with the agenda for the next meeting. The originals of the Commission minutes are kept in the Planning Division Office.

   The Secretary shall prepare the action reports for each meeting. The action reports shall be reviewed as part of the meeting minutes. The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

3. Communications, Petitions, etc.

All communications, petitions, and reports should be addressed to the Commission and emailed, delivered, or mailed to the Secretary. Commission members shall report and forward to the Secretary any individual communications they receive.

Written comments should be submitted 24 hours in advance of the meeting. Comments received less than 24 hours in advance of the meeting may not be processed for review at the meeting, but will be added to the public record as time allows.

4. Reports to other Bodies (the Urban Design Commission, Plan Commission, and Common Council)

   The Secretary shall report the action of the Commission to the Urban Design Commission, Plan Commission and Common Council on all matters as appropriate.

   The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

5. Public Record

   All Commission agendas, meeting minutes, action reports, communications, petitions, and miscellaneous reports shall be available on the City's Legislative Information Center website, which is available on the main City website.

h) Conduct of Meetings

Members of the public who wish to speak on agenda items shall register to speak by registering online or completing a registration form for in-person meetings. Sign in shall be allowed up to the time of discussion for each agenda item.

Testimony before the Commission is limited to three (3) minutes; and additional time may be allowed with the consent of the Commission. The Chair and Secretary shall monitor the time.

The Chair shall endeavor to keep testimony focused, and to maintain the decorum of the meeting.

No argumentative questioning of the Commission or speakers shall be permitted, and no member of the public may question another speaker. Speakers may direct questions to the Chair during their testimony; questions will be noted, and may be answered at the appropriate time during the hearing. Any Commission member may question a speaker on the facts presented or for clarification of a statement made.

For the purposes of a public hearing, the Chair shall open the public hearing and call on registrants in order of their registration. The name of each person appearing shall be stated. Upon conclusion of the public statements, the Chair shall close the public hearing. Once the hearing is closed, no member of the public may comment further unless the Commission votes to suspend its rules for this purpose.

Commission members may then ask questions of staff, make motions, engage in discussion, and vote on the item presented during the public hearing.

i) Motions and Voting

Motions shall be restated by the chair before a vote is taken. The name of the maker of a motion and of the person to second the motion shall be recorded.

The Chair may participate in discussion, questioning and debate, but will not make motions or vote on any matter unless to break a tie. Members of the Common Council who are not serving on the Commission likewise may participate in discussions, but may not make motions or vote on any matters.

Motions shall be passed by an affirmative vote with not less than a majority of the Commission in attendance. Voting shall be by voice when meeting in-person or by raising a hand in a virtual meeting. Any member of the Commission can request a roll call vote.

Please refer to the Review Process Policies, Actions on Matters Before the Commission on page 10.

j) Reports

The Commission may ask for reports and recommendations from the Secretary on any matters before it that are consistent with the annual work plan of the Preservation Planner.

k) Suspension of Rules

The Commission may suspend any of its procedural rules (except City and State Codes) by a majority vote of the members present.

l) Amendments

These rules, policies and procedures may be amended at any regular meeting by a majority vote of the members present. At a minimum, the Commission will review and update this document as necessary in May of even-numbered years and recorded with the City Clerk after being adopted by the Landmarks Commission.

m) Attendance

Commissioners shall endeavor to attend all regularly scheduled meetings of the Commission. Commissioners shall contact the Secretary to request an excused absence as soon as they are aware of a possible scheduling conflict. The City of Madison has specific rules for attendance that cannot be waived by Commission procedures and policies.

REVIEW PROCESS POLICIES

The following review process policies were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Development Review Process Summary

The development review process varies based on the complexity of a proposal and the type of request involved. However, each process generally includes three stages; the pre-application stage, the commissions review stage, and the plan sign-off, permitting, and inspection stage.

The Landmarks Commission has final review authority in some instances. In other instances, the Commission is required to make an advisory recommendation to the Plan Commission and/or the Urban Design Commission. When review by multiple Commissions is required, the Landmarks Commission is typically the first Commission to take action in the development review process.

b) Designee Review Process

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The categories below indicate the types of projects that may be approved by designees. In all cases, the designees may use their discretion and send the request to the Commission for a formal review. Please refer to the Rules of Procedure, Designees, page 2.

Category 1:

1. In kind repairs to existing buildings/structures that will not change the appearance.

Category 2:

1. Reroofing projects which will replace asphalt or fiberglass shingles with new rectangular asphalt or fiberglass shingles. Reroofing with wood, tile, slate or metal may be approved if there is historical documentation, physical evidence, or generally understood methodology or practice that the building once had a tile, slate or metal roof. Reroofing projects on buildings or parts of buildings with flat roofs or shed roofs that are not visible from the street may be approved. If a house is shingled with staggered shingles, new shingles of the same design may be approved. Small attic ventilators that match the roof in color may be approved.
2. Replacement in-kind of exterior mechanical equipment when it maintains a similar size and configuration.
3. Handrails designed to be compatible with the style of the house.

Category 3:

1. Project that will result in only a minor change of appearance, aligning with the Spectrum of Review in MGO 41.22, and that will not destroy significant architectural elements, such as converting a door to a window on the rear of the house, or adding a flat skylight on a roofline not visible from the street.
2. Projects that will result in a moderate change of appearance provided that there are compelling reasons for beginning work before the next Landmarks Commission meeting (such as emergency structural repairs or the onset of bad weather). Such projects must also be approved by the Chair of the Landmarks Commission, or in their absence the Vice Chair.

3. Replacement of the face of an existing sign with new information and the installation of awnings, provided that the proposed design will not detract from the character of the building or district.
4. The construction of a small garden shed in the rear yard of a property provided that the shed does not adversely affect the primary structure, is of simple design, with gable, hip or shed roof and provided that the shed design is compatible with the design of the house and the neighborhood.
5. Projects that restore the original appearance/condition using historic materials may be approved provided that there is historical documentation, physical evidence, or generally understood methodology.
6. Projects that have received a recent Certificate of ~~Appropriateness~~Approval from the Commission and require a minor modification (not a Minor Alteration) to that approval that does not destroy historic fabric or historic character and does not reverse or alter any portion of the project that was a significant part of the Commission discussion. Consistent with open meeting requirements, Staff may consult with members of the Commission.
7. Exterior alterations to sites that are adjacent to landmarks provided that the alterations are minor alterations and will result in only a minor change of appearance.

c) Actions on Matters Before the Commission

1. Certificate of ~~Appropriateness~~Approval

   For any Certificate of ~~Appropriateness~~Approval where the Landmarks Commission approval is required, the Commission may take one of the following actions:

   - The Commission shall ***Approve*** the Certificate of ~~Appropriateness~~Approval if it determines that the request meets the applicable standards for approval. The Commission may adopt conditions of approval for a project if it believes that those conditions will allow the project to meet the standards for approval.
   - The Commission shall ***Deny*** the Certificate of ~~Appropriateness~~Approval if it believes the request does not meet the applicable standards for approval. In doing so, the Commission shall specifically state the standards that the request does not meet and the reasons why those standards are not met.
   - The Commission shall ***Refer*** the matter to a future meeting if it believes that the request currently before it does not meet the applicable standards for approval but that it could with additional modification or if it determines that the Commission has not been provided with complete information to make a determination. A referral may also be requested by the applicant or by staff because the request is not, or may not be, procedurally ready to proceed. For any referral, the Commission should specify its reasons for referring the matter to a future meeting.

2. Adjacency to Landmarks Advisory Recommendation

   For any advisory recommendation related to adjacency to landmarks and landmark sites, the Commission shall use the language of MGO 28.144 to provide an advisory recommendation.

   An example motion for an advisory recommendation may be similar to the following:

   "The Landmarks Commission finds that the proposed development is not so large or visually intrusive as to adversely affect the historic character and integrity of the adjacent landmark."

3. Historic Value Advisory Recommendation

For any advisory recommendation related to demolition of principal structures, per MGO 28.185, the Landmarks Commission shall use language from MGO 41.28 to provide an advisory recommendation to the Plan Commission on the historic value of the property with the proposed demolition.

For any advisory recommendation related to the historic value of buildings proposed for demolition, the Commission shall take one of the following actions:

Category A Demolitions: denotes that the Landmarks Commission finds that the building has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, listed in the National Register of Historic Places, and/or as an intact or rare example of a certain architectural style or method of construction.

Category B Demolitions: denotes that the Landmarks Commission finds that the building has historic value related to the vernacular context of Madison's built environment, cultural practices, or as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant.

Category C Demolitions: denotes that the Landmarks Commission finds that the building has no known historic value. This category may also include sites or properties that have archaeological or other site findings of significance, but where removal of the building itself will have no impact.

4. Window Replacement Requests

For window replacement applications that are proposed due to physical condition of the windows, applicants shall provide information on whether the windows proposed for replacement are original to the structure or date to the period of significance for the landmark or historic district. If the windows are historic, the applicant must provide a 3rd party assessment of whether the windows are physically beyond repair and/or are not economically feasible to repair. This assessment must come from a contractor who completes window repair, such as a carpenter, painter, or general contractor.

An application will evaluate each window individually and provide a description of the window and window component dimensions of the existing window and the proposed replacement windows.

The Commission shall take one of the following actions:

- Determine if the proposed window is physically beyond repair and/or is not economically feasible to repair.
- If it is feasible and practical to repair the windows, then they must be repaired.
- If the window requires replacement, approve replacement products that are similar in design, color, scale, architectural appearance, and other visual qualities. The window size and component dimensions should be comparable.

5. Tribal Consultation for Archaeological Sites

For project requests that involve ground-disturbing activities on landmark sites with archaeology or human remains with tribal association, staff shall notify the Tribal Historic Preservation Offices of interested tribes about the proposed project and ask for comments or concerns related to the proposal. Staff will provide any tribal comments to the Landmarks Commission to incorporate into their review of the project proposal.

GENERAL POLICIES

The following general policies were adopted by the Commission to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Education Series

Each May, in recognition of national Historic Preservation month, the Landmarks Commission may host a public education and outreach session during a regularly scheduled or special meeting.

The Commission may prepare information packets for property owners related to maintenance of historic buildings.

b) Regular Review of Policy and Procedure Manual

At the beginning of each even numbered calendar year, the Landmarks Commission shall review the adopted policy and procedure document and make any revisions as needed. The adopted document shall be filed with the City Clerk's Office.

c) Landmark Plaque Procedure

According to MGO 41.07(8), the City shall provide a plaque for a recently designated landmark site. Preservation staff will draft the text for the plaque using materials prepared for the nomination process. The text will include the items of interest as described in the Ordinance. Staff will allow the Owner to review the text and provide suggestions. Once the text has been reviewed by the Owner, staff will forward it to the Landmarks Commission for review and final approval.

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DESIGNATED APRIL 25, 1983

MADISON LANDMARKS COMMISSION

Staff will work with the plaque installer and property owner to schedule the installations. Staff will provide the plaque installer with descriptive documents indicating the approved location of the plaque. Staff should communicate the installation date to the property owner and should be available during installation to visit the site if necessary. The plaque is property of the City of Madison and should not be removed or altered once installed. Should a plaque need to be removed for maintenance or repairs, the property owner must receive written approval from the Preservation Planner prior to performing such work. Once the work is complete, the plaque should be promptly reinstalled at the expense of the property owner.

Plaques are fabricated from aluminum and are originally painted black and matte silver/gray. Maintenance of the plaque is the responsibility of the property owner. Should maintenance be required, the property owner must receive written approval from the Preservation Planner prior to performing such work. In general repainting of a plaque is not desired, but if necessary, may only be done by a professional painter or an individual approved by the Preservation Planner.

CODE OF ETHICS

The general summary below does not constitute legal advice. As questions arise, contact the Office of the City Attorney or the City of Madison Ethics Board.

The Ethics Code spells out standards of conduct intended to foster public trust and promote confidence in the integrity of government by avoiding the appearance of self-interest, personal gain, or benefit. The Code also requires written disclosures by most City elected officials, employees and appointees regarding their private financial or personal interests in matters that may affect the City. See Section 3.35 of the Madison General Ordinances (MGO).

The Madison Ethics Code establishes guidelines to ensure that City elected officials, employees, and appointees (a) act impartially, responsibly and independently, (b) make decisions and policies through proper channels of City governmental structure, and (c) serve the public interest rather than some private interest.

The major areas of responsibility and accountability spelled out in the Code include:

- Disclosure of conflicts of interest and possible disqualification from subsequent action
- Use of office for private gain
- Disclosures of confidential or privileged information
- Receipt of gifts and favors
- Incompatible employment
- Restrictions after leaving office or appointment

As questions regarding conflicts of interest and the application of the Code of Ethics arise, commissioners should consult the Code of Ethics and the Office of the City Attorney. When in doubt, ask the City Attorney's Office or the City of Madison Ethics Board.[1]

OPEN MEETING REQUIREMENTS

The general summary below does not constitute legal advice. As questions arise, contact the Office of the City Attorney.

"In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business." Wisconsin Statutes Section 19.81(1)

Applicable open meetings laws are found in Section 19.81 through 19.98 of the Wisconsin Statutes, reproduced in Section 3.71 Madison General Ordinances, and supplemented by Administrative Procedure Memorandum (APM) 3-13.The Landmarks Commission as a body must meet "open meeting" requirements set forth in these statutes and ordinances to ensure its business is conducted properly. Generally, staff is responsible for ensuring that the meeting is properly noticed and conducted in compliance with these rules.

Individual members are responsible for following certain requirements outside of noticed meetings. Common issues include, but are not limited to:

- Illegal meetings – generally, a meeting occurs any time a group of members discusses Commission-related issues, if the group is large enough to take or block action on an issue. Social encounters among members should be limited to non-Commission topics of conversation. Tours by the Commission should be properly noticed to meet open meeting requirements.
- Email – an email discussion between members could be an illegal meeting. Generally, email should not be used to conduct substantive issue-related Commission business. Messages from citizens to members should be forwarded to staff for dissemination to the full Commission. Messages from staff or an individual member to the full Commission are permissible on procedural issues, but members should take care to reply only to the sender (not reply-all).
- Conference calls – a conference call between members could be an illegal meeting. Meetings may be conducted via conference call, but should be properly noticed as such and provide a public facility with speakerphone so the public is able to hear/participate.[2]

DECISION MAKING

The general summary does not constitute legal advice. As questions arise, contact the Office of the City Attorney.

All parties who appear before the Commission are entitled to a fair and impartial hearing. This includes:

1. **The appearance of fairness**

   The Commission must make decisions in an impartial and unbiased manner. Actual bias is not required; an impermissibly high *risk* of bias is sufficient to compromise the appearance of fairness. Keen v. Dane County Board of Supervisors, 269 Wis.2d 488 (Ct. App 2003).

2. **Proper notice and hearing**

   Notice is handled by City staff (e.g. publication, mailed notice, noting on agenda). Hearings serve the dual function of providing citizens with an opportunity to express their views and to inform the decision-making body regarding the views of the affected community members.

3. **Decisions based on the standards and the evidence before the body**

   Where decision-making standards are listed in the ordinances, the Commission must follow them. It is the responsibility of the applicant to demonstrate that a proposal meets the standards, and the responsibility of the Commission to explain how it came to a determination. Unless specifically required by statute or ordinance, particularized written findings are not necessary, nor are there "magic words" that must be used. However, a simple statement that "the standards are met" or "are not met" is insufficient to inform the applicant of the reasons for the determination. The decision and the transcript must provide a record that allows meaningful judicial review.[3]

LEGAL ADVICE PROVIDED BY CITY ATTORNEY

Legal advice provided by the City Attorney is privileged and provided on a confidential basis. It should not be released to third parties or discussed at a public meeting, unless the advice is in a formal memorandum that Planning Staff and the City Attorney intend be distributed to the public.

ELECTED & APPOINTED OFFICIAL CODE OF CONDUCT

The City of Madison and its elected and appointed officials (alders, mayor, and City board, commission, or committee members) share a commitment to ethical conduct and service to the city and its residents. In alignment with the City of Madison vision to be inclusive, innovative, and thriving, and its mission to provide the highest quality of service for our residents and visitors, City elected and appointed officials shall maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their position to bully, harass, or abuse others. This Code is designed to communicate the expectation that City elected and appointed officials shall treat City staff and each other with respect and courtesy at all times. This policy is intended to promote an inclusive and positive work environment and working relationships, and prevent unlawful discrimination~~.~~.

This policy applies to all elected and appointed City officials and applies to any conduct or interaction that occurs at the workplace and at any location or on any platform that can be reasonably regarded as an extension of the workplace, including but not limited to the use of a telephone, voicemail, text messages, video meeting, and/or any social media or online platforms. City staff members, including department and division heads, are governed by:

- ~~APM 3-5~~APM 3-5 Prohibited Harassment and/or Discrimination Policy
  - Resource Guide
  - Prohibited Harassment & Discrimination, *Civil Rights*
- ~~and APM 2-33~~APM 2-33 Standard Expectations and Rules of Conduct~~.~~

City elected and appointed officials, in the performance of their duties, shall create and maintain a welcoming, respectful, and inclusive work environment and shall not engage in abusive, violent, bullying, harassing, discriminatory or other threatening or intimidating behavior or language. Harassment of or discrimination against any person on the basis of any City protected class* status or statuses is expressly prohibited.

- **Bullying** is repeated, unwanted, aggressive physical or verbal behavior which hurts another individual, physically, mentally, or emotionally~~.~~.
- **Harassment** is repeated or egregious unwelcome, intimidating, hostile or offensive actions, words, jokes or comments based on any protected class status or statuses~~.~~.
- **Discrimination** is unfair treatment of an individual or members of a group based on their protected class status~~.~~.

Bullying, **harassment**, and **discrimination** are demeaning to others and undermine the integrity of relationships. In the event that these shared objectives are not met, effort shall be taken to notify the individuals of the substance of the issue so that they can resolve it. Self-correction or informal resolution between parties in a timely manner is strongly encouraged, with formal sanctions only as a rare and last option if informal communication and resolution is unsuccessful. Formal sanctions include formal censure by the Common Council or committee of one of its members, removal of a committee member from the body, or, in limited cases pursuant to Wis. Stat. § 17.001, removal of a Common Council member from office. Per state statute, alders and

appointees to BCCs can only be removed by a vote of the Council for cause, meaning "inefficiency, neglect of duty, official misconduct or malfeasance in office."

Elected or appointed City officials, upon entering office or being appointed as a BCC member, shall be provided a copy of this policy and shall acknowledge receipt. Failure to acknowledge receipt does not exempt an individual from the requirements of this policy~~.~~.

The City shall offer trainings and other supports to promote an inclusive and welcoming environment and provide elected and appointed officials with resources to assist them in resolving any issues that may arise~~.~~. Please refer to MGO 3.35 Code of Ethics for regulations on additional aspects of conduct, such as conflicts of interest, use of public office, political activity, and receiving gifts and favors~~.~~.

*City protected classes: age, arrest record, citizenship status, color, conviction record, credit history, disability, domestic partners, familial status, gender identity, genetic identity, HIV status, homelessness, less than honorable discharge from military, marital status, military/veteran status, national origin/ancestry, non-religious, physical appearance, political beliefs, race, religion, sex, sexual orientation, source of income, student status, unemployment, use or non-use of lawful products off the employer's premises during non-work hours

ENDNOTES

1. *Ethics Code training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/ethics/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

2. *Open Meetings training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/meetings/training.cfm

   (See Also: City Attorney Opinion 2004-001, available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2004Opinions.cfm)

3. Quasi-Judicial Decision-making training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/training/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

Note: Madison General Ordinances are available on the City of Madison's Legislative Center on the City's website.

INTRODUCTION

The purpose of this basic policy and procedures manual is to put into one document a list of the current activities, procedures and basic policies of the City of Madison Landmarks Commission.

This manual is general in nature, but includes helpful references to specific ordinances further describing the role of the Landmarks Commission.

The Landmarks Commission is given authority by Madison General Ordinances (MGO) Chapters 33, 41, and 28, which specify the criteria for actions by the Commission or places the Commission in an advisory role.

In compliance with MGO 33.01(9)(b), the Landmarks Commission may adopt rules of procedure.

RULES OF PROCEDURE

The following rules of procedure were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Commission Leadership

In June the Commission shall elect a Chair and a Vice-Chair. In the absence of the Chair, the Vice-Chair shall serve as Chair. In the absence of both the Chair and Vice-Chair, the Commission shall select an acting Chair from its membership.

The Preservation Planner or their designee shall serve as Secretary to the Commission.

b) Orientation for New Commissioners

As new Commission members are appointed, each shall be furnished with a membership roster, calendar of meeting dates, a Policy and Procedures Manual that includes rules of procedure, relevant ordinances and standards, maps of local historic districts, and a list of designated landmarks. Staff will schedule orientation meetings with new members to provide information and review policy and procedures. New members are encouraged to attend the training sessions offered for all city boards and commissions on rules governing open records and open meetings, as well as ethical standards of conduct. They are also encouraged to view the Historic Preservation Commission Training online instruction offered by the Wisconsin Historical Society.

c) Quorum

Four members shall constitute a quorum for the transaction of business and the taking of official action. A majority of the quorum present is required for approval of a project. In cases where a vote of the Chair will change the outcome of a project, the Chair must vote. Whenever a quorum is not present within fifteen (15) minutes of the scheduled meeting time, the Commission shall adjourn without taking any action, except that it may set a date and time for its next meeting. See Madison General Ordinances 33.01(8).

d) Parliamentary Procedure

Robert's Rules of Order shall govern parliamentary procedure in Commission meetings, except that any Madison General Ordinance or Commission procedural rule shall take precedence over Robert's Rules of Order.

The Landmarks Commission is required to utilize the Common Council's process for Reconsideration. See Madison General Ordinances 2.21 (2013).

The following processes will differ from Robert's Rules of Order: (a list will be provided here if typical processes are found to differ)

e) Secretary

The Preservation Planner is a staff member of the Department of Planning and Community and Economic Development, Planning Division. The Preservation Planner shall serve as the Secretary of the Landmarks Commission and carry out the duties that the Landmarks Commission properly delegates to the Preservation Planner under Chapter 41. In carrying out those duties, the Preservation Planner shall exercise their own professional judgment and expertise, consistent with Chapter 41 and subject to general oversight by the Landmarks Commission.

f) Designees

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The Secretary shall be the designee. The Secretary and the Landmarks Commission shall appoint other designees as appropriate and revise this document as required.

As Secretary, the Preservation Planner and the Community and Cultural Resources Planner is hereby appointed as the designee of the Commission and is able to review Category 1, 2 and 3 projects. Rebecca Cnare is hereby appointed to review Category 1 and Category 2 projects. When the Preservation Planner or the Community and Cultural Resources Planner is unavailable, Rebecca Cnare may review Category 3 projects and act as the Secretary of the Commission. Building Inspection Support staff and Plan Review & Permitting staff are hereby appointed to review Category 2 projects. Please refer to the Designee Review Process on page 6.

No one else is permitted to issue Certificates of Approval on behalf of the Landmarks Commission.

g) Records

1. Agendas

   The Secretary shall prepare an agenda for each meeting. The agenda shall be approved by the Chair. The agenda appears on the City's Legislative Information Center website, which is available on the main City website.

   The order of business will be as follows:

   I. Roll Call

   II. Minutes

   III. Public Comment

   IV. Disclosures and Recusals

   V. Adjacency to Landmarks Advisory Recommendations

   VI. Requests for Certificates of Approval (requiring a public hearing)

   VII. Request for Certificates of Approval (not requiring a public hearing)

   VIII. New Business

   IX. Unfinished Business

   X. Regular Business

   XI. Secretary's Report

   XII. Buildings Proposed for Demolition

   XIII. Adjournment

   All requests to be placed on the Commission agenda shall be received by the Planning Division Office by the submission deadline. The Secretary shall determine whether the submissions are complete and in proper form.

2. Minutes and Action Reports

   The Secretary shall prepare the minutes for each meeting. The minutes appear on the City's Legislative Information Center website, which is available on the main City website.

   A copy of the minutes of the past meeting is provided with the agenda for the next meeting. The originals of the Commission minutes are kept in the Planning Division Office.

   The Secretary shall prepare the action reports for each meeting. The action reports shall be reviewed as part of the meeting minutes. The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

3. Communications, Petitions, etc.

   All communications, petitions, and reports should be addressed to the Commission and emailed, delivered, or mailed to the Secretary. Commission members shall report and forward to the Secretary any individual communications they receive.

Written comments should be submitted 24 hours in advance of the meeting. Comments received less than 24 hours in advance of the meeting may not be processed for review at the meeting, but will be added to the public record as time allows.

4. Reports to other Bodies (the Urban Design Commission, Plan Commission, and Common Council)

   The Secretary shall report the action of the Commission to the Urban Design Commission, Plan Commission and Common Council on all matters as appropriate.

   The Secretary shall provide the action reports of the Commission to other Commissions or staff persons as required by ordinance, as needed for the development review process, or for facilitation of the preservation program.

5. Public Record

   All Commission agendas, meeting minutes, action reports, communications, petitions, and miscellaneous reports shall be available on the City's Legislative Information Center website, which is available on the main City website.

h) Conduct of Meetings

Members of the public who wish to speak on agenda items shall register to speak by registering online or completing a registration form for in-person meetings. Sign in shall be allowed up to the time of discussion for each agenda item.

Testimony before the Commission is limited to three (3) minutes; and additional time may be allowed with the consent of the Commission. The Chair and Secretary shall monitor the time.

The Chair shall endeavor to keep testimony focused, and to maintain the decorum of the meeting.

No argumentative questioning of the Commission or speakers shall be permitted, and no member of the public may question another speaker. Speakers may direct questions to the Chair during their testimony; questions will be noted, and may be answered at the appropriate time during the hearing. Any Commission member may question a speaker on the facts presented or for clarification of a statement made.

For the purposes of a public hearing, the Chair shall open the public hearing and call on registrants in order of their registration. The name of each person appearing shall be stated. Upon conclusion of the public statements, the Chair shall close the public hearing. Once the hearing is closed, no member of the public may comment further unless the Commission votes to suspend its rules for this purpose.

Commission members may then ask questions of staff, make motions, engage in discussion, and vote on the item presented during the public hearing.

i) Motions and Voting

Motions shall be restated by the chair before a vote is taken. The name of the maker of a motion and of the person to second the motion shall be recorded.

The Chair may participate in discussion, questioning and debate, but will not make motions or vote on any matter unless to break a tie. Members of the Common Council who are not serving

on the Commission likewise may participate in discussions, but may not make motions or vote on any matters.

Motions shall be passed by an affirmative vote with not less than a majority of the Commission in attendance. Voting shall be by voice when meeting in-person or by raising a hand in a virtual meeting. Any member of the Commission can request a roll call vote.

Please refer to the Review Process Policies, Actions on Matters Before the Commission on page 10.

j) Reports

The Commission may ask for reports and recommendations from the Secretary on any matters before it that are consistent with the annual work plan of the Preservation Planner.

k) Suspension of Rules

The Commission may suspend any of its procedural rules (except City and State Codes) by a majority vote of the members present.

l) Amendments

These rules, policies and procedures may be amended at any regular meeting by a majority vote of the members present. At a minimum, the Commission will review and update this document as necessary in May of even-numbered years and recorded with the City Clerk after being adopted by the Landmarks Commission.

m) Attendance

Commissioners shall endeavor to attend all regularly scheduled meetings of the Commission. Commissioners shall contact the Secretary to request an excused absence as soon as they are aware of a possible scheduling conflict. The City of Madison has specific rules for attendance that cannot be waived by Commission procedures and policies.

REVIEW PROCESS POLICIES

The following review process policies were adopted by the Landmarks Commission ("the Commission") to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Development Review Process Summary

The development review process varies based on the complexity of a proposal and the type of request involved. However, each process generally includes three stages; the pre-application stage, the commissions review stage, and the plan sign-off, permitting, and inspection stage.

The Landmarks Commission has final review authority in some instances. In other instances, the Commission is required to make an advisory recommendation to the Plan Commission and/or the Urban Design Commission. When review by multiple Commissions is required, the Landmarks Commission is typically the first Commission to take action in the development review process.

b) Designee Review Process

The Historic Preservation Ordinance allows the Landmarks Commission to identify designees for the purposes of approving projects that will have little effect on the exterior appearance of the property. The categories below indicate the types of projects that may be approved by designees. In all cases, the designees may use their discretion and send the request to the Commission for a formal review. Please refer to the Rules of Procedure, Designees, page 2.

Category 1:

1. In kind repairs to existing buildings/structures that will not change the appearance.

Category 2:

1. Reroofing projects which will replace asphalt or fiberglass shingles with new rectangular asphalt or fiberglass shingles. Reroofing with wood, tile, slate or metal may be approved if there is historical documentation, physical evidence, or generally understood methodology or practice that the building once had a tile, slate or metal roof. Reroofing projects on buildings or parts of buildings with flat roofs or shed roofs that are not visible from the street may be approved. If a house is shingled with staggered shingles, new shingles of the same design may be approved. Small attic ventilators that match the roof in color may be approved.
2. Replacement in-kind of exterior mechanical equipment when it maintains a similar size and configuration.
3. Handrails designed to be compatible with the style of the house.

Category 3:

1. Project that will result in only a minor change of appearance, aligning with the Spectrum of Review in MGO 41.22, and that will not destroy significant architectural elements, such as converting a door to a window on the rear of the house, or adding a flat skylight on a roofline not visible from the street.
2. Projects that will result in a moderate change of appearance provided that there are compelling reasons for beginning work before the next Landmarks Commission meeting (such as emergency structural repairs or the onset of bad weather). Such projects must also be approved by the Chair of the Landmarks Commission, or in their absence the Vice Chair.

3. Replacement of the face of an existing sign with new information and the installation of awnings, provided that the proposed design will not detract from the character of the building or district.
4. The construction of a small garden shed in the rear yard of a property provided that the shed does not adversely affect the primary structure, is of simple design, with gable, hip or shed roof and provided that the shed design is compatible with the design of the house and the neighborhood.
5. Projects that restore the original appearance/condition using historic materials may be approved provided that there is historical documentation, physical evidence, or generally understood methodology.
6. Projects that have received a recent Certificate of Approval from the Commission and require a minor modification (not a Minor Alteration) to that approval that does not destroy historic fabric or historic character and does not reverse or alter any portion of the project that was a significant part of the Commission discussion. Consistent with open meeting requirements, Staff may consult with members of the Commission.
7. Exterior alterations to sites that are adjacent to landmarks provided that the alterations are minor alterations and will result in only a minor change of appearance.

c) Actions on Matters Before the Commission

1. Certificate of Approval

   For any Certificate of Approval where the Landmarks Commission approval is required, the Commission may take one of the following actions:

   - The Commission shall ***Approve*** the Certificate of Approval if it determines that the request meets the applicable standards for approval. The Commission may adopt conditions of approval for a project if it believes that those conditions will allow the project to meet the standards for approval.
   - The Commission shall ***Deny*** the Certificate of Approval if it believes the request does not meet the applicable standards for approval. In doing so, the Commission shall specifically state the standards that the request does not meet and the reasons why those standards are not met.
   - The Commission shall ***Refer*** the matter to a future meeting if it believes that the request currently before it does not meet the applicable standards for approval but that it could with additional modification or if it determines that the Commission has not been provided with complete information to make a determination. A referral may also be requested by the applicant or by staff because the request is not, or may not be, procedurally ready to proceed. For any referral, the Commission should specify its reasons for referring the matter to a future meeting.

2. Adjacency to Landmarks Advisory Recommendation

   For any advisory recommendation related to adjacency to landmarks and landmark sites, the Commission shall use the language of MGO 28.144 to provide an advisory recommendation.

   An example motion for an advisory recommendation may be similar to the following:

   "The Landmarks Commission finds that the proposed development is not so large or visually intrusive as to adversely affect the historic character and integrity of the adjacent landmark."

3. Historic Value Advisory Recommendation

For any advisory recommendation related to demolition of principal structures, per MGO 28.185, the Landmarks Commission shall use language from MGO 41.28 to provide an advisory recommendation to the Plan Commission on the historic value of the property with the proposed demolition.

For any advisory recommendation related to the historic value of buildings proposed for demolition, the Commission shall take one of the following actions:

Category A Demolitions: denotes that the Landmarks Commission finds that the building has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, listed in the National Register of Historic Places, and/or as an intact or rare example of a certain architectural style or method of construction.

Category B Demolitions: denotes that the Landmarks Commission finds that the building has historic value related to the vernacular context of Madison's built environment, cultural practices, or as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant.

Category C Demolitions: denotes that the Landmarks Commission finds that the building has no known historic value. This category may also include sites or properties that have archaeological or other site findings of significance, but where removal of the building itself will have no impact.

4. Window Replacement Requests

For window replacement applications that are proposed due to physical condition of the windows, applicants shall provide information on whether the windows proposed for replacement are original to the structure or date to the period of significance for the landmark or historic district. If the windows are historic, the applicant must provide a 3rd party assessment of whether the windows are physically beyond repair and/or are not economically feasible to repair. This assessment must come from a contractor who completes window repair, such as a carpenter, painter, or general contractor.

An application will evaluate each window individually and provide a description of the window and window component dimensions of the existing window and the proposed replacement windows.

The Commission shall take one of the following actions:

- Determine if the proposed window is physically beyond repair and/or is not economically feasible to repair.
- If it is feasible and practical to repair the windows, then they must be repaired.
- If the window requires replacement, approve replacement products that are similar in design, color, scale, architectural appearance, and other visual qualities. The window size and component dimensions should be comparable.

5. Tribal Consultation for Archaeological Sites

For project requests that involve ground-disturbing activities on landmark sites with archaeology or human remains with tribal association, staff shall notify the Tribal Historic Preservation Offices of interested tribes about the proposed project and ask for comments or concerns related to the proposal. Staff will provide any tribal comments to the Landmarks Commission to incorporate into their review of the project proposal.

GENERAL POLICIES

The following general policies were adopted by the Commission to facilitate the performance of its duties and the exercising of its powers as outlined in the Madison General Ordinances.

a) Education Series

Each May, in recognition of national Historic Preservation month, the Landmarks Commission may host a public education and outreach session during a regularly scheduled or special meeting.

The Commission may prepare information packets for property owners related to maintenance of historic buildings.

b) Regular Review of Policy and Procedure Manual

At the beginning of each even numbered calendar year, the Landmarks Commission shall review the adopted policy and procedure document and make any revisions as needed. The adopted document shall be filed with the City Clerk's Office.

c) Landmark Plaque Procedure

According to MGO 41.07(8), the City shall provide a plaque for a recently designated landmark site. Preservation staff will draft the text for the plaque using materials prepared for the nomination process. The text will include the items of interest as described in the Ordinance. Staff will allow the Owner to review the text and provide suggestions. Once the text has been reviewed by the Owner, staff will forward it to the Landmarks Commission for review and final approval.

According to the Ordinance, the plaque should be located so it is easily visible to passing pedestrians. Plaques should be mounted to building walls on or near the primary façade preferably near the entrance or on landscape elements including natural boulders or formed concrete bases. In some cases, the plaque could be mounted on fences or entrance piers. The plaque can be fabricated with horizontal or vertical format to work with the space provided. Staff should suggest a plaque location and coordinate with the property owner to select a final location. Under no circumstances, shall the plaque be located in a place that would obscure or damage unique architectural or character defining features. If a property owner is not agreeable to placing a plaque on the building, staff may locate the plaque on a concrete base on the street side of the terrace.

Typically, the plaques should be fabricated and installed within the 12 months after designation; however, it may be more cost effective to have numerous plaques fabricated and installed at once. Preservation staff will consider the most cost effective means when having plaques fabricated.

Plaques will have a uniform appearance and will have horizontal or vertical formats to complement the area selected for installation. The specifications are as follows:

Size:	16" x 24" x ½" thick
Material:	cast brushed aluminum
Background:	painted black (satin finish)
Texture:	leatherette
Copy:	raised TIMES ROMAN all caps. Not to exceed 500 characters. Silver color.

Border: single line. Silver color.
Mounting: concealed

Typical horizontal plaque format (vertical format would be similar):

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The general summary below does not constitute legal advice. As questions arise, contact the Office of the City Attorney or the City of Madison Ethics Board.

The Ethics Code spells out standards of conduct intended to foster public trust and promote confidence in the integrity of government by avoiding the appearance of self-interest, personal gain, or benefit. The Code also requires written disclosures by most City elected officials, employees and appointees regarding their private financial or personal interests in matters that may affect the City. See Section 3.35 of the Madison General Ordinances (MGO).

The Madison Ethics Code establishes guidelines to ensure that City elected officials, employees, and appointees (a) act impartially, responsibly and independently, (b) make decisions and policies through proper channels of City governmental structure, and (c) serve the public interest rather than some private interest.

The major areas of responsibility and accountability spelled out in the Code include:

- Disclosure of conflicts of interest and possible disqualification from subsequent action
- Use of office for private gain
- Disclosures of confidential or privileged information
- Receipt of gifts and favors
- Incompatible employment
- Restrictions after leaving office or appointment

As questions regarding conflicts of interest and the application of the Code of Ethics arise, commissioners should consult the Code of Ethics and the Office of the City Attorney. When in doubt, ask the City Attorney's Office or the City of Madison Ethics Board.[1]

OPEN MEETING REQUIREMENTS

The general summary below does not constitute legal advice. As questions arise, contact the Office of the City Attorney.

"In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business." Wisconsin Statutes Section 19.81(1)

Applicable open meetings laws are found in Section 19.81 through 19.98 of the Wisconsin Statutes, reproduced in Section 3.71 Madison General Ordinances, and supplemented by Administrative Procedure Memorandum (APM) 3-13.The Landmarks Commission as a body must meet "open meeting" requirements set forth in these statutes and ordinances to ensure its business is conducted properly. Generally, staff is responsible for ensuring that the meeting is properly noticed and conducted in compliance with these rules.

Individual members are responsible for following certain requirements outside of noticed meetings. Common issues include, but are not limited to:

- Illegal meetings – generally, a meeting occurs any time a group of members discusses Commission-related issues, if the group is large enough to take or block action on an issue. Social encounters among members should be limited to non-Commission topics of conversation. Tours by the Commission should be properly noticed to meet open meeting requirements.
- Email – an email discussion between members could be an illegal meeting. Generally, email should not be used to conduct substantive issue-related Commission business. Messages from citizens to members should be forwarded to staff for dissemination to the full Commission. Messages from staff or an individual member to the full Commission are permissible on procedural issues, but members should take care to reply only to the sender (not reply-all).
- Conference calls – a conference call between members could be an illegal meeting. Meetings may be conducted via conference call, but should be properly noticed as such and provide a public facility with speakerphone so the public is able to hear/participate.[2]

DECISION MAKING

The general summary does not constitute legal advice. As questions arise, contact the Office of the City Attorney.

All parties who appear before the Commission are entitled to a fair and impartial hearing. This includes:

1. **The appearance of fairness**

   The Commission must make decisions in an impartial and unbiased manner. Actual bias is not required; an impermissibly high *risk* of bias is sufficient to compromise the appearance of fairness. Keen v. Dane County Board of Supervisors, 269 Wis.2d 488 (Ct. App 2003).

2. **Proper notice and hearing**

   Notice is handled by City staff (e.g. publication, mailed notice, noting on agenda). Hearings serve the dual function of providing citizens with an opportunity to express their views and to inform the decision-making body regarding the views of the affected community members.

3. **Decisions based on the standards and the evidence before the body**

   Where decision-making standards are listed in the ordinances, the Commission must follow them. It is the responsibility of the applicant to demonstrate that a proposal meets the standards, and the responsibility of the Commission to explain how it came to a determination. Unless specifically required by statute or ordinance, particularized written findings are not necessary, nor are there "magic words" that must be used. However, a simple statement that "the standards are met" or "are not met" is insufficient to inform the applicant of the reasons for the determination. The decision and the transcript must provide a record that allows meaningful judicial review.[3]

LEGAL ADVICE PROVIDED BY CITY ATTORNEY

Legal advice provided by the City Attorney is privileged and provided on a confidential basis. It should not be released to third parties or discussed at a public meeting, unless the advice is in a formal memorandum that Planning Staff and the City Attorney intend be distributed to the public.

ELECTED & APPOINTED OFFICIAL CODE OF CONDUCT

The City of Madison and its elected and appointed officials (alders, mayor, and City board, commission, or committee members) share a commitment to ethical conduct and service to the city and its residents. In alignment with the City of Madison vision to be inclusive, innovative, and thriving, and its mission to provide the highest quality of service for our residents and visitors, City elected and appointed officials shall maintain the utmost standards of personal integrity, trustfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, comply with all applicable laws, and never use their position to bully, harass, or abuse others. This Code is designed to communicate the expectation that City elected and appointed officials shall treat City staff and each other with respect and courtesy at all times. This policy is intended to promote an inclusive and positive work environment and working relationships, and prevent unlawful discrimination.

This policy applies to all elected and appointed City officials and applies to any conduct or interaction that occurs at the workplace and at any location or on any platform that can be reasonably regarded as an extension of the workplace, including but not limited to the use of a telephone, voicemail, text messages, video meeting, and/or any social media or online platforms. City staff members, including department and division heads, are governed by:

- APM 3-5 Prohibited Harassment and/or Discrimination Policy
  - Resource Guide
  - Prohibited Harassment & Discrimination, *Civil Rights*
- APM 2-33 Standard Expectations and Rules of Conduct

City elected and appointed officials, in the performance of their duties, shall create and maintain a welcoming, respectful, and inclusive work environment and shall not engage in abusive, violent, bullying, harassing, discriminatory or other threatening or intimidating behavior or language. Harassment of or discrimination against any person on the basis of any City protected class* status or statuses is expressly prohibited.

- **Bullying** is repeated, unwanted, aggressive physical or verbal behavior which hurts another individual, physically, mentally, or emotionally.
- **Harassment** is repeated or egregious unwelcome, intimidating, hostile or offensive actions, words, jokes or comments based on any protected class status or statuses.
- **Discrimination** is unfair treatment of an individual or members of a group based on their protected class status.

Bullying, **harassment**, and **discrimination** are demeaning to others and undermine the integrity of relationships. In the event that these shared objectives are not met, effort shall be taken to notify the individuals of the substance of the issue so that they can resolve it. Self-correction or informal resolution between parties in a timely manner is strongly encouraged, with formal sanctions only as a rare and last option if informal communication and resolution is unsuccessful. Formal sanctions include formal censure by the Common Council or committee of one of its members, removal of a committee member from the body, or, in limited cases pursuant to Wis. Stat. § 17.001, removal of a Common Council member from office. Per state statute, alders and

appointees to BCCs can only be removed by a vote of the Council for cause, meaning "inefficiency, neglect of duty, official misconduct or malfeasance in office."

Elected or appointed City officials, upon entering office or being appointed as a BCC member, shall be provided a copy of this policy and shall acknowledge receipt. Failure to acknowledge receipt does not exempt an individual from the requirements of this policy.

The City shall offer trainings and other supports to promote an inclusive and welcoming environment and provide elected and appointed officials with resources to assist them in resolving any issues that may arise. Please refer to MGO 3.35 Code of Ethics for regulations on additional aspects of conduct, such as conflicts of interest, use of public office, political activity, and receiving gifts and favors.

*City protected classes: age, arrest record, citizenship status, color, conviction record, credit history, disability, domestic partners, familial status, gender identity, genetic identity, HIV status, homelessness, less than honorable discharge from military, marital status, military/veteran status, national origin/ancestry, non-religious, physical appearance, political beliefs, race, religion, sex, sexual orientation, source of income, student status, unemployment, use or non-use of lawful products off the employer's premises during non-work hours

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ENDNOTES

1. *Ethics Code training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/ethics/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

2. *Open Meetings training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/meetings/training.cfm

   (See Also: City Attorney Opinion 2004-001, available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2004Opinions.cfm)

3. Quasi-Judicial Decision-making training materials can be found on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/training/index.cfm

   (See Also: City Attorney Opinion 2007-003 available on the City Attorney's Page of the City Website at www.cityofmadison.com/attorney/opinions/2007Opinions.cfm)

Note: Madison General Ordinances are available on the City of Madison's Legislative Center on the City's website.

City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 91329

File ID:	91329	**File Type:**	Demolition Permit	**Status:**	In Committee
Version:	1	**Reference:**		**Controlling Body:**	LANDMARKS COMMISSION
				File Created Date :	12/22/2025
File Name:				**Final Action:**	

Title: 206 Bernard Court - Consideration of a demolition permit to demolish a commercial building (District 8)

Notes:

Sponsors:		**Effective Date:**	
Attachments:	206 Bernard Demo Submittal, 91329 - 206 Bernard LC Demo Report	**Enactment Number:**	
Author:		**Hearing Date:**	
Entered by:	lheiser-ertel@cityofmadison.com	**Published Date:**	

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File 91329

Title
206 Bernard Court - Consideration of a demolition permit to demolish a commercial building (District 8)

APPLICATION FOR DEMOLITION OF PRINCIPAL BUILDINGS

Complete all sections of this application, including signature on page 2.
To request an interpreter, translation, or accommodations, call (608)266-4910.
Para solicitar un intérprete, traducción o acomodaciones llame al (608)266-4910.
Koj muaj txoj cai tau txais kev txhais lus, kev pes lus los sis kev pab cuam txhawm rau kev tsis taus uas tsis muaj nqi rau koj: Xav paub ntxiv tiv tauj rau (608)266-4910
如需口譯、翻譯或其他便利服務，請致電 (608)266-4910.

City of Madison
Building Inspection Division
215 Martin Luther King Jr Blvd, Ste 017
PO Box 2985
Madison, WI 53701-2985 (608) 266-4551

Submit the following via email to:

- Building Inspection at sprapplications@cityofmadison.com and
- Landmarks Commission at LandmarksCommission@cityofmadison.com (see submittal schedule)

Part 1: General Application Information

Street Address:	206 Bernard Court		
Alder District:	AD#8	**Zoning District:**	Campus - Institutional (C-I)

Project Contact Person Name	Cindy Torstveit	**Role**	Associate Vice Chancellor
Company Name	University of Wisconsin - Madison		
Phone	608-262-0718	**Email**	[redacted]

☑	**Completed Application** (this form)
☑	**Property Owner Permission** (signature on this form or an email providing authorization to apply)
☑	**Copy of Notification sent to the Demolition Listserv** Date Sent 10/24/2025
☑	**Copy of Email Pre-Application Notification of Intent to Demolish a Principal Structure sent to District Alder, City-registered neighborhood association(s), and City-listed business association(s).** Date Sent 10/24/2025
☐	**$600 Demolition Application Fee** (additional fees may apply depending on full scope of project)
☑	**Demolition Plan**
	Are you also seeking a Zoning Map Amendment (Rezoning) or Conditional Use? ○ **Yes** ◉ **No**

Part 2: Information for Landmarks Historic Value Review

☑	**Letter of Intent** describing the proposed structure to be demolished, description of proposed method and timeline of demolition
☑	**Construction Information** (Dates of construction and alterations, architect name, builder name, history of property, historic photos)
☑	**Existing Condition Photos** (Interior and exterior digital photos of each principal building to be demolished sufficient to indicate its character and condition)
	Will existing structure be relocated? ○ **Yes** ◉ **No** If "yes" include preliminary assessment that relocation is likely to be structurally and legally feasible
☐	***Optional: Proposed mitigation plans for properties with possible historic value***

Part 3: Application for Plan Commission Review (if applicable)

- When Landmarks Commission finds a building has Historic Value, the demolition application must be considered by the Plan Commission.
- If Plan Commission review is required, staff will schedule the public hearing based on the published schedule.
- Applicant must make an appointment to pick up "Public Hearing" sign from Zoning Counter and post the sign on property at least 21 days before Plan Commission hearing.

Demolition requests will be scheduled concurrently with other related requests before the Plan Commission, where applicable. A schedule confirmation will be emailed to the designated project contact. Contact staff at pcapplications@cityofmadison.com with questions.

Part 4: Signature

Property Owner Authorizing Signature (or authorized via attached email)		DocuSigned by: 12/18/2025 | 15:22:41 C 40B52C98EA084A0...	
Property Owner Name		Cindy Torstveit	
Company Name		Associate Vice Chancellor, FP&M	
Street Address		21 N. Park Street, Madison, WI 53715	
Phone		**Email**	[redacted]

For Office Use Only	
Date:	
Accela ID No.:	

Facilities Planning
& Management
UNIVERSITY OF WISCONSIN–MADISON

December 17, 2025

City Building Inspection and Landmarks Commission
215 Martin Luther King Jr. Blvd #017
Madison, WI 53703

RE: DEMOLITION LAND USE APPLICATION: 206 BERNARD COURT (#20K1G)
Zoning: Campus-Institutional District (C-I)
University of Wisconsin-Madison

This demolition approval application to the City of Madison by the University of Wisconsin – Madison regarding a structure located at 206 Bernard Court (Block 16) in Madison, Wisconsin. All lands are owned by the Board of Regents of the University of Wisconsin System. This application is arriving 30+ days after Alder (AD#8), Neighborhood Association (CANA), and Demo Listserv notification. There is no request to amend the Campus Master Plan as the parcel is currently zoned Campus-Institutional (C-I) District.

The following information is per Section 28.185 of the Madison General Ordinance for Demolition Permits approvals.

- **Condition and History of the House**: The property at 206 Bernard Court, constructed in 1911, is a 3-story, 3,734 wood frame structure located on Bernard Court. Builder unknown. Based on the age of the building, all building materials are presumed to be asbestos-containing materials. A demolition quality asbestos inspection will be performed prior to removal initiation to confirm. Materials containing hazardous materials will be abated according to current state and federal regulations by a certified contractor. There is lead-based paint on the exterior and interior of the building (UW-Madison Environment, Health & Safety inspections using XRF) with high concentrations of lead around the building based on 2012 soil samples. Reference existing images for additional information.

- **Potential for Relocation**: The structure is not listed on the National or State of Wisconsin Historic Register. The building is listed on the Architecture and History Inventory (#160472) however a determination of ineligible for the National Register has been made. A 44.40 form has been submitted to the Wisconsin Historical Society and concurrence received that no eligible properties would be affected. The property's current condition and structural issues would pose significant challenges to any relocation efforts.

- **Campus Master Plan Alignment**: The property is situated within the campus boundaries and was identified for potential acquisition and redevelopment in the Campus Master Plan adopted in 2017. The timing of the acquisition aligns with our ongoing efforts to develop out the southern half of Block 16 for institutional programming. The removal of this structure will facilitate the implementation of these plans and contribute to the overall improvement and development of the campus.

- **Interim Condition Following Removal**: After the demolition of the house, the site will be stabilized and prepared for future development. We plan to remove any contaminated soil, if applicable, grade the site and apply seed to establish cover. Erosion control measures will be installed accordingly. This interim condition will ensure safety and allow for setup with the planned future development.

Application Materials

- Demolition Land Use Application
- Letter of Intent
- Photographs of existing structure
- University of Wisconsin Building Demolition Request Form
- Alder/Neighborhood Association Notification

Project Participants

Owner: **State of Wisconsin**
Agency: Universities of Wisconsin
Board of Regents
Room 1860 Van Hise Hall
1220 Linden Drive
Madison, Wisconsin 53706

Owner's Contact: **University of Wisconsin – Madison**
Facilities Planning and Management
30 N. Mills Street, 4th Floor
Madison, Wisconsin 53715-1211
Phone: 608-263-3023
Attn: Scott Utter, Director of Campus Planning & Landscape Architecture
E-Mail: scott.utter@wisc.edu

Project Schedule:

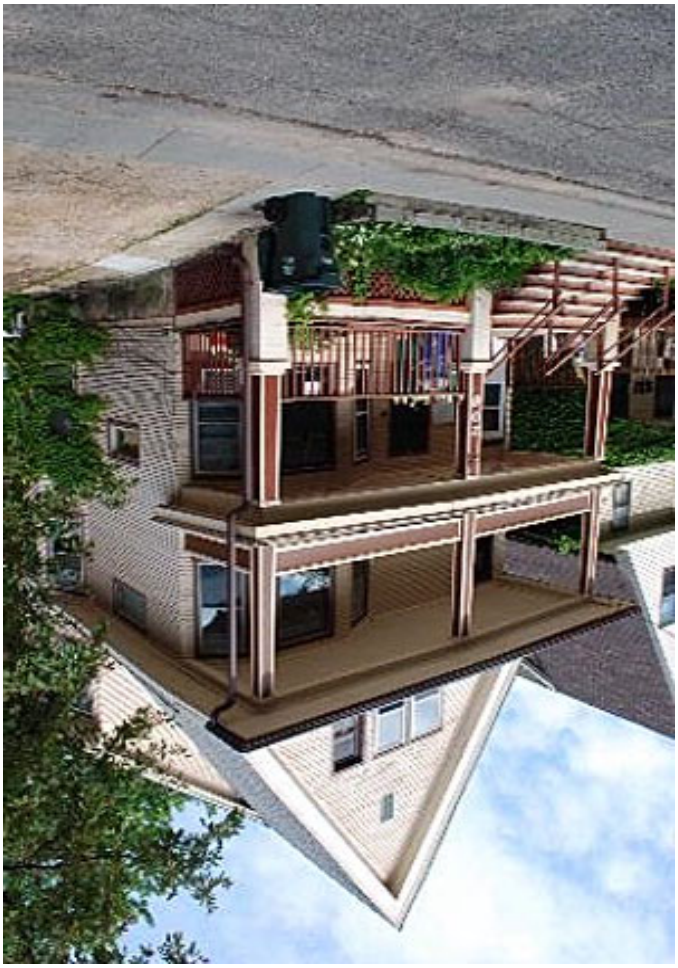
Demo List Serve Application	October 24, 2025
Landmarks Meeting:	January 12, 2026
Contractor Retained:	Spring 2026
Mobilize Demolition:	Early Summer 2026
Substantial completion:	Mid-Summer 2026

Thank you,

DocuSigned by:

Cindy Forstveit
4DB52C98FA084A0...
Associate Vice Chancellor
Facilities Planning & Management, University of Wisconsin-Madison

cc: Peter Schlecht, UW-Madison Assistant Vice Chancellor Campus Planning & Design
Ben Schmidt, UW-Madison Interim Director Real Estate Development & Administration
Scott Utter, UW-Madison Director Campus Planning & Landscape Architecture
Casey Ward, UW-Madison FP&M Project Manager
Aaron Williams, UW-Madison Campus Planning



You are my of
If I do harm t
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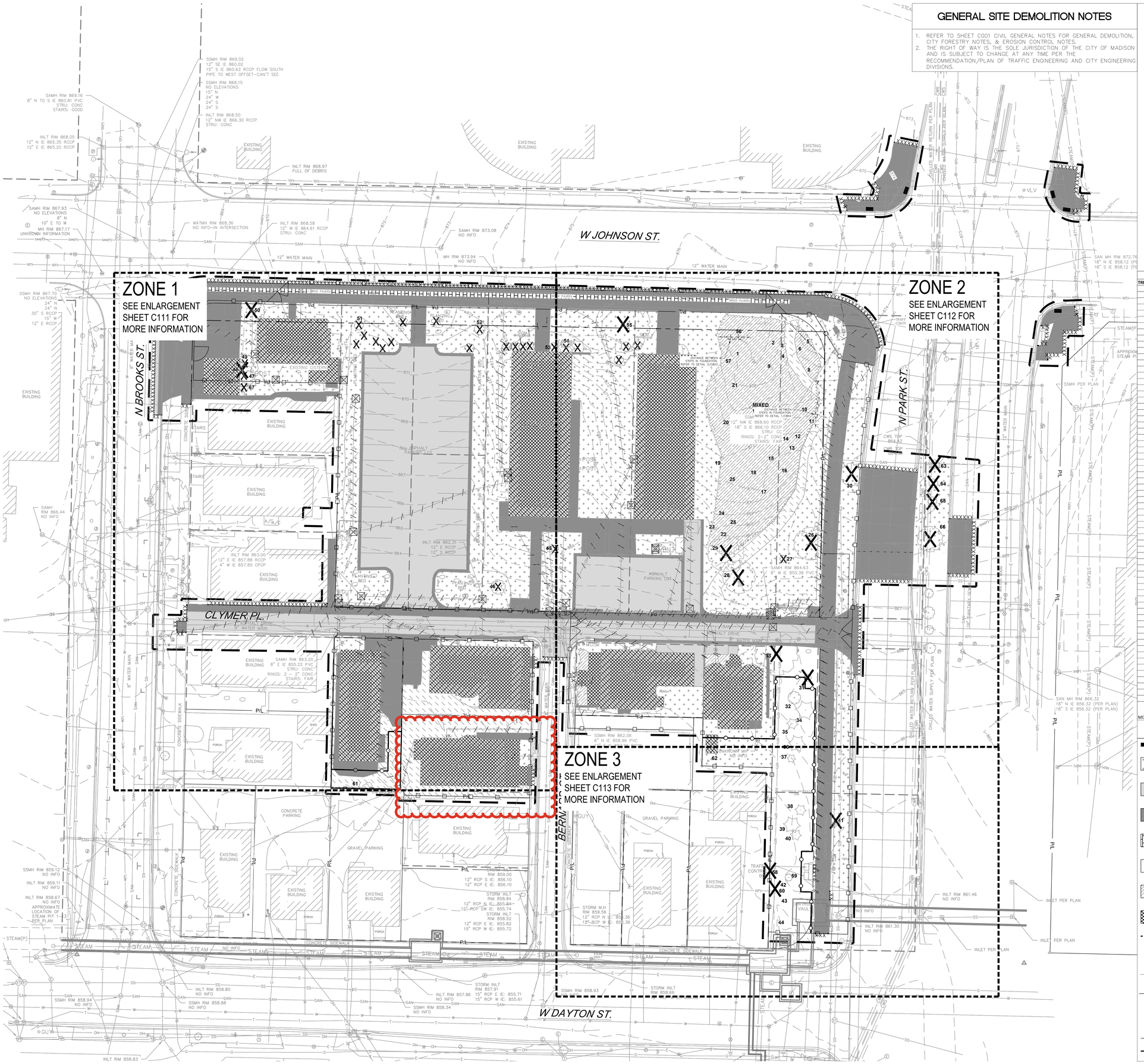
I love and respect

RIP
PASH

Building Evacuation Routes

GENERAL SITE DEMOLITION NOTES

1. REFER TO SHEET C001 CIVIL GENERAL NOTES FOR GENERAL DEMOLITION, CITY FORESTRY NOTES, & EROSION CONTROL NOTES.
2. THE RIGHT OF WAY IS THE SOLE JURISDICTION OF THE CITY OF MADISON AND IS SUBJECT TO CHANGE AT ANY TIME PER THE RECOMMENDATION/PLAN OF TRAFFIC ENGINEERING AND CITY ENGINEERING DIVISIONS.



Scale: 0 10 20 40
Scale: 1" = 20'

DIGGERS HOTLINE
Dial 811 or (800)242-8511
www.DiggersHotline.com

UW LETTERS AND SCIENCE - LEVY HALL TREE SURVEY

TREE CODE	SPECIES	DBH	NOTES
1	Black Cherry	4"	Multi-stem
2	Basswood	14"	Multi-stem
3	Basswood	12"	Multi-stem
4	Basswood	10"	Multi-stem
5	Eastern Cottonwood	10"	N/A
6	Eastern Cottonwood	10"	N/A
7	Eastern Cottonwood	10"	N/A
8	Sumac	4"	Multi-stem
9	Northern Hackberry	16"	N/A
10	Sumac	6"	N/A
11	American Elm	4"	N/A
12	Black Cherry	4"	N/A
13	Black Cherry	4"	N/A
14	Black Cherry	4"	N/A
15	Northern Red Oak	18"	N/A
16	Basswood	12"	N/A
17	Basswood	30"	N/A
18	Black Walnut	18"	N/A
19	Basswood	24"	N/A
20	Sugar maple	18"	N/A
21	Eastern Red Cedar	6"	N/A
22	Basswood	18"	N/A
23	Basswood	16"	N/A
24	Black Walnut	16"	N/A
25	Black Walnut	6"	N/A
26	Northern Hackberry	24"	N/A
27	Hop-hornbeam	4"	N/A
28	Norway Maple	24"	N/A
29	Basswood	18"	N/A
30	Chinquapin Oak	2"	Within City ROW
31	River Birch	8"	Multi-stem
32	River Birch	8"	Multi-stem
33	Basswood	30"	N/A
34	River Birch	8"	Multi-stem
35	Arborvitae	4"	Multi-stem
36	Arborvitae	6"	Multi-stem
37	Arborvitae	6"	Multi-stem
38	Arborvitae	6"	Multi-stem
39	Arborvitae	6"	Multi-stem
40	Arborvitae	6"	Multi-stem
41	Elm	1.5"	Within City ROW
42	River Birch	4"	Removed in 15K1F-01
43	River Birch	6"	Removed in 15K1F-01
44	River Birch	8"	Removed in 15K1F-01
45	Hop-hornbeam	6"	N/A
46	Amur Maple	12"	N/A
47	Northern Hackberry	14"	N/A
48	Northern Hackberry	18"	N/A
49	Black Walnut	12"	N/A
50	Norway Maple	12"	N/A
51	Northern Hackberry	8"	N/A
52	Northern Hackberry	10"	N/A
53	Arborvitae	6"	N/A
54	Arborvitae	6"	N/A
55	Sugar Maple	36"	N/A
56	American Elm	12"	N/A
57	River Birch	6"	N/A
58	White Ash	16"	Significant dead crown
59	River Birch	4"	Multi-stem
60	White Ash	14"	Dead trunk with root sprouts
61	Silver Maple	54"	N/A
62	Silver Maple	48"	N/A
63	Crabapple	5"	Within City ROW
64	Crabapple	4"	Within City ROW
65	Crabapple	5"	Within City ROW
66	Elm	14"	Within City ROW
67	Black Walnut	12"	N/A
MIXED WOODS	Thickets of young sumac, eastern cottonwood, norway maple, and black cherry.	< 4"	N/A

KEY INDEX

- PROJECT LIMITS
- VEGETATION TO BE REMOVED & DISPOSED OF OFFSITE. UNUSED TOPSOIL TO BE REMOVED OFFSITE. TOPSOIL THICKNESS MAY VARY. REFER TO GEOTECHNICAL REPORT.
- ASPHALT PAVEMENT & BASE MATERIAL TO BE REMOVED TO SUB-BASE & DISPOSED OF OFFSITE. PAVEMENT & BASE THICKNESS MAY VARY. REFER TO GEOTECHNICAL REPORT.
- CONCRETE & BASE MATERIAL TO BE REMOVED TO SUB-BASE & DISPOSED OF OFFSITE. CONCRETE & BASE THICKNESS MAY VARY. REFER TO GEOTECHNICAL REPORT.
- PAVERS & BASE MATERIAL TO BE REMOVED TO SUB-BASE & DISPOSED OF OFFSITE.
- GRAVEL MATERIAL TO BE REMOVED & DISPOSED OF OFFSITE. UNUSED GRAVEL MATERIAL TO BE REMOVED OFFSITE. GRAVEL THICKNESS MAY VARY. REFER TO GEOTECHNICAL REPORT.
- CLEAR & GRUB VEGETATION. REMOVE ROOTS & STUMPS. REMOVE & DISPOSE OF OFFSITE.
- EXISTING BUILDING & FOUNDATION TO BE RAZED.
- XXXXXXXX SAWCUT FULL DEPTH
- X TREES & STUMPS TO BE REMOVED
- DENOTES UTILITIES TO BE ABANDONED & REMOVED.
- AB DENOTES UTILITIES TO BE ABANDONED IN PLACE.
- ⊠ -UTILITY STRUCTURE REMOVAL/ABANDONMENT
- 30 TREE CODE
- CONSTRUCTION FENCE
- TREE PROTECTION FENCING (6 C154) (7 C154)

R/S BORA

Consultant:
kapur
400 E. Wisconsin Ave.
Milwaukee, WI 53202
www.kapurinc.com

State of Wisconsin
Department of Administration
Division of Facilities Development
2320 N. PARK ST.
MADISON, WI 53715

NEW ACADEMIC BUILDING
LEVY HALL
UNIVERSITY OF WISCONSIN - MADISON
MADISON, WISCONSIN

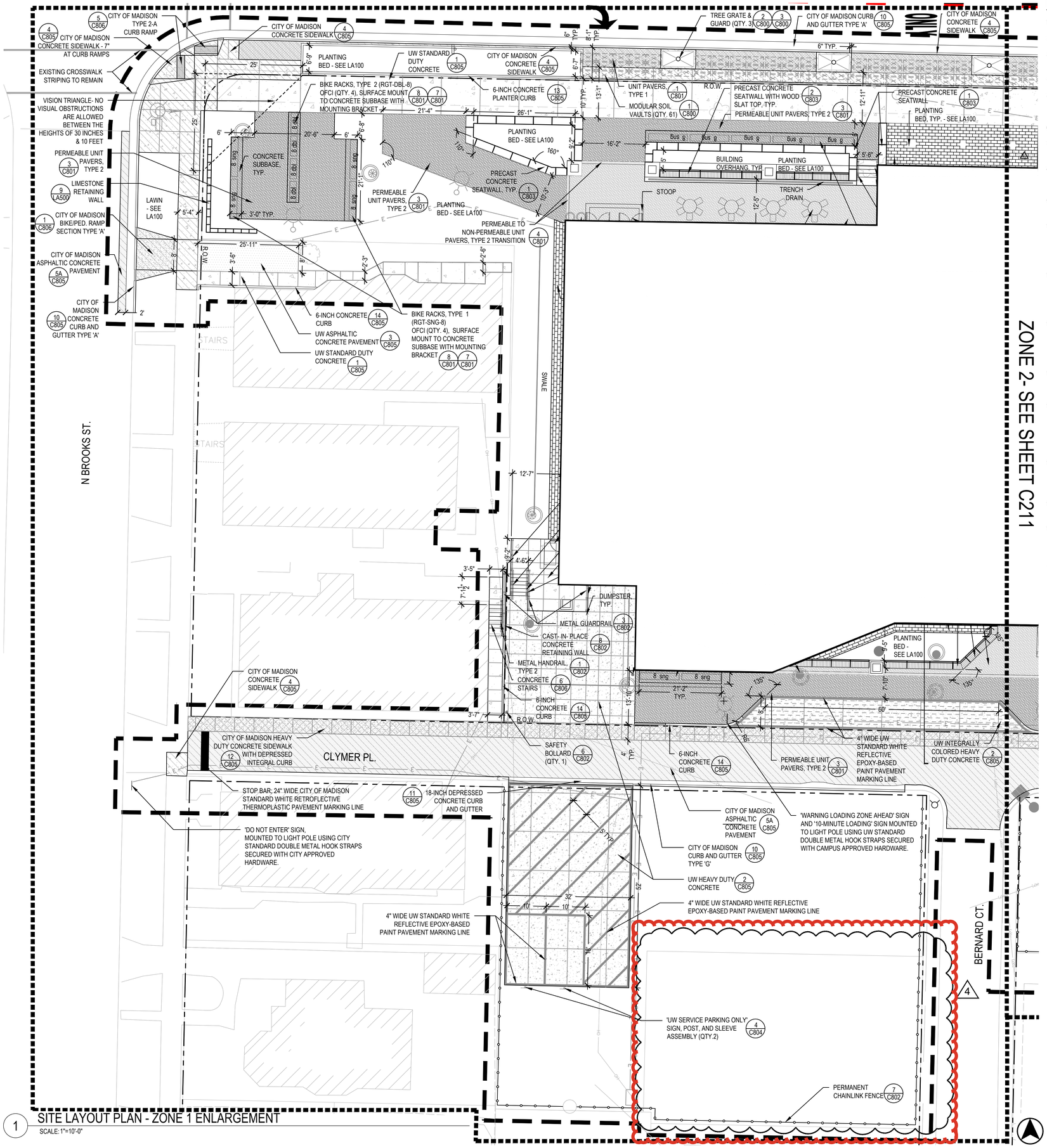
SITE DEMOLITION PLAN – OVERALL

Revisions:

No.	Date:	Description:
BD	07/07/2023	Bid Documents
6	03/22/2024	Construction Bulletin 6
8	03/22/2024	Construction Bulletin 8
13	04/04/2024	Construction Bulletin 13
14	04/04/2024	Construction Bulletin 14
171	03/28/2025	Construction Bulletin 171

Graphic Scale: 0' 5' 10' 20' 30'

DFD Number	20K1G-01
Set Type	CD
Date Issued	12/01/2023
Sheet Number	C110



1 SITE LAYOUT PLAN - ZONE 1 ENLARGEMENT

SCALE: 1"=10'-0"

NOTES

1. FIELD VERIFY SURVEY INFORMATION PRIOR TO START OF CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE DFD REPRESENTATIVE.
2. CONTACT DIGGER'S HOTLINE TO LOCATE ALL PUBLIC AND PRIVATE UTILITIES PRIOR TO STARTING WORK.
3. FIELD VERIFY ALL EXISTING SITE CONDITIONS AND UTILITIES PRIOR TO STARTING WORK. ANY DAMAGE CAUSED TO UTILITIES, EITHER SHOWN OR NOT, SHALL BE REPAIRED AND PAID FOR AT THE CONTRACTOR'S EXPENSE.
4. PROTECT OR RELOCATE ALL BENCHMARKS. RELOCATED BENCHMARKS TO BE INCLUDED WITH CONTRACT OR AS-BUILTS.
5. PROTECT ALL EXISTING PAVEMENTS, CURBS, UTILITIES, AND OTHER IMPROVEMENTS (TO REMAIN) FROM CONSTRUCTION ACTIVITIES. RESTORE ALL AREAS DISTURBED BY CONSTRUCTION RELATED ACTIVITIES TO EXISTING CONDITIONS AT COMPLETION OF WORK UNLESS SHOWN OTHERWISE ON PLANS.
6. CONTRACTOR IS RESPONSIBLE FOR STAKING SITE FOR HORIZONTAL AND VERTICAL ALIGNMENT.
7. ANY DEVIATION FROM THE LAYOUT AND DIMENSION SHOWN ON THIS PLAN SHALL REQUIRE APPROVAL BY BOTH THE DFD REPRESENTATIVE AND THE CAMPUS REPRESENTATIVE PRIOR TO PROCEEDING WITH MODIFICATIONS.
8. SUBMIT CONCRETE CONSTRUCTION JOINT LAYOUT PLAN ACCORDANCE WITH SECTION 32 13 13 - CONCRETE PAVING. ANY DEVIATION FROM JOINTING LAYOUT AS SHOWN IN THE SITE LAYOUT PLANS WILL REQUIRE REVIEW AND APPROVAL BY THE PROJECT LANDSCAPE ARCHITECT PRIOR TO PROCEEDING WITH MODIFICATIONS.
9. ALL DISTURBED PAVEMENT AREAS SHALL BE RESTORED WITH CONCRETE OR ASPHALT PAVEMENT EITHER TEMPORARILY OR PER THE FINAL PAVEMENT CONDITION AS SHOWN ON THE DRAWINGS. GRAVEL, SOIL, OR OTHER BACKFILL MATERIALS ARE NOT ACCEPTABLE.
10. CONTRACTOR SHALL TAKE PRECAUTIONS DURING CONSTRUCTION TO NOT DISFIGURE, SCAR, OR IMPAIR THE HEALTH OF ANY STREET TREE(S). CONTRACTOR SHALL OPERATE EQUIPMENT IN A MANNER AS TO NOT DAMAGE THE BRANCHES OF THE STREET TREES. THIS MAY REQUIRE USING SMALLER EQUIPMENT AND LOADING AND UNLOADING MATERIALS IN A DESIGNATED SPACE AWAY FROM TREES ON THE CONSTRUCTION SITE. ANY DAMAGE OR INJURY TO EXISTING STREET TREES (EITHER ABOVE OR BELOW GROUND) SHALL BE REPORTED IMMEDIATELY TO CITY FORESTRY AT (608) 266-4816. PENALTIES AND REMEDIATION SHALL BE REQUIRED.
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13. STREET TREE PRUNING SHALL BE COORDINATED WITH CITY FORESTRY AT A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION FOR THIS PROJECT. CONTACT CITY FORESTRY AT (608) 266-4816. ALL PRUNING SHALL FOLLOW THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) A300- PART 1 STANDARDS FOR PRUNING.
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15. FOLLOWING INSTALLATION OF PERMEABLE PAVERS, CONTRACTOR TO PROTECT PERMEABLE PAVERS TO ENSURE PAVER JOINTS DO NOT CLOG WITH CONSTRUCTION DEBRIS. FOLLOWING THE COMPLETION OF SITE CONSTRUCTION, CONTRACTOR TO VACUUM CLEAN PERMEABLE PAVERS AND PROVIDE ADDITIONAL PERMEABLE JOINT AGGREGATE MATERIAL FULL TO THE LIP OF THE PAVER. BROOM SWEEP ENTIRE AREA CLEAN FOLLOWING INSTALLATION. SEE SECTION 32 14 00 F0R ADDITIONAL INFORMATION.
16. CONTACT DFD REPRESENTATIVE AND THE CITY OF MADISON PROJECT REPRESENTATIVE PRIOR TO PERFORMING ANY WORK WITHIN THE CITY ROW TO CONFIRM RESTORATION.
17. THE RIGHT-OF-WAY IS THE SOLE JURISDICTION OF THE CITY OF MADISON AND IS SUBJECT TO CHANGE AT ANY TIME PER THE RECOMMENDATION OF TRAFFIC ENGINEERING AND ENGINEERING DIVISIONS. FORWARD ANY CHANGES PROPOSED BY CITY OFFICIALS TO DFD PROJECT REPRESENTATIVE FOR CONSIDERATION AND DIRECTION BEFORE PROCEEDING.

LEGEND

UW ASPHALTIC CONCRETE PAVEMENT	3 C805
UW STANDARD DUTY CONCRETE	1 C805
UW HEAVY DUTY CONCRETE	2 C805
UW INTEGRALLY COLORED HEAVY DUTY CONCRETE	2 C805
CITY OF MADISON CONCRETE SIDEWALK	4 C805
CITY OF MADISON HEAVY DUTY CONCRETE SIDEWALK WITH DEPRESSED INTEGRAL CURB	12 C805
CITY OF MADISON ROADWAY CONCRETE	5 C805
CITY OF MADISON ASPHALTIC CONCRETE PAVEMENT	5A C805
UNIT PAVERS, TYPE 1 CITY R.O.W. PAVERS (NON-PERMEABLE)	1 C801
UNIT PAVERS, TYPE 2 NON-PERMEABLE	2 C801, 4 C801, 5 C801, 6 C801
UNIT PAVERS, TYPE 2 PERMEABLE	3 C801, 4 C801, 5 C801
SALVAGED LIMESTONE PAVERS	SEE SHEET LA100
MODULAR SOIL VAULTS	1 C800
CONSTRUCTION LIMITS	
PROPERTY LINE/ROW	
TREE PROTECTION FENCING	6 C154, 7 C154
PERMANENT CHAINLINK FENCE	7 C802
LIGHT POLES	
UTILITY INLETS & MANHOLES	

R/S BORA

Consultant: saiki DESIGN

State of Wisconsin
Department of Administration
Division of Facilities Development

232 N. PARK ST.
MADISON, WI 53715

NEW ACADEMIC BUILDING
LEVY HALL
UNIVERSITY OF WISCONSIN - MADISON
MADISON, WISCONSIN

SITE LAYOUT PLAN – ZONE 1 ENLARGEMENT

Revisions:

No.	Date:	Description:
BD	07/07/2023	Bid Documents
13	04/04/2024	Construction Bulletin 13
2	05/29/2024	Construction Bulletin 61
3	03/28/2025	Construction Bulletin 171
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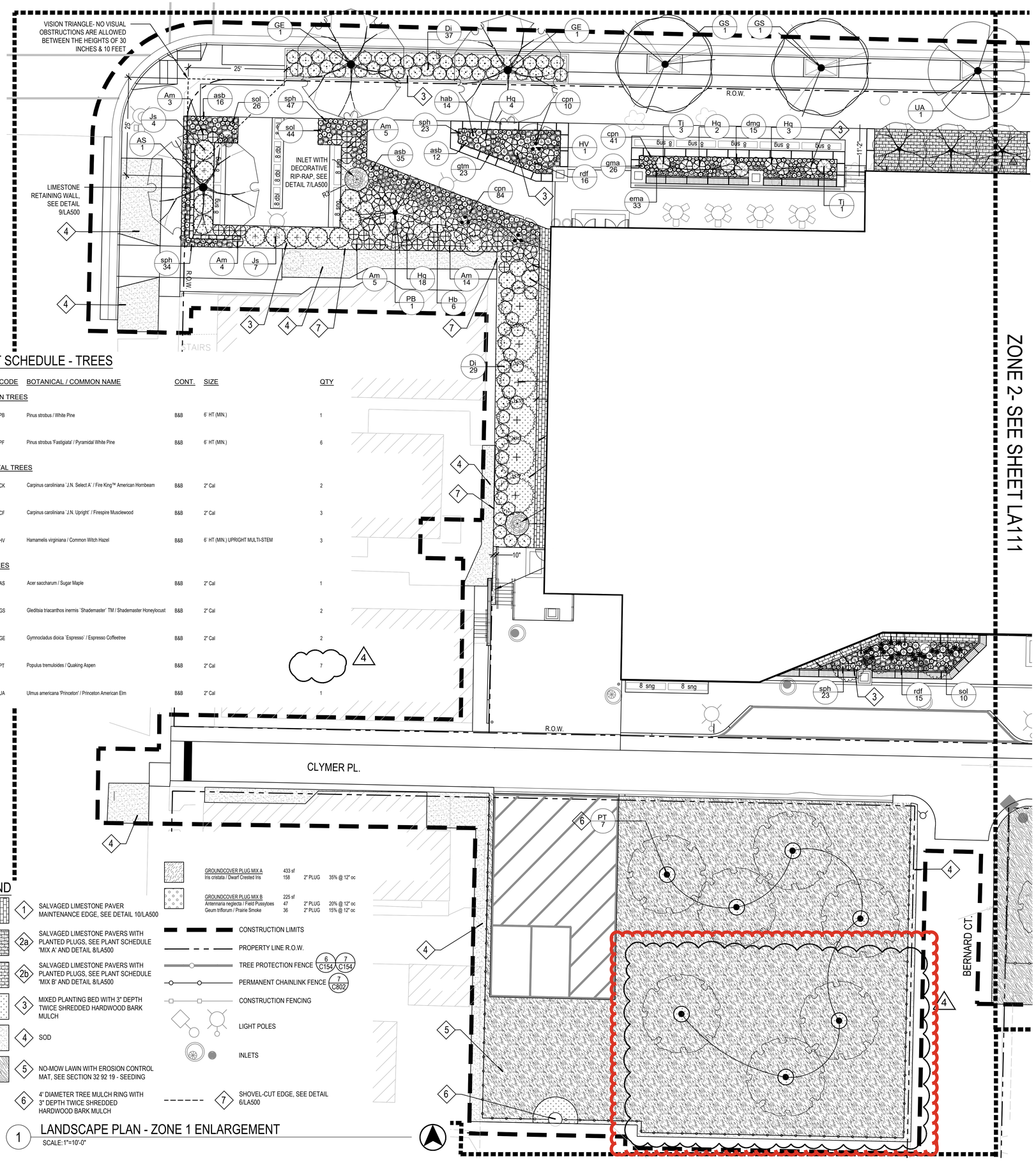
Graphic Scale: 0' 5' 10' 15'

DFD Number: 20K1G-01

Set Type: CD

Date Issued: 12/01/2023

Sheet Number: C210



PLANT SCHEDULE - TREES

SYMBOL	CODE	BOTANICAL / COMMON NAME	CONT.	SIZE	QTY
EVERGREEN TREES					
	PB	Pinus strobus / White Pine	B&B	6' HT (MIN.)	1
	PF	Pinus strobus 'Fastigiata' / Pyramidal White Pine	B&B	6' HT (MIN.)	6
ORNAMENTAL TREES					
	CK	Carpinus caroliniana `J.N. Select A` / Fire King™ American Hornbeam	B&B	2" Cal	2
	CF	Carpinus caroliniana `J.N. Upright` / Firespire Musclewood	B&B	2" Cal	3
	HV	Hamamelis virginiana / Common Witch Hazel	B&B	6' HT (MIN.) UPRIGHT MULTI-STEM	3
SHADE TREES					
	AS	Acer saccharum / Sugar Maple	B&B	2" Cal	1
	GS	Gleditsia triacanthos inermis `Shademaster` TM / Shademaster Honeylocust	B&B	2" Cal	2
	GE	Gymnocladus dioica `Espresso` / Espresso Coffeetree	B&B	2" Cal	2
	PT	Populus tremuloides / Quaking Aspen	B&B	2" Cal	7
	UA	Ulmus americana 'Princeton' / Princeton American Elm	B&B	2" Cal	1

LEGEND

1	SALVAGED LIMESTONE PAVER MAINTENANCE EDGE, SEE DETAIL 10/LA500	
2a	SALVAGED LIMESTONE PAVERS WITH PLANTED PLUGS, SEE PLANT SCHEDULE 'MIX A' AND DETAIL 8/LA500	GROUNDCOVER PLUG MIX A — 433 sf; Iris cristata / Dwarf Crested Iris — 158 — 2" PLUG — 35% @ 12" oc
2b	SALVAGED LIMESTONE PAVERS WITH PLANTED PLUGS, SEE PLANT SCHEDULE 'MIX B' AND DETAIL 8/LA500	GROUNDCOVER PLUG MIX B — 225 sf; Antennaria neglecta / Field Pussytoes — 47 — 2" PLUG — 20% @ 12" oc; Geum triflorum / Prairie Smoke — 36 — 2" PLUG — 15% @ 12" oc
3	MIXED PLANTING BED WITH 3" DEPTH TWICE SHREDDED HARDWOOD BARK MULCH	CONSTRUCTION LIMITS
4	SOD	PROPERTY LINE R.O.W.
5	NO-MOW LAWN WITH EROSION CONTROL MAT, SEE SECTION 32 92 19 - SEEDING	TREE PROTECTION FENCE (6/C154, 7/C154)
6	4' DIAMETER TREE MULCH RING WITH 3" DEPTH TWICE SHREDDED HARDWOOD BARK MULCH	PERMANENT CHAINLINK FENCE (7/C802)
7	SHOVEL-CUT EDGE, SEE DETAIL 6/LA500	CONSTRUCTION FENCING
		LIGHT POLES
		INLETS

1 LANDSCAPE PLAN - ZONE 1 ENLARGEMENT

SCALE: 1"=10'-0"

NOTES

1. FIELD VERIFY SURVEY INFORMATION PRIOR TO START OF CONSTRUCTION AND REPORT ANY DISCREPANCIES TO THE DFD REPRESENTATIVE.
2. CONTACT DIGGER'S HOTLINE TO LOCATE ALL PUBLIC AND PRIVATE UTILITIES PRIOR TO STARTING WORK.
3. FIELD VERIFY ALL EXISTING SITE CONDITIONS AND UTILITIES PRIOR TO STARTING WORK. ANY DAMAGE CAUSED TO UTILITIES, EITHER SHOWN OR NOT, SHALL BE REPAIRED AND PAID FOR AT THE CONTRACTOR'S EXPENSE.
4. PROTECT OR RELOCATE ALL BENCHMARKS. RELOCATED BENCHMARKS TO BE INCLUDED WITH CONTRACTOR.
5. PROTECT ALL EXISTING PAVEMENTS, CURBS, UTILITIES, AND OTHER IMPROVEMENTS (TO REMAIN) FROM CONSTRUCTION ACTIVITIES. RESTORE ALL AREAS DISTURBED BY CONSTRUCTION RELATED ACTIVITIES TO EXISTING CONDITIONS AT COMPLETION OF WORK UNLESS SHOWN OTHERWISE ON PLANS.
6. SUBMIT TOPSOIL TESTING REQUIREMENTS PER SECTION 32 91 13 SOIL PREPARATION.
7. VERIFY THAT SPECIFIED TOPSOIL AND PLANTING MIXTURE DEPTHS ARE PRESENT PRIOR TO PLANTING PER SECTIONS 32 91 13 SOIL PREPARATION. NOTIFY DFD CONSTRUCTION REPRESENTATIVE OF ANY PROBLEMS.
8. SPACE PLANTINGS PER PLANT SCHEDULE.
9. ALL WRAPPINGS, WIRE BASKETS, BURLAP, AND OTHER MISCELLANEOUS MATERIAL SHALL BE COMPLETELY REMOVED FROM ALL SHRUB AND TREE ROOT BALLS PRIOR TO INSTALLATION.
10. ALL EXISTING LAWN AREAS WITHIN AND ADJACENT TO THE PROJECT SITE THAT ARE DISTURBED BY CONSTRUCTION ACTIVITIES INCLUDING, BUT NOT LIMITED TO, UTILITY TRENCHING, ACCESS, OR MATERIALS STORAGE SHALL BE REPAIRED WITH SOD PER SECTION 32 92 23 SODDING.
11. APPLY MYCHROIZAL FUNGI TO ALL PLANTINGS PER SECTION 32 92 00 PLANTS.
12. CONTRACTOR SHALL TAKE PRECAUTIONS DURING CONSTRUCTION TO NOT DISFIGURE, SCAR, OR IMPAIR THE HEALTH OF ANY STREET TREE. CONTRACTOR SHALL OPERATE EQUIPMENT IN A MANNER AS TO NOT DAMAGE THE BRANCHES OF THE STREET TREE(S). THIS MAY REQUIRE USING SMALLER EQUIPMENT AND LOADING AND UNLOADING MATERIALS IN A DESIGNATED SPACE AWAY FROM TREES ON THE CONSTRUCTION SITE. ANY DAMAGE OR INJURY TO EXISTING STREET TREES (EITHER ABOVE OR BELOW GROUND) SHALL BE REPORTED IMMEDIATELY TO CITY FORESTRY AT (608) 266-4816. PENALTIES AND REMEDIATION SHALL BE REQUIRED.
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15. STREET TREE PRUNING SHALL BE COORDINATED WITH CITY FORESTRY AT A MINIMUM OF TWO WEEKS PRIOR TO THE START OF CONSTRUCTION FOR THIS PROJECT. CONTACT CITY FORESTRY AT (608)266-4816. ALL PRUNING SHALL FOLLOW THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) A300 - PART 1 STANDARDS FOR PRUNING.
16. CONTRACTOR SHALL CONTACT CITY FORESTRY AT (608) 266-4816 TO SCHEDULE INSPECTION AND APPROVAL OF NURSERY TREE STOCK AND REVIEW PLANTING SPECIFICATIONS WITH THE LANDSCAPER AT LEAST ONE WEEK PRIOR TO STREET TREE PLANTING.
17. MODULAR SOIL VAULTS ARE REQUIRED SURROUNDING TREE GRATES AS INDICATED ON THE SITE LAYOUT PLANS. NO LATER THAN FIVE BUSINESS DAYS PRIOR TO INSTALLATION OF MODULAR SOIL VAULTS, THE CONTRACTOR SHALL CONTACT CITY FORESTRY AT (608) 266-4816 TO IDENTIFY AND LOCATE UNDERGROUND CONFLICTS (UTILITIES, VAULTS, CONDUIT) OR OTHER UNDERGROUND OBSTRUCTIONS AND DETERMINE GRATE LOCATIONS BEFORE MODULAR SOIL VAULT INSTALLATION. THE CONTRACTOR WILL BE REQUIRED TO OBTAIN THE SOIL VAULTS, GRATE, MATCHING FRAME AND TREE GUARD. TREE GRATE TYPE AND MATCHING FRAME: NEENAH 4X8 (R-8815-A). TREE GUARD NEENAH (R-8501-4818).
18. CITY FORESTRY WILL ISSUE A STREET TREE REMOVAL PERMIT FOR SIX TREES: ONE 2" OAK & ONE 2" ELM WITHIN WEST SIDE OF NORTH PARK STREET TERRACE, TWO 5" CRABAPPLES, ONE 4" CRABAPPLE & ONE 14" ELM WITHIN THE CENTER MEDIAN OF NORTH PARK STREET DUE TO UNDERGROUND UTILITY INSTALLATION. THE CONTRACTOR SHALL CONTACT CITY FORESTRY AT (608) 266-4816 TO OBTAIN PERMIT.
19. ANY ADDITIONAL STREET TREE REMOVALS REQUESTED WILL REQUIRE A MINIMUM OF A 72-HOUR REVIEW PERIOD WHICH SHALL INCLUDE THE NOTIFICATION OF THE ALDERPERSON WITHIN WHO'S DISTRICT IS AFFECTED BY THE STREET TREE REMOVAL(S) PRIOR TO AN ADDITIONAL STREET TREE REMOVAL PERMIT BEING ISSUED BY CITY FORESTRY.
20. CONTACT UW-MADISON CAMPUS REPRESENTATIVE A MINIMUM OF 5 DAYS PRIOR TO ANTICIPATED PRUNING OF ANY TREES TO SCHEDULE A REVIEW & CONSULTATION WITH CAMPUS GROUNDS STAFF PRIOR TO PERFORMING ANY PRUNING.
21. FOLLOWING INSTALLATION OF PERMEABLE PAVERS, CONTRACTOR TO PROTECT PERMEABLE PAVERS TO ENSURE PAVER JOINTS DO NOT CLOG WITH CONSTRUCTION DEBRIS. FOLLOWING THE COMPLETION OF SITE CONSTRUCTION, CONTRACTOR TO VACUUM CLEAN PERMEABLE PAVERS AND PROVIDE ADDITIONAL PERMEABLE JOINT AGGREGATE MATERIAL FULL TO THE LIP OF THE PAVER. BROOM SWEEP ENTIRE AREA CLEAN FOLLOWING INSTALLATION. SEE SECTION 32 14 00 F0R ADDITIONAL INFORMATION.
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PLANT SCHEDULE - SHRUBS/PERENNIALS/GROUNDCOVERS

SYMBOL	CODE	BOTANICAL / COMMON NAME	CONT	SIZE	SPACING	QTY
DECIDUOUS SHRUBS						
	Am	Aronia melanocarpa 'UCONNAM166' / Low Scape Hedger® Black Chokeberry	5 gal	CONT.	33" o.c.	31
	Di	Diervilla lonicera / Dwarf Bush Honeysuckle	3 gal	CONT.	42" o.c.	66
	Hb	Hydrangea arborescens `Annabelle` / Annabelle Smooth Hydrangea	3 gal	CONT.	51" o.c.	9
	Hq	Hydrangea quercifolia 'Munchkin' / Munchkin Oakleaf Hydrangea	3 gal	CONT.	41" o.c.	30
EVERGREEN SHRUBS						
	Js	Juniperus chinensis `Sea Green` / Sea Green Juniper	5 gal	CONT.	66" o.c.	11
	Tj	Tsuga canadensis `Jeddeloh` / Jeddeloh Eastern Hemlock	5 gal	CONT.	48" o.c.	4
HERBACEOUS PERENNIALS						
	asb	Allium tanguticum `Summer Beauty` / Summer Beauty Allium	1 gal	CONT.	17" o.c.	63
	atb	Asclepias tuberosa / Butterfly Milkweed	1 gal	CONT.	12" o.c.	10
	dap	Dalea purpurea / Purple Prairie Clover	1 gal	CONT.	11" o.c.	12
	dmg	Dryopteris marginalis / Marginal Shield Fern	1 gal	CONT.	18" o.c.	15
	ema	Eurybia macrophylla / Bigleaf Aster	1 gal	CONT.	12" o.c.	33
	gma	Geranium maculatum / Spotted Geranium	1 gal	CONT.	15" o.c.	26
	gtm	Geum triflorum / Prairie Smoke	1 gal	CONT.	12" o.c.	42
	hab	Heuchera macrorhiza `Autumn Bride` / Autumn Bride Coral Bells	1 gal	CONT.	22" o.c.	24
	rdf	Rudbeckia fulgida 'Blovi' / Viette's Little Suzy Coneflower	1 gal	CONT.	16" o.c.	31
	sol	Symphyotrichum oolentangiense / Sky Blue Aster	1 gal	CONT.	15" o.c.	80
ORNAMENTAL GRASSES						
	cpn	Carex pensylvanica / Pennsylvania Sedge	1 gal	CONT.	16" o.c.	134
	kmc	Koeleria macrantha / Prairie Junegrass	1 gal	CONT.	17" o.c.	19
	scm	Schizachyrium scoparium / Little Bluestem	1 gal	CONT.	24" o.c.	10
	sph	Sporobolus heterolepis / Prairie Dropseed	1 gal	CONT.	23" o.c.	127

R/S BORA

Consultant: saiki DESIGN

State of Wisconsin
Department of Administration
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NEW ACADEMIC BUILDING
LEVY HALL
UNIVERSITY OF WISCONSIN - MADISON
MADISON, WISCONSIN

LANDSCAPE PLAN – ZONE 1 ENLARGEMENT

Revisions

No.	Date	Description
BD	07/07/2023	Bid Documents
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Graphic Scale: 0' 5' 10' 15'

DFD Number: 20K1G–01

Set Type: CD

Date Issued: 12/01/2023

Sheet Number: LA110

206 Bernard Ct.
Residential Building
Condition Evaluation
University of Wisconsin-Madison

Madison, WI 53706

DFD Project #: 20K1G

3/31/2023

Prepared for

Division of Facilities Development
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GRAEF Project No. 2021-0488.00

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Background

As requested, GRAEF performed a visual assessment of the limited scope area via a targeted walk-through evaluation. These observations and evaluations were performed at a residential building located on the University of Wisconsin-Madison campus. The building is located at 206 Bernard Ct., Madison, Wisconsin 53715. The site visit was conducted by GRAEF on March 16, 2023. The purpose of the evaluation is to provide an assessment of current structural & maintenance items to be addressed in preparation of impending construction directly adjacent to residential houses . This report presents the findings of this assessment and general recommendations for repairs and measures to extend the life of the installation and prevent potential issues stemming from nearby construction.

Structural System Description

Located on the University of Wisconsin-Madison campus, 206 Bernard Ct is a 3-story residential structure with a full basement. Existing building drawings could not be located at the time this report was written. The building consists of a stone foundation with a concrete slab-on-grade in the basement and wood framing and floors comprising the superstructure. The building contains a wood porch and balcony on the east and west sides of the building.

Example photos of these observed issues can be found in Appendix A.

Structural System Condition Assessment

In general, the observed structural systems at 206 Bernard Ct. were found to be in poor condition. We did not fine any life safety issues but floors are sloping due to settlement in basement of main loadbearing walls and wood column deterioration. Temporary shoring has been installed to minimize any further settlement.

We understand that access is limited to 1st and 2nd floors only. 3rd floor is off limits to building occupants.

Noteworthy issues encountered during the assessment include, but are not limited to, the following:

- The exterior deck, especially the one at the main entrance on the east side of the building, was observed to be in poor condition. There is extensive sloping due to deflection of the support beams. Some temporary shoring was found underneath the deck. However, this shoring does not appear to be both secure nor adequate enough to prevent further settlement of the deck.
- The masonry foundation wall was observed to be in decent condition, except for the south section of the wall that has since been sectioned off with a CMU vault. This portion of the foundation had moderate deterioration of the stone and mortar.
- An approximately 2 ft diameter hole was observed within the basement slab-on-grade near the mechanical room (furnaces) on the north side of the building. The purpose of the hole was not entirely known but could cause the soil beneath to undermine which can cause settlement of the foundation.
- The main 2nd floor balcony on the east side of the building was observed to be in poor condition and is recommended not to be used by residents. The main balcony joists appear to be sloped due to differential settlement by as much as 1 ½”.
- Typical minor damage to walls (cracks in drywall) were noted throughout.
- Much of the wood flooring throughout the superstructure was observed to be sloping and/or settling. In several locations, it was observed that the floor has settled by as much as 1 ¾” across a 4 foot measurement.
- There were multiple temporary shoring columns observed throughout the basement area. These were likely installed to prevent further deflection of the superstructure. However, these shoring columns were observed to have little-to-no attachment to the building and are simply kept in place by the compressive loading of the flooring above.

Recommendations Prior to New Construction

Listed are our recommendations on how to extend the life of the structure and prevent potential issues that may arise as a result of nearby new construction:

- All temporary shoring installed in the basement should be securely fastened so as to prevent possible movement due to vibration during construction. Present temporary shoring are not attached to floor or SOG securely.
- The shoring beneath the exterior deck should be replaced with sturdier materials and securely fastened as a more permanent solution to prevent settlement of the deck.
- Due to the location of the residential building being a reasonable distance away from the proposed new construction, there will likely be no structural issues encountered within the building as a result of new construction. However, the vibrations caused by construction machinery may be uncomfortable for some occupants inside the residential building. Therefore, it is recommended that the building only be occupied outside of normal construction hours.
- It is recommended that the building be routinely inspected during the new construction period to determine if settlement of the building has increased or if there are any other potential issues with the residential building.

Recommendations on New Construction Activities

Listed are our recommendations that would minimize vibration on adjacent residential structures:

- Due the closeness of new construction we understand that lateral soil retention is to be installed on west side and southwest half along Clymer. We would recommend that soil retention system be soldier pile and lagging or shotcrete/soil nailing. If soldier pile and lagging system is used, we would recommend that piles be drilled and steel piles encased with concrete fill that is excavatable (750 psi). Driven sheet piling or driven H piles should be avoided;
- Large vibratory rollers should be avoided closer than 100 feet of residential houses. Smaller compacters should be used along with clear stone for engineered fill under slab on grade and utility trenches. Low strength diggable concrete fill (750 psi) would also be another option for backfilling utility trenches.
- When demolishing Davis and Joe Bayliss residential halls we would recommend that large jackhammers on excavators be minimized and that concrete walls be broken up with concrete saws or large concrete scissor typically used by demo contractors to cut through smaller foundation walls and floor.
- Pre-construction meeting with contractor and his subcontractors should be held to emphasize the importance on minimizing high vibration related activities where possible.
- Recommend that photos be taken by contractor both before construction after or during construction to verify any cracks or damage which might occur during construction.
- Vibration monitoring/testing could also be completed before construction to see how prone the soils are in propagating vibration through soil media to adjacent residents. Tests could be completed in asphalt parking lot adjacent to residential houses. Large excavator could be brought in along with vibratory roller compactor to see if large construction equipment will cause vibration of concern.

- Vibration monitoring equipment could also be installed along residential houses and readings collected during construction with upper bounds set for vibration activities.

Limitations

This report is based on conditions of elements that were readily observable at the time of assessment. No destructive testing was performed during the assessment. This evaluation was intended to be an assessment of the visible structural elements of the residential structures. GRAEF does not accept responsibility for deficiencies not evident during an investigation of this type.

This report is intended to inventory existing conditions of the observed areas and to provide general recommendations for repair and the potential impact nearby construction will have on those structures. Recommendations provided in this report are conceptual in nature and are not intended for construction. GRAEF is able to provide additional investigation, construction details and specifications for repair upon request.

Conditions observed at the time of assessment may change if noted deficiencies are not corrected.

APPENDIX A: TYPICAL PHOTOS

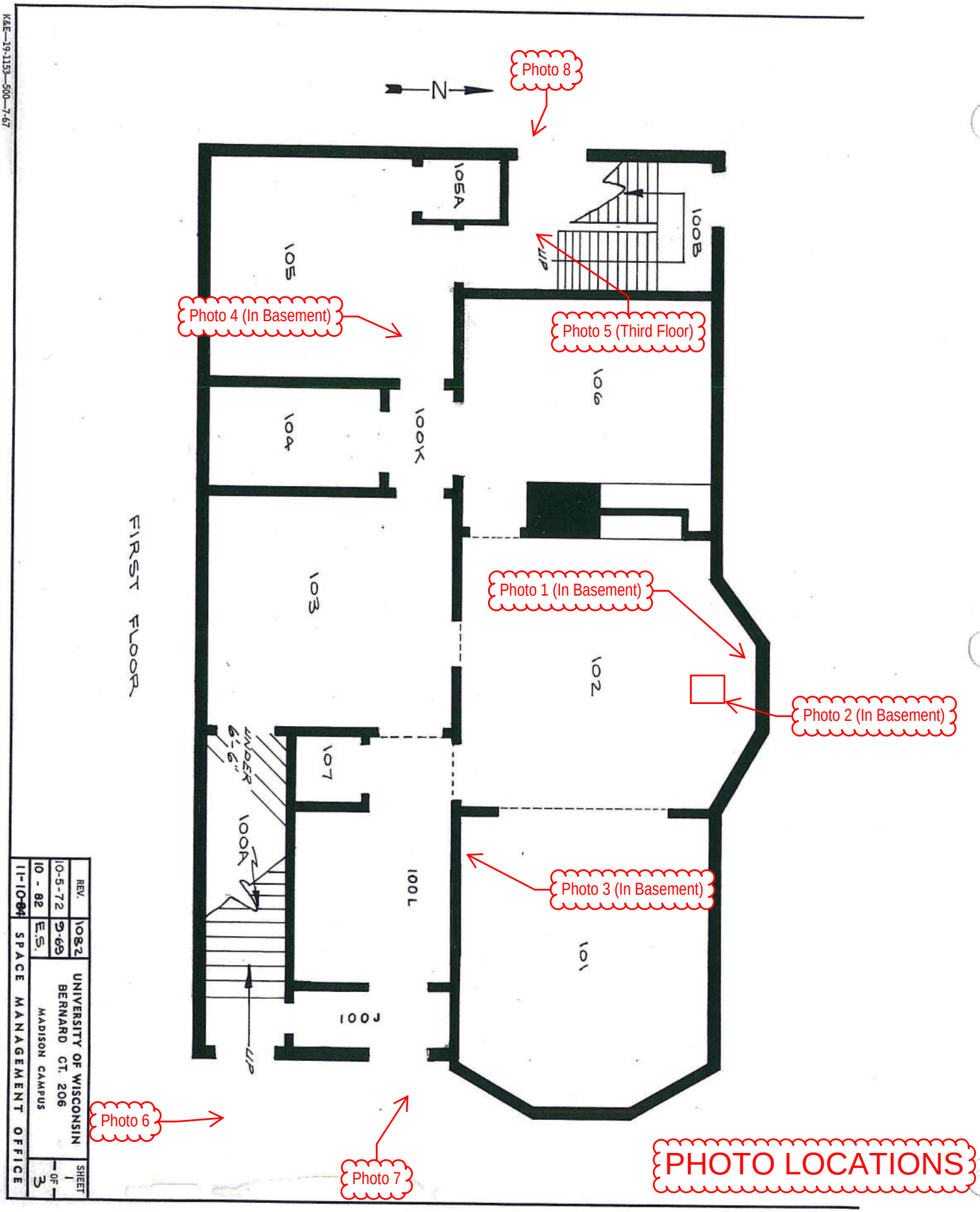
Photo 8
N
105A
100B
UP
105
Photo 4 (In Basement)
Photo 5 (Third Floor)
106
104
100K
FIRST FLOOR
103
Photo 1 (In Basement)
102
Photo 2 (In Basement)
UNDER 6'-6"
107
100A
100L
Photo 3 (In Basement)
101
100J
UP
Photo 6
Photo 7
PHOTO LOCATIONS
K&E—19-1153—500—7-67
REV.
10-5-72
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9-69
E.S.
UNIVERSITY OF WISCONSIN
BERNARD CT. 206
MADISON CAMPUS
SHEET 1 OF 3
SPACE MANAGEMENT OFFICE

Photo 1: Stone foundation with moderate deterioration on south side of building

Photo 2: Large hole in basement's concrete slab-on-grade.

Photo 3: Unsecured temporary shoring in basement.

Photo 4: Unsecured temporary wood shoring in basement.

Photo 5: Minor cracking of stair ceiling.

Photo 6: Temporary shoring in poor and inadequate condition underneath front deck.

Photo 7: Settled deck and balcony with slanted joists

Photo 8: Rear decking supported by masonry columns with minor spalling.

Outlook

FW: SHPO Review: 25-1207/DA - UW- Madison- 206 Bernard Court Removal

From Scott Utter <scott.utter@wisc.edu>
Date Fri 5/23/2025 1:52 PM
To MORGAN BARTHEN <morgan.barthen@wisc.edu>; Weiss, Cathy O'Hara <cathy.o.weiss@wisconsin.edu>

FYI.

Scott Utter
Director of Campus Planning and Landscape Architecture
University of Wisconsin - FP&M
21 N. Park STE 6101
Madison, WI 53715

Cell: (608) 286-8130

Facilities Planning & Management
UNIVERSITY OF WISCONSIN–MADISON
Providing excellence in facilities and services for our university community

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From: madeline.norton@wisconsinhistory.org <madeline.norton@wisconsinhistory.org>
Sent: Friday, May 23, 2025 1:39 PM
To: Scott Utter <scott.utter@wisc.edu>
Subject: SHPO Review: 25-1207/DA - UW- Madison- 206 Bernard Court Removal

Dear Scott Utter,

We have completed our review of WHS #25-1207, UW- Madison- 206 Bernard Court Removal and find that no eligible properties will be affected (i.e. none are present or there are historic properties present but the project will have no effect upon them).

It is the opinion of the WI SHPO you have fulfilled your section 106 of the National Historic Preservation Act (NHPA) consultation requirements with our office. If your plans change or cultural materials/human remains are found during the project, please halt all work and contact our office.

Please use this email as your official SHPO concurrence for NHPA requirements of the project. If you require a hard copy signed form, please contact me and I will provide you a signed copy as soon as possible.

Sincerely,
Madeline Norton
Compliance Reviewer
State Historic Preservation Office

Wisconsin Historical Society
816 State Street, Madison, WI 53706
608-261-2457

madeline.norton@wisconsinhistory.org

Wisconsin Historical Society
Collecting, Preserving, and Sharing Stories Since 1846

From: Govindarajan, MGR
To: Aaron Williams; ASM Legislative Affairs Chair; sharedgovernance@asm.wisc.edu
Cc: Brenda Gonzalez; CANA Madison
Subject: Re: DEMOLITION NOTIFICATION: Alder and Campus Area Neighborhood Association (CANA): 206 Bernard Court
Date: Monday, October 27, 2025 6:50:30 PM

Thanks for the heads up Aaron!

Want to flag for you that CANA's email is canamadison@gmail.com, which I've cc'd here. Megan and Genevive are leading CANA this year but obviously that might not be the case next year, and their ASM emails are subject to Open Records Law so just wanted to direct it to the right place for future reference.

Thanks,

MGR Govindarajan *(he/him/his)*
District 8 Alder | (608) 509-9119
My Blog

From: Aaron Williams <aaron.williams@wisc.edu>
Sent: Friday, October 24, 2025 1:33 PM
To: Govindarajan, MGR <district8@cityofmadison.com>; ASM Legislative Affairs Chair <legislative@asm.wisc.edu>; sharedgovernance@asm.wisc.edu <sharedgovernance@asm.wisc.edu>
Cc: Peter Schlecht <peter.schlecht@wisc.edu>; Scott Utter <scott.utter@wisc.edu>; Brenda Gonzalez <brenda.gonzalez@wisc.edu>; Lori Wilson <lori.wilson@wisc.edu>
Subject: RE: DEMOLITION NOTIFICATION: Alder and Campus Area Neighborhood Association (CANA): 206 Bernard Court

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Minor revision to the third bullet point below. Campus has owned the property since 1968. FYI

Aaron Williams, PLA, ASLA
University of Wisconsin-Madison
Campus Planning & Landscape Architecture

aaron.williams@wisc.edu

From: Aaron Williams
Sent: Friday, October 24, 2025 1:22 PM
To: Govindarajan, MGR <district8@cityofmadison.com>; ASM Legislative Affairs Chair <legislative@asm.wisc.edu>; 'sharedgovernance@asm.wisc.edu' <sharedgovernance@asm.wisc.edu>
Cc: Peter Schlecht <peter.schlecht@wisc.edu>; Scott Utter <scott.utter@wisc.edu>; Brenda Gonzalez <brenda.gonzalez@wisc.edu>; Lori Wilson <lori.wilson@wisc.edu>
Subject: DEMOLITION NOTIFICATION: Alder and Campus Area Neighborhood Association (CANA): 206 Bernard Court

Alder Govindarajan and CANA Co-Chairs Megan and Genevieve,

This is a notice related to our intentions to file an application for a demolition permit for the structure located at 206 Bernard Court (Block 16) within the Campus Development Plan Boundary in Madison, Wisconsin. All lands are owned by the Board of Regents. There is no request to amend the Campus Master Plan as the parcel is currently zoned Campus-Institutional (C-I) District. Additionally, this request will be made aware to the Joint Campus Area Committee. Future development will adhere to current Pre-Design studies for the area. No specific project has been identified at this time. The schedule is as follows:

06/05/2025: City Zoning/Planning Staff Meeting
10/24/2025: Alder/Neighborhood Association Notification
10/24/2025: Demo List Serv Notification
11/05/2025: Landmarks Commission Submittal
12/08/2025: Landmarks Commission Meeting
January 2026: Potential Demolition Start

Additional Information for your reference:

- **Condition and History of the House**: The property at 206 Bernard Court, constructed in 1911, is a 3-story, 3,734 wood frame structure located on Bernard Court. Based on the age of the building, all building materials are presumed to be asbestos-containing materials. A demolition quality asbestos inspection will be performed prior to removal initiation to confirm. Materials containing hazardous materials will be abated according to current state and federal regulations by a certified contractor. There is lead-based paint on the exterior and interior of the building (EHS inspections using XRF) with high concentrations of lead around the building based on 2012 soil samples.

- **Potential for Relocation**: The structure is not listed on the National or State of Wisconsin Historic Register. The building is listed on the Architecture and History Inventory (#160472) however a determination of ineligible for the National Register has been made. A 44.40 form has been submitted to the Wisconsin Historical Society and received that no eligible properties would be affected on 5/23/25. The property's current condition and structural issues would pose significant challenges to any relocation efforts.

- **Campus Master Plan Alignment**: The property is situated within the campus boundaries and was identified for ~~potential acquisition and~~ redevelopment in the Campus Master Plan adopted in 2017. The timing of the acquisition aligns with our ongoing efforts to develop the southern half of Block 16 for institutional programming. The removal of this structure will facilitate the implementation of these plans and contribute to the overall improvement and development of the campus.

- **Interim Condition Following Removal**: After the demolition of the house, the site will be stabilized and prepared for future development. We plan to remove contaminated soil (not anticipated), grade the site and apply seed to establish cover. Erosion control measures will be installed accordingly. This interim condition will ensure safety and allow for setup with the planned future development.

Thank you,

Aaron Williams, PLA, ASLA
University of Wisconsin-Madison
Campus Planning & Landscape Architecture

Facilities Planning & Management
21 N. Park Street, 6th Floor
Madison, Wisconsin 53715-1211
(608) 381-8406

aaron.williams@wisc.edu

Construction zone.

This is a notice that Aaron Williams will be filing a demolition permit application. The application will be submitted around December 8, 2025 or later. The applicant seeks to demolish a single family residence. The address is 206 Bernard Ct Madison, WI 53715.

The City's Landmarks Commission provides an advisory review of all demolition applications. The Landmarks Commission will determine if the building has historic value. If it has historic value, then the Plan Commission will review the application. The Plan Commission will hold a public hearing when they review the application. If it has no known historic value, the Director of Building Inspection may approve the application.

For more information about this application, please contact the applicant, Aaron Williams, University of Wisconsin-Madison, 21 N. Park Street 6th Floor Madison, WI 53711 at aaron.williams@wisc.edu or (608)263-3000.

Applicant's Comments:

The property at 206 Bernard Court is located on Block 16 of the City of Madison, constructed in 1911, is a 3-story, 3,734 wood frame structure. The site will be stabilized and prepared for future development in accordance with the long-range plans of the institution.

If you have any questions about the City's application review process, please contact the City of Madison Planning Division at (608) 266-4635.

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Madison, WI 53703

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PLANNING DIVISION STAFF REPORT

February 9, 2026

PREPARED FOR THE LANDMARKS COMMISSION

Project Name & Address:	**206 Bernard Court**
Application Type:	Demolition Historic Value Review
Legistar File ID #	91329
Prepared By:	Heather Bailey, Preservation Planner, Planning Division
Date Prepared:	February 4, 2026

Summary

Relevant Ordinance Section:

28.185(7) Review for Historic Value. Every application for demolition or removal of a principal structure shall be reviewed by the Landmarks Commission, which shall provide input to the Building Inspection Division regarding the historic value of the property with the building or structure proposed for demolition or removal.

(a) If the Landmarks Commission determines that the property with the proposed demolition or the structure proposed for removal has no known historic value, the demolition or removal may be approved administratively under sub. (8)(b) below, provided that at least one of the standards for administrative approval have been met.

(b) If the Landmarks Commission determines that the property with the proposed demolition or the structure proposed for removal has historic value, then the Plan Commission shall approve the demolition or removal under sub. (9) below, after considering input from the Landmarks Commission.

(c) Nothing in this subsection eliminates the requirement in MGO Secs. 41.09(1)(c) and 41.12(3) that the demolition of landmark structures or structures in historic districts must also be approved by the Landmarks Commission through the issuance of a Certificate of Approval.

41.28 HISTORIC VALUE ADVISORY RECOMMENDATION

(1) Review for Historic Value. Following a review of MGO Sec. 28.185 applications for demolition by the Landmarks Commission and based upon application materials, and a report by the City's Preservation Planner, and any public testimony, the Commission shall review MGO Sec. 28.185 applications for demolition and assign one of the following Categories to each principal building proposed for demolition:

(a) Category A Demolitions: denotes that the Landmarks Commission finds that the building has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, listed in the National Register of Historic Places, and/or as an intact or rare example of a certain architectural style or method of construction.

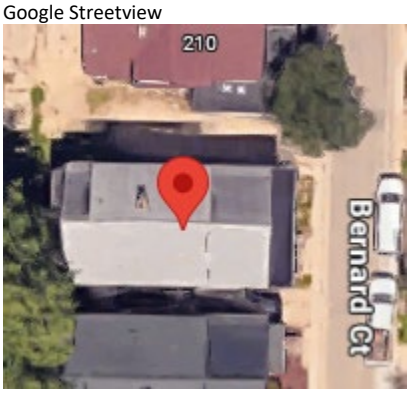
(b) Category B Demolitions: denotes that the Landmarks Commission finds that the building has historic value related to the vernacular context of Madison's built environment, cultural practices, or as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant.

(c) Category C Demolitions: denotes that the Landmarks Commission finds that the building has no known historic value. This category may also denote sites or properties that have historic value, and the significance will not be negatively impacted by the removal of the building itself. This category may also include sites or properties that have archaeological or other site findings of significance, but where removal of the building itself will have no impact.

(2) Presence of Archaeology. When applicable, each finding shall also note the presence of an archaeological or burial site on the site of the building proposed for demolition.

206 Bernard Court
Commercial building constructed in 1911.

Google Streetview



Google Earth

Applicant: Cindy Torstveit, UW-Madison

Applicant's Comments:
Condition and History of the House: The property at 206 Bernard Court, constructed in 1911, is a 3-story, 3,734 wood frame structure located on Bernard Court. Builder unknown. Based on the age of the building, all building materials are presumed to be asbestos-containing materials. A demolition quality asbestos inspection will be performed prior to removal initiation to confirm. Materials containing hazardous materials will be abated according to current state and federal regulations by a certified contractor. There is lead-based paint on the exterior and interior of the building (UW-Madison Environment, Health & Safety inspections using XRF) with high concentrations of lead around the building based on 2012 soil samples. Reference existing images for additional information.
Potential for Relocation: The structure is not listed on the National or State of Wisconsin Historic Register. The building is listed on the Architecture and History Inventory (#160472) however a determination of ineligible for the National Register has been made. A 44.40 form has been submitted to the Wisconsin Historical Society and

concurrence received that no eligible properties would be affected. The property's current condition and structural issues would pose significant challenges to any relocation efforts.

Staff Findings: This building was originally a home, but its longest tenant was Bernie's Place preschool from 1968 to 2011. The Underrepresented Communities Historic Resources Survey identifies this as the office for Movimiento Estudiantil Chicano de Aztlan (MEChA) since 2011. MEChA is significant for its activism for Latino/a/e youth. The Wisconsin Historical Society determined that this property was not eligible for the National Register of Historic Places due to a lack of individual architectural or historic significance. While MEChA is a culturally significant organization, their tenure at this location is relatively recent. There is no previously identified archaeology on this property.

Staff Recommendation: Staff recommends a finding of (c) no known historic value.

City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 91456

File ID:	91456	**File Type:**	Demolition Permit	**Status:**	In Committee
Version:	1	**Reference:**		**Controlling Body:**	LANDMARKS COMMISSION
				File Created Date :	01/07/2026
File Name:				**Final Action:**	

Title: 5555 Odana Road - Consideration of a demolition permit to demolish a commercial building (District 19)

Notes:

Sponsors:		**Effective Date:**	
Attachments:	91456 - 5555 Odana Demo Submittal, 91456 - 5555 Odana LC Demo Report, Public Comment	**Enactment Number:**	
Author:		**Hearing Date:**	
Entered by:	lheiser-ertel@cityofmadison.com	**Published Date:**	

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File 91456

Title
5555 Odana Road - Consideration of a demolition permit to demolish a commercial building (District 19)

APPLICATION FOR DEMOLITION OF PRINCIPAL BUILDINGS

Complete all sections of this application, including signature on page 2.
To request an interpreter, translation, or accommodations, call (608)266-4910.
Para solicitar un intérprete, traducción o acomodaciones llame al (608)266-4910.
Koj muaj txoj cai tau txais kev txhais lus, kev pes lus los sis kev pab cuam txhawm rau kev tsis taus uas tsis muaj nqi rau koj: Xav paub ntxiv tiv tauj rau (608)266-4910
如需口譯、翻譯或其他便利服務，請致電 (608)266-4910.

City of Madison
Building Inspection Division
215 Martin Luther King Jr Blvd, Ste 017
PO Box 2985
Madison, WI 53701-2985 (608) 266-4551

Submit the following via email to:

- Building Inspection at sprapplications@cityofmadison.com and
- Landmarks Commission at LandmarksCommission@cityofmadison.com (see submittal schedule)

Part 1: General Application Information

Street Address:	5555 Odana Road		
Alder District:	19	**Zoning District:**	CC-T

Project Contact Person Name	Nick Orthmann	**Role**	Developer
Company Name	Odana Apartments, LLC c/o Bear Development, LLC		
Phone	262-308-2656	**Email**	[redacted]

☑	**Completed Application** (this form)
☑	**Property Owner Permission** (signature on this form or an email providing authorization to apply)
☑	**Copy of Notification sent to the Demolition Listserv** Date Sent 12/5/2025
☑	**Copy of Email Pre-Application Notification of Intent to Demolish a Principal Structure sent to District Alder, City-registered neighborhood association(s), and City-listed business association(s).** Date Sent 12/5/2025
☐	**$600 Demolition Application Fee** (additional fees may apply depending on full scope of project)
☑	**Demolition Plan**
CUP	**Are you also seeking a Zoning Map Amendment (Rezoning) or Conditional Use?** ◉ **Yes** ○ **No**

Part 2: Information for Landmarks Historic Value Review

☑	**Letter of Intent** describing the proposed structure to be demolished, description of proposed method and timeline of demolition
☑	**Construction Information** (Dates of construction and alterations, architect name, builder name, history of property, historic photos)
☑	**Existing Condition Photos** (Interior and exterior digital photos of each principal building to be demolished sufficient to indicate its character and condition)
	Will existing structure be relocated? ○ **Yes** ◉ **No** If "yes" include preliminary assessment that relocation is likely to be structurally and legally feasible
☐	***Optional: Proposed mitigation plans for properties with possible historic value***

APPLICATION FOR DEMOLITION OF PRINCIPAL BUILDINGS

Part 3: Application for Plan Commission Review (if applicable)

- When Landmarks Commission finds a building has Historic Value, the demolition application must be considered by the Plan Commission.
- If Plan Commission review is required, staff will schedule the public hearing based on the published schedule.
- Applicant must make an appointment to pick up "Public Hearing" sign from Zoning Counter and post the sign on property at least 21 days before Plan Commission hearing.

Demolition requests will be scheduled concurrently with other related requests before the Plan Commission, where applicable. A schedule confirmation will be emailed to the designated project contact. Contact staff at pcapplications@cityofmadison.com with questions.

Part 4: Signature

Property Owner Authorizing Signature (or authorized via attached email)		Signed by: Stacy Bruner 79CD73EB2AF3452...	
Property Owner Name		Stacy Bruner	
Company Name		BPH, LLC	
Street Address		634 Struck Street	
Phone	608-273-9390	**Email**	[redacted]

For Office Use Only	
Date:	
Accela ID No.:	

January 5, 2026

Mr. Colin Punt
Planner
City of Madison Department of Planning & Community & Economic Development
215 Martin Luther King Jr. Blvd, Suite 017
Madison, WI 53703

Re: Letter of Intent- 5555 Odana Road & 5534 Medical Cricle Land Use Application

Mr. Punt:

Odana Apartments, LLC c/o Bear Development, LLC ("Bear") is pleased to submit this Land Use Application for our proposed project at 5555 Odana Road and 5534 Medical Circle. This application package includes the required development plans, LND-A, LND-B, Demolition Permit Application / Landmarks Review, Urban Design Commission, and Subdivision/CSM applications (please note that the Subdivision/CSM application for this project was submitted by JSD on December 15, 2025 under separate cover, however it should be reviewed in tandem with balance of the applications listed above).

Introduction:

Bear is proposing to acquire and redevelop 5555 Odana Road and 5534 Medical Circle into a mixed used development. The development will include two mixed-use buildings, one five-story and one six-story, containing a total of 227-dwelling units, and approximately 7,745 square feet of commercial space. The existing, commercial buildings and site improvements will be demolished as part of the project, and we anticipated starting construction in July 2026. 5555 Odana Road is approximately 1.80-acres, and 5534 Medical Circle is approximately 0.58 acres totaling 2.38 acres for the development site. The site has frontage on Odana Road and Medical Circle.

The proposed unit mix consists of 186 one-bedroom units and 41-two-bedroom units. On-site parking includes 75 surface stalls and 133-structured parking stalls. The building includes several resident amenities such as a co-working space, community room, fitness center, on-site management office, resident storage lockers and a dedicated bike storage area. The northern building along Odana Road will contain 1,300 SF of commercial space, and the southern building along Medical Circle will contain 6,445 SF of commercial space.

Project Team:

Applicant/Developer:
Odana Apartments, LLC
c/o Bear Development, LLC
4011 80th Street
Kenosha, WI 53142
Contact: Nick Orthmann
Phone: 262-308-2656
Email: northmann@beardevelopment.com

Civil Engineer/Landscape Architect/Surveyor:
JSD Professional Services, Inc.
161 Horizon Dr Suite 101
Verona, WI 53593
Contact: Kevin Yeska
Phone: 608-609-6794
Email: Kevin.Yeska@JSDinc.com

Architect:
JLA Architects
800 W Broadway, Suite 200
Monona, WI 53713
Contact: Patrick Terry
Phone: 608-442-3823
Email: Pterry@jla-ap.com

Project & Site Details:

- Parcel ID: 251/0709-303-0299-1 / 251/0709-303-0213-1 / 251/0709-303-0216-5 & 251/0709-303-0206-6 (the Odana Road parcel has multiple PINs due to existing condo plat which will be removed)
- Zoning: Commercial Corridor- Transitional (CC-T)
- Land Use: Community Mixed-Use (CMU) & Employment (E)
- Urban Design District: Urban Design District 3
- Aldermanic District: District 19
- Neighborhood: NA
- Business Association NA
- Lot Area: 103,672 SF / 2.38 Acres
- Building Gross Square Footage: 273,643 SF
- Building Height: 5-stories and 6-stories
- Dwelling Units: 227 units
    - 1 Bedrooms: 186 units
    - 2 Bedrooms: 41 units
    - Density: 95.4 units / acre
- Parking Stalls: 209 stalls (75 Surface / 134 structured)
    - EV Ready: 42 stalls
    - EV Installed: 7 stalls
- Bike Parking: 265 stalls
    - Long-Term 241 stalls
    - Short-Term 24 stalls

Requested Approvals:

Conditional Use Permit: the property is zoned CCT; per table 28D-2 of the Zoning Ordinance a Conditional Use Permit is required for mixed-use buildings with >60 units. Building A is six stories; per 28.067 3D of the Zoning Ordinance, a Conditional Use Permit is required for building heights >5 stories and approval to exceed 5-stories is being requested.

Demolition Permit: we are requesting approval of a Demolition Permit to raze the existing commercial buildings on site, which would be done as part of the overall construction of the newly proposed mixed-use buildings. The site was filed on the City's Demolition List Serv on December 5, 2025. The development team does not believe that the either of the buildings have historic relevance.

Urban Design Commission: the property is in Urban Design District 3 therefore we are requesting the Urban Design Commission review the plans as part of this Land Use Application. Prior to submission of the full Land Use Application, Bear made an informational presentation to the Urban Design Commission on September 17th, 2025.

Subdivision / CSM: the site is currently two single tax parcels and we are requesting the approval of a Certified Survey Map to combine the lots. The existing condominium plat on the 5555 Odana Road parcel will be terminated by the current owner prior to the start of the project.

Proposed Meeting Schedule:

- Application Submittal January 5, 2026
- Landmarks Commission February 9, 2026
- Urban Design Commission (initial & final) February 18, 2026
- Planning Commission March 2, 2026
- Common Council March 10, 2026

Project Phasing & Schedule:

Demolition of the existing buildings and construction of the proposed buildings will start at the same time with Building B along Medical Circle currently anticipated to be completed first and Building A along Odana Road to be completed second. Construction/demolition is expected to commence in July 2026 and is anticipated to be completed in the third quarter of 2028.

City & Neighborhood Input:

During the pre-submittal process the development team met with a variety of stakeholders whose input has helped shape the proposal:

- City of Madison Staff- Bear has consulted with City Staff several times during the pre-submittal process including a pre-development meeting, a Development Assistance Team Meeting, and several informal consultations.
- Urban Design Commission- The development team gave an informational presentation to the UDC on September 17, 2025.
- Aldermanic, Neighborhood, and Business Association Outreach- Bear has provided all necessary notice emails for the approvals requested in this application. The sites are not located in a Neighborhood Associate or Business Association. District 19 Alderman gave an all-district neighborhood meeting on October 21, 2025 which included a project overview for the development. Additionally, direct outreach has been made to the immediate neighbors of the project site, which are all commercial or multifamily uses.

Management / Operating Plan:

The project will be financed primarily with Tax-Exempt Bonds and 4% Low-Income Housing Tax Credits issued by WHEDA. All 227 dwelling units will be rent- and income-restricted with an average AMI not to exceed 60%, which will be evidenced by a Land Use Restriction Agreement. Bear, via Odana Apartments, LLC will be the long-term (minimum 15-years) owner. Bear will be responsible for asset management of the property and Bear Property Management, Inc. (part of the Bear Real Estate Group of Companies) will handle day-to-day property management activities. Construction of the project will be managed by Construction Management Associates, Inc. (also part of the Bear Real Estate Group of Companies).

A detailed management plan can be provided upon request.

Public Subsidy:

Bear has requested Tax Incremental Financing (TIF) assistance for the project. A new TID will be created specific to the project, and we have completed the City's "free look" process and have been working closely with staff on the approval process.

Reuse & Recycling Plan:

Bear acknowledges that approval of a Reuse & Recycling Plan will be required prior to the issuance of permits. We plan to complete this during the Site Plan Verification stage.

Transportation Demand Management Plan:

A Transportation Demand Management (TDM) Plan has been provided with this application.

Tree Report:

A Street Tree Report has been provided with this application.

Stormwater Report:

Bear acknowledges that a Stormwater Management Report will be required prior to the issuance of permits. We plan to complete this during the Site Plan Verification stage.

Urban Design District 3:

An informational presentation to Urban Design Commission took place on September 17, 2025. The building received favorable. Notable items that were discussed include:

Pedestrian Connectivity Enhancements

We have addressed the Commission's concerns regarding pedestrian connectivity between Odana Road and Medical Circle. A new ground-level sidewalk connection now links these two roads, significantly improving walkability. While grading remains a challenge due to the approximately 18-foot topographic drop from north to south, the proposed design carefully optimizes this terrain to ensure connectivity and safety.

Building Articulation and Material Transitions

We have incorporated the Commission's feedback to refine the building's architectural expression:

- Accent Colors: Excessive use of accent colors has been eliminated, while preserving the building's character and original design intent. The exterior architecture continues to reflect the interior spatial organization authentically.
- Material Transitions: Previous concerns about material changes occurring on the same plane have been resolved. All material transitions now include a minimum 4-foot depth variation, creating a more dynamic and visually engaging façade. Vertically, materials transition from masonry at the lower levels to cementitious panels above, highlighted by a distinctive concrete banding.
- Ground-Level Transparency: Street-facing edges have been designed to maximize transparency, enhancing pedestrian engagement. This creates a clear distinction between the active ground level and the residential levels above, which feature more traditional punched openings.
- Roofline Articulation: The roof level incorporates varied parapet heights to provide visual interest while maintaining the minimalist, contemporary design intent.

An explanation of how the proposal addresses each of the required design criteria is below:

- Public Right-of-Way: Public rights-of-way will include appropriate trees and shrubs and provide a degree of visual continuity per UDD 3.
- Off-Street parking is structured within the building footprint in the lower-level and ground level garages and compliant with UDD 3. Surface parking is situated throughout the site and screened by landscaping in most locations.
- Signs: Sign plans need to be developed but will conform to Madison Ordinances and be integrated with the architecture of the building per UDD 3 requirements.
- Building Design / Relationships: Design is consistent with UDD 3 requirements. Exterior building materials are low maintenance and harmonious with the neighborhood. Street facing building facades have been broken up or oriented to reduce the massing per UDD 3 requirements. A section of the building on the west side adjacent to the multi family has been distanced to further break up the façade and create

separation. Balconies are included to further create variation in the building's façade. The development will be high-quality that creates and sustains long-term economic vitality.

- Lighting: A full lighting plan has not been developed but will comply with UDD 3 requirements.
- Landscaping: The landscape design is functional decorative, and is used to enhance the design of the site as well as to differentiate and create a buffer from neighboring properties.
- The site has been chosen and designed to provide increased mobility choices with access to public transit and location to amenities.
- Primary street-facing building facades utilize minimal front yard setbacks from the primary street (Odana Rd.) to promote an improved urban design and pedestrian experience. Ground level amenities and commercial space are included which activate the street and provide an enhanced pedestrian experience.
- The principal building entrance has been oriented with the lobby at the center of the building, on Odana Rd. The elevation articulation, including the corner, is designed to clearly establish and distinguish the building entrance on Odana Rd.
- The development includes activated street facing ground floor space with building amenities, building entrance lobbies.

Our team is excited about the prospect of providing much-needed quality workforce housing in a prominent location in the City. We look forward to working with City staff and elected officials to bring the project to fruition. Should you have any questions, please feel free to contact me at any time.

Sincerely,

Nick Orthmann
Project Manager
Bear Development, LLC

5555 Odana Road – Demolition App – Existing Building Photos

5555

SUPREME
HEALTH & FITNESS
WEST SIDE
SWIM CLUB

SHEPHERD

SUPREME

Nick Orthmann

From: noreply@cityofmadison.com
Sent: Friday, December 5, 2025 5:30 PM
To: Nick Orthmann
Subject: City of Madison Demolition Notification Request Confirmation

Dear applicant,

Your demolition permit notification message has been received by the notification administrator and will be reviewed prior to posting within three business days. For more information on the demolition permit pre-application notification requirement, please contact the City of Madison Planning Division at (608) 266-4635.

This is an automated reply, please do not reply to this email.

Nick Orthmann

From: Nick Orthmann
Sent: Friday, December 5, 2025 5:26 PM
To: Guequierre, John
Cc: Steven Rosandich; Patrick Terry
Subject: 5555 Odana & 5534 Medical Circle- Application Notification

Alder Guequierre- Odana Apartments, LLC c/o Bear Development, LLC is intending to file demolition/Landmarks, conditional use, Urban Design Commission and subdivision/CSM applications in advance of the 1/5/2026 filing deadline for the sites located at 5555 Odana Road and 5534 Medical Circle. Please let us know if you have any questions or would like to discuss our plans in greater detail.

Thank you

Nick Orthmann
Project Manager
Bear Development, LLC
Mobile: 262-308-2656

PLANNING DIVISION STAFF REPORT

February 9, 2026

PREPARED FOR THE LANDMARKS COMMISSION

Project Name & Address:	**5555 Odana Road**
Application Type:	Demolition Historic Value Review
Legistar File ID #	91456
Prepared By:	Heather Bailey, Preservation Planner, Planning Division
Date Prepared:	February 4, 2026

Summary

Relevant Ordinance Section:

28.185(7) Review for Historic Value. Every application for demolition or removal of a principal structure shall be reviewed by the Landmarks Commission, which shall provide input to the Building Inspection Division regarding the historic value of the property with the building or structure proposed for demolition or removal.

(a) If the Landmarks Commission determines that the property with the proposed demolition or the structure proposed for removal has no known historic value, the demolition or removal may be approved administratively under sub. (8)(b) below, provided that at least one of the standards for administrative approval have been met.

(b) If the Landmarks Commission determines that the property with the proposed demolition or the structure proposed for removal has historic value, then the Plan Commission shall approve the demolition or removal under sub. (9) below, after considering input from the Landmarks Commission.

(c) Nothing in this subsection eliminates the requirement in MGO Secs. 41.09(1)(c) and 41.12(3) that the demolition of landmark structures or structures in historic districts must also be approved by the Landmarks Commission through the issuance of a Certificate of Approval.

41.28 HISTORIC VALUE ADVISORY RECOMMENDATION

(1) Review for Historic Value. Following a review of MGO Sec. 28.185 applications for demolition by the Landmarks Commission and based upon application materials, and a report by the City's Preservation Planner, and any public testimony, the Commission shall review MGO Sec. 28.185 applications for demolition and assign one of the following Categories to each principal building proposed for demolition:

(a) Category A Demolitions: denotes that the Landmarks Commission finds that the building has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, listed in the National Register of Historic Places, and/or as an intact or rare example of a certain architectural style or method of construction.

(b) Category B Demolitions: denotes that the Landmarks Commission finds that the building has historic value related to the vernacular context of Madison's built environment, cultural practices, or as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant.

(c) Category C Demolitions: denotes that the Landmarks Commission finds that the building has no known historic value. This category may also denote sites or properties that have historic value, and the significance will not be negatively impacted by the removal of the building itself. This category may also include sites or properties that have archaeological or other site findings of significance, but where removal of the building itself will have no impact.

(2) Presence of Archaeology. When applicable, each finding shall also note the presence of an archaeological or burial site on the site of the building proposed for demolition.

5555 Odana Road
Commercial building constructed in 1990, per Assessor; 1976, per Building Inspection.

Google Streetview

Google Earth

Applicant: Nick Orthmann, Odana Apartments LLC c/o Bear Development LLC

Applicant's Comments: Bear is proposing to acquire and redevelop 5555 Odana Road and 5534 Medical Circle into a mixed used development. The development will include two mixed-use buildings, one five-story and one six-story, containing a total of 227-dwelling units, and approximately 7,745 square feet of commercial space. The existing, commercial buildings and site improvements will be demolished as part of the project, and we anticipated starting construction in July 2026. 5555 Odana Road is approximately 1.80-acres, and 5534 Medical Circle is approximately 0.58 acres totaling 2.38 acres for the development site. The site has frontage on Odana Road and Medical Circle.

Staff Findings: There is no preservation file and State site file for this building complex. While the Assessor information says that this was constructed in 1990, the first building permit for this property was in 1976, which matches the architectural character of the building complex. Originally this was constructed for the Madison Court Club as a fitness center, which contained 8 racquetball courts. L.R. Anderson, Inc, was the architect and Vogel Brothers constructed the building for O. Nordness, Jr. The building has continued to serve as a fitness center, with additions over time. The building is not historically or architecturally significant. There is no previously identified archaeology on this site.

Staff Recommendation: Staff recommends a finding of (c) no known historic value.

From:	Jim Lottridge
To:	Madison Landmarks Commission
Cc:	Montessori Childrens House
Subject:	Comments for items # 91456 & # 91459
Date:	Sunday, February 8, 2026 2:05:57 PM

You don't often get email from director@madisonmontessori.org. Learn why this is important

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Comments regarding # 91456 & #91459: demolition of 5534 Medical Circle and 5555 Odana Road: Opposition to both

Commenters: Jim Lottridge & Laura Kvalheim, Directors of Montessori Children's House, 5530 Medical Circle, Madison WI

We are writing to express opposition to the demolition of 5555 Odana Road because the proposed apartment building will not be on the footprint of the current Supreme Health Club (like the apartment building to its west) but be closer to Medical Circle, changing the look and feel of our property and Medical Circle drastically.

We are also writing to express opposition to the demolition of 5534 Medical Circle because it will distract from the remaining beautiful Erdman buildings, which were built into the hill/landscape. This proposed development will tower over our building, 5530 Medical Circle, with a totally different architectural philosophy. Additionally, for our school, it will change the feeling of safety and security we've had since moving to Medical Circle in 1990's

Our non-profit school, in business since 1964, and located at 5530 Medical Circle since 1991, serves families with children ages 18 months through 6 years during the school year and 18 months through 10 years old during the summer. We own our building and have done our part to maintain it and keep it as original as possible. We love the Erdman aesthetic. It suits Montessori well! One of the key components of Montessori philosophy is the environment. Our building's airy lobby/gathering area, wood panelled, warm classrooms and large sunlit spaces, lend themselves to a "children's house." It's a warm, comfortable space for children, staff, and families - not an institutional feel. Our playground, which is behind our building, adjacent to Supreme Health Club, is large, loved by the children and used three hours per day, for much of the year. When children look up they see the clouds or migrating birds (we are on a flyway). Obviously, the proposed demolition and proposed construction will have a significant impact on our ability to use this space. And as most people know, outdoor play is a critical part of early childhood education.

Even though we have an excellent reputation, being the only American Montessori Society verified school in the area and our extraordinarily long tenured staff (more than 160 years at

our school), **prospective families typically choose us based upon how they felt when they toured. This starts when they drive down Medical Circle towards our school. Does the area look safe and secure?** To that end, MPA and other neighbors on Medical Circle have been wonderful. The dentist building to our east was remodelled a few years ago and they matched the aesthetic of the Erdman buildings. We've felt safe and secure in this location and the traffic has been reasonable. The proposed demolition of current buildings and proposed development of apartments will lead to significantly more traffic near us - near the children. Who knows what the commercial bottom floor will house - Kwik Trip? Increased traffic and people, plus balconies looking out over our playground will be concerning.This doesn't exude a safe feeling for families. In our 30 plus years of experience (20 plus in leadership of the school) no amount of trees, fencing and privacy screening will convince current and prospective families that our school is safe and private.

Again, we love our Erdman building and the architecture of the area and considered 5530 Medical Circle our forever home. If this demolition goes forward and the proposed apartments are built, the situation will likely become untenable for us and we will be **forced out**. And then, likely this last cluster of early Erdman buildings will be torn down.

Thank you for your time!
Jim Lottridge & Laura Kvalheim

--
Montessori Children's House
Madison, Wisconsin
Serving children since 1964!
Follow us on Facebook!

608.273.8600
608.441.9686 (fax)
MadisonMontessori.org

City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 91459

File ID:	91459	**File Type:**	Demolition Permit	**Status:**	In Committee
Version:	1	**Reference:**		**Controlling Body:**	LANDMARKS COMMISSION
				File Created Date :	01/07/2026
File Name:				**Final Action:**	

Title: 5534 Medical Circle - Consideration of a demolition permit to demolish a commercial building (District 19)

Notes:

Sponsors:		**Effective Date:**	
Attachments:	91459 - 5534 Medical Demo Submittal, 91459 - 5534 Medical LC Demo Report, Public Comment	**Enactment Number:**	
Author:		**Hearing Date:**	
Entered by:	lheiser-ertel@cityofmadison.com	**Published Date:**	

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File 91459

Title
5534 Medical Circle - Consideration of a demolition permit to demolish a commercial building (District 19)

APPLICATION FOR DEMOLITION OF PRINCIPAL BUILDINGS

Complete all sections of this application, including signature on page 2.
To request an interpreter, translation, or accommodations, call (608)266-4910.
Para solicitar un intérprete, traducción o acomodaciones llame al (608)266-4910.
Koj muaj txoj cai tau txais kev txhais lus, kev pes lus los sis kev pab cuam txhawm rau kev tsis taus uas tsis muaj nqi rau koj: Xav paub ntxiv tiv tauj rau (608)266-4910
如需口譯、翻譯或其他便利服務，請致電 (608)266-4910.

City of Madison
Building Inspection Division
215 Martin Luther King Jr Blvd, Ste 017
PO Box 2985
Madison, WI 53701-2985 (608) 266-4551

Submit the following via email to:

- Building Inspection at sprapplications@cityofmadison.com and
- Landmarks Commission at LandmarksCommission@cityofmadison.com (see submittal schedule)

Part 1: General Application Information

Street Address:	5534 Medical Circle		
Alder District:	19	**Zoning District:**	CC-T

Project Contact Person Name	Nick Orthmann	**Role**	Developer
Company Name	Odana Apartments, LLC c/o Bear Development, LLC		
Phone	262-308-2656	**Email**	[redacted]

☑	**Completed Application** (this form)
☑	**Property Owner Permission** (signature on this form or an email providing authorization to apply)
☑	**Copy of Notification sent to the Demolition Listserv** Date Sent 12/5/2025
☑	**Copy of Email Pre-Application Notification of Intent to Demolish a Principal Structure sent to District Alder, City-registered neighborhood association(s), and City-listed business association(s).** Date Sent 12/5/2025
☐	**$600 Demolition Application Fee** (additional fees may apply depending on full scope of project)
☑	**Demolition Plan**
CUP	**Are you also seeking a Zoning Map Amendment (Rezoning) or Conditional Use?** ◉ **Yes** ○ **No**

Part 2: Information for Landmarks Historic Value Review

☑	**Letter of Intent** describing the proposed structure to be demolished, description of proposed method and timeline of demolition
☑	**Construction Information** (Dates of construction and alterations, architect name, builder name, history of property, historic photos)
☑	**Existing Condition Photos** (Interior and exterior digital photos of each principal building to be demolished sufficient to indicate its character and condition)
	Will existing structure be relocated? ○ **Yes** ◉ **No** If "yes" include preliminary assessment that relocation is likely to be structurally and legally feasible
☐	***Optional: Proposed mitigation plans for properties with possible historic value***

APPLICATION FOR DEMOLITION OF PRINCIPAL BUILDINGS

Part 3: Application for Plan Commission Review (if applicable)

- When Landmarks Commission finds a building has Historic Value, the demolition application must be considered by the Plan Commission.
- If Plan Commission review is required, staff will schedule the public hearing based on the published schedule.
- Applicant must make an appointment to pick up "Public Hearing" sign from Zoning Counter and post the sign on property at least 21 days before Plan Commission hearing.

Demolition requests will be scheduled concurrently with other related requests before the Plan Commission, where applicable. A schedule confirmation will be emailed to the designated project contact. Contact staff at pcapplications@cityofmadison.com with questions.

Part 4: Signature

Property Owner Authorizing Signature (or authorized via attached email)		Signed by: Stacy Bruner 79CD73EB2AF3452...	
Property Owner Name		Stacy Bruner	
Company Name		BPH, LLC	
Street Address		634 Struck Street	
Phone	608-273-9390	**Email**	[redacted]

For Office Use Only	
Date:	
Accela ID No.:	

January 5, 2026

Mr. Colin Punt
Planner
City of Madison Department of Planning & Community & Economic Development
215 Martin Luther King Jr. Blvd, Suite 017
Madison, WI 53703

Re: Letter of Intent- 5555 Odana Road & 5534 Medical Cricle Land Use Application

Mr. Punt:

Odana Apartments, LLC c/o Bear Development, LLC ("Bear") is pleased to submit this Land Use Application for our proposed project at 5555 Odana Road and 5534 Medical Circle. This application package includes the required development plans, LND-A, LND-B, Demolition Permit Application / Landmarks Review, Urban Design Commission, and Subdivision/CSM applications (please note that the Subdivision/CSM application for this project was submitted by JSD on December 15, 2025 under separate cover, however it should be reviewed in tandem with balance of the applications listed above).

Introduction:

Bear is proposing to acquire and redevelop 5555 Odana Road and 5534 Medical Circle into a mixed used development. The development will include two mixed-use buildings, one five-story and one six-story, containing a total of 227-dwelling units, and approximately 7,745 square feet of commercial space. The existing, commercial buildings and site improvements will be demolished as part of the project, and we anticipated starting construction in July 2026. 5555 Odana Road is approximately 1.80-acres, and 5534 Medical Circle is approximately 0.58 acres totaling 2.38 acres for the development site. The site has frontage on Odana Road and Medical Circle.

The proposed unit mix consists of 186 one-bedroom units and 41-two-bedroom units. On-site parking includes 75 surface stalls and 133-structured parking stalls. The building includes several resident amenities such as a co-working space, community room, fitness center, on-site management office, resident storage lockers and a dedicated bike storage area. The northern building along Odana Road will contain 1,300 SF of commercial space, and the southern building along Medical Circle will contain 6,445 SF of commercial space.

Project Team:

Applicant/Developer:
Odana Apartments, LLC
c/o Bear Development, LLC
4011 80th Street
Kenosha, WI 53142
Contact: Nick Orthmann
Phone: 262-308-2656
Email: northmann@beardevelopment.com

Civil Engineer/Landscape Architect/Surveyor:
JSD Professional Services, Inc.
161 Horizon Dr Suite 101
Verona, WI 53593
Contact: Kevin Yeska
Phone: 608-609-6794
Email: Kevin.Yeska@JSDinc.com

Architect:
JLA Architects
800 W Broadway, Suite 200
Monona, WI 53713
Contact: Patrick Terry
Phone: 608-442-3823
Email: Pterry@jla-ap.com

Project & Site Details:

- Parcel ID: 251/0709-303-0299-1 / 251/0709-303-0213-1 / 251/0709-303-0216-5 & 251/0709-303-0206-6 (the Odana Road parcel has multiple PINs due to existing condo plat which will be removed)
- Zoning: Commercial Corridor- Transitional (CC-T)
- Land Use: Community Mixed-Use (CMU) & Employment (E)
- Urban Design District: Urban Design District 3
- Aldermanic District: District 19
- Neighborhood: NA
- Business Association NA
- Lot Area: 103,672 SF / 2.38 Acres
- Building Gross Square Footage: 273,643 SF
- Building Height: 5-stories and 6-stories
- Dwelling Units: 227 units
    - 1 Bedrooms: 186 units
    - 2 Bedrooms: 41 units
    - Density: 95.4 units / acre
- Parking Stalls: 209 stalls (75 Surface / 134 structured)
    - EV Ready: 42 stalls
    - EV Installed: 7 stalls
- Bike Parking: 265 stalls
    - Long-Term 241 stalls
    - Short-Term 24 stalls

Requested Approvals:

Conditional Use Permit: the property is zoned CCT; per table 28D-2 of the Zoning Ordinance a Conditional Use Permit is required for mixed-use buildings with >60 units. Building A is six stories; per 28.067 3D of the Zoning Ordinance, a Conditional Use Permit is required for building heights >5 stories and approval to exceed 5-stories is being requested.

Demolition Permit: we are requesting approval of a Demolition Permit to raze the existing commercial buildings on site, which would be done as part of the overall construction of the newly proposed mixed-use buildings. The site was filed on the City's Demolition List Serv on December 5, 2025. The development team does not believe that the either of the buildings have historic relevance.

Urban Design Commission: the property is in Urban Design District 3 therefore we are requesting the Urban Design Commission review the plans as part of this Land Use Application. Prior to submission of the full Land Use Application, Bear made an informational presentation to the Urban Design Commission on September 17th, 2025.

Subdivision / CSM: the site is currently two single tax parcels and we are requesting the approval of a Certified Survey Map to combine the lots. The existing condominium plat on the 5555 Odana Road parcel will be terminated by the current owner prior to the start of the project.

Proposed Meeting Schedule:

- Application Submittal January 5, 2026
- Landmarks Commission February 9, 2026
- Urban Design Commission (initial & final) February 18, 2026
- Planning Commission March 2, 2026
- Common Council March 10, 2026

Project Phasing & Schedule:

Demolition of the existing buildings and construction of the proposed buildings will start at the same time with Building B along Medical Circle currently anticipated to be completed first and Building A along Odana Road to be completed second. Construction/demolition is expected to commence in July 2026 and is anticipated to be completed in the third quarter of 2028.

City & Neighborhood Input:

During the pre-submittal process the development team met with a variety of stakeholders whose input has helped shape the proposal:

- City of Madison Staff- Bear has consulted with City Staff several times during the pre-submittal process including a pre-development meeting, a Development Assistance Team Meeting, and several informal consultations.
- Urban Design Commission- The development team gave an informational presentation to the UDC on September 17, 2025.
- Aldermanic, Neighborhood, and Business Association Outreach- Bear has provided all necessary notice emails for the approvals requested in this application. The sites are not located in a Neighborhood Associate or Business Association. District 19 Alderman gave an all-district neighborhood meeting on October 21, 2025 which included a project overview for the development. Additionally, direct outreach has been made to the immediate neighbors of the project site, which are all commercial or multifamily uses.

Management / Operating Plan:

The project will be financed primarily with Tax-Exempt Bonds and 4% Low-Income Housing Tax Credits issued by WHEDA. All 227 dwelling units will be rent- and income-restricted with an average AMI not to exceed 60%, which will be evidenced by a Land Use Restriction Agreement. Bear, via Odana Apartments, LLC will be the long-term (minimum 15-years) owner. Bear will be responsible for asset management of the property and Bear Property Management, Inc. (part of the Bear Real Estate Group of Companies) will handle day-to-day property management activities. Construction of the project will be managed by Construction Management Associates, Inc. (also part of the Bear Real Estate Group of Companies).

A detailed management plan can be provided upon request.

Public Subsidy:

Bear has requested Tax Incremental Financing (TIF) assistance for the project. A new TID will be created specific to the project, and we have completed the City's "free look" process and have been working closely with staff on the approval process.

Reuse & Recycling Plan:

Bear acknowledges that approval of a Reuse & Recycling Plan will be required prior to the issuance of permits. We plan to complete this during the Site Plan Verification stage.

Transportation Demand Management Plan:

A Transportation Demand Management (TDM) Plan has been provided with this application.

Tree Report:

A Street Tree Report has been provided with this application.

Stormwater Report:

Bear acknowledges that a Stormwater Management Report will be required prior to the issuance of permits. We plan to complete this during the Site Plan Verification stage.

Urban Design District 3:

An informational presentation to Urban Design Commission took place on September 17, 2025. The building received favorable. Notable items that were discussed include:

Pedestrian Connectivity Enhancements

We have addressed the Commission's concerns regarding pedestrian connectivity between Odana Road and Medical Circle. A new ground-level sidewalk connection now links these two roads, significantly improving walkability. While grading remains a challenge due to the approximately 18-foot topographic drop from north to south, the proposed design carefully optimizes this terrain to ensure connectivity and safety.

Building Articulation and Material Transitions

We have incorporated the Commission's feedback to refine the building's architectural expression:

- Accent Colors: Excessive use of accent colors has been eliminated, while preserving the building's character and original design intent. The exterior architecture continues to reflect the interior spatial organization authentically.
- Material Transitions: Previous concerns about material changes occurring on the same plane have been resolved. All material transitions now include a minimum 4-foot depth variation, creating a more dynamic and visually engaging façade. Vertically, materials transition from masonry at the lower levels to cementitious panels above, highlighted by a distinctive concrete banding.
- Ground-Level Transparency: Street-facing edges have been designed to maximize transparency, enhancing pedestrian engagement. This creates a clear distinction between the active ground level and the residential levels above, which feature more traditional punched openings.
- Roofline Articulation: The roof level incorporates varied parapet heights to provide visual interest while maintaining the minimalist, contemporary design intent.

An explanation of how the proposal addresses each of the required design criteria is below:

- Public Right-of-Way: Public rights-of-way will include appropriate trees and shrubs and provide a degree of visual continuity per UDD 3.
- Off-Street parking is structured within the building footprint in the lower-level and ground level garages and compliant with UDD 3. Surface parking is situated throughout the site and screened by landscaping in most locations.
- Signs: Sign plans need to be developed but will conform to Madison Ordinances and be integrated with the architecture of the building per UDD 3 requirements.
- Building Design / Relationships: Design is consistent with UDD 3 requirements. Exterior building materials are low maintenance and harmonious with the neighborhood. Street facing building facades have been broken up or oriented to reduce the massing per UDD 3 requirements. A section of the building on the west side adjacent to the multi family has been distanced to further break up the façade and create

separation. Balconies are included to further create variation in the building's façade. The development will be high-quality that creates and sustains long-term economic vitality.

- Lighting: A full lighting plan has not been developed but will comply with UDD 3 requirements.
- Landscaping: The landscape design is functional decorative, and is used to enhance the design of the site as well as to differentiate and create a buffer from neighboring properties.
- The site has been chosen and designed to provide increased mobility choices with access to public transit and location to amenities.
- Primary street-facing building facades utilize minimal front yard setbacks from the primary street (Odana Rd.) to promote an improved urban design and pedestrian experience. Ground level amenities and commercial space are included which activate the street and provide an enhanced pedestrian experience.
- The principal building entrance has been oriented with the lobby at the center of the building, on Odana Rd. The elevation articulation, including the corner, is designed to clearly establish and distinguish the building entrance on Odana Rd.
- The development includes activated street facing ground floor space with building amenities, building entrance lobbies.

Our team is excited about the prospect of providing much-needed quality workforce housing in a prominent location in the City. We look forward to working with City staff and elected officials to bring the project to fruition. Should you have any questions, please feel free to contact me at any time.

Sincerely,

Nick Orthmann
Project Manager
Bear Development, LLC

5534 Medical Circle – Demolition App – Existing Building Photos

1.6

Nick Orthmann

From: noreply@cityofmadison.com
Sent: Friday, December 5, 2025 5:32 PM
To: Nick Orthmann
Subject: City of Madison Demolition Notification Request Confirmation

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Nick Orthmann

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To: Guequierre, John
Cc: Steven Rosandich; Patrick Terry
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Thank you

Nick Orthmann
Project Manager
Bear Development, LLC
Mobile: 262-308-2656

PLANNING DIVISION STAFF REPORT

February 9, 2026

PREPARED FOR THE LANDMARKS COMMISSION

Project Name & Address:	**5534 Medical Circle**
Application Type:	Demolition Historic Value Review
Legistar File ID #	91459
Prepared By:	Heather Bailey, Preservation Planner, Planning Division
Date Prepared:	February 4, 2026

Summary

Relevant Ordinance Section:

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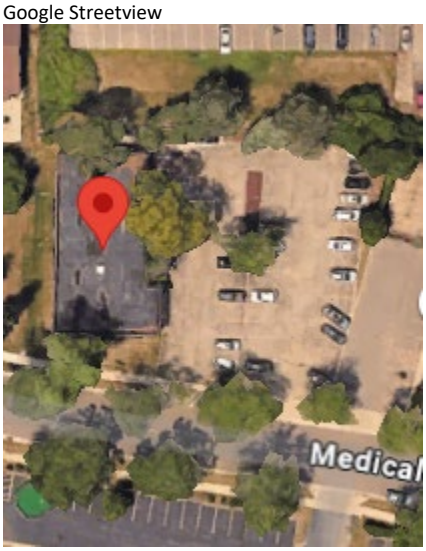
(2) Presence of Archaeology. When applicable, each finding shall also note the presence of an archaeological or burial site on the site of the building proposed for demolition.

5534 Medical Circle
Commercial building constructed in 1966, per Assessor.

Google Streetview



Google Earth

Applicant: Nick Orthmann, Odana Apartments LLC c/o Bear Development LLC

Applicant's Comments: Bear is proposing to acquire and redevelop 5555 Odana Road and 5534 Medical Circle into a mixed used development. The development will include two mixed-use buildings, one five-story and one six-story, containing a total of 227-dwelling units, and approximately 7,745 square feet of commercial space. The existing, commercial buildings and site improvements will be demolished as part of the project, and we anticipated starting construction in July 2026. 5555 Odana Road is approximately 1.80-acres, and 5534 Medical Circle is approximately 0.58 acres totaling 2.38 acres for the development site. The site has frontage on Odana Road and Medical Circle.

Staff Findings: There is no preservation file or State site file for this building. There is no previously identified archaeology. The building permit identifies this as originally a doctor's office, designed by noted architect, Marshall Erdman. The neo-mansard commercial building still retains good architectural integrity. Erdman designed and constructed several buildings of this style, including the extant buildings adjacent to this property at 5530 & 5520 Medical Circle.

Staff Recommendation: Staff recommends a finding of (b) historic value related to the vernacular context of Madison. This medical building was a part of original design of Medical Circle, with the buildings designed by noted Madison architect, Marshall Erdman. There are still other Erdman medical office buildings on this street.

From: Margaret Porco
To: Madison Landmarks Commission
Subject: February 9th Meeting re: Agenda Item 6 Demolition of 5534 Medical Circle
Date: Sunday, February 8, 2026 11:54:16 PM

You don't often get email from mdporco@icloud.com. Learn why this is important

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Dear Landmarks Commission,

Medical Circle represents one of Madison's last remaining concentrations of Marshall Erdman buildings. While not formally designated as historic, these structures embody significant architectural quality and represent an important era in Madison's mid-century development. The proposed demolition is fundamentally inconsistent with the scale, proportions, and design character that currently define this unique area. Approving this project risks losing irreplaceable examples of mid-century institutional architecture that contribute meaningfully to Madison's built heritage.

However, the impact extends well beyond the loss of a single building. The demolition and subsequent development will directly harm those businesses still operating in Erdman buildings on Medical Circle—precisely the kind of vulnerable, place-based enterprises the city has committed to protecting.

Montessori Children's House (MCH) has served Madison families for 60 years, including 35 years at their current Medical Circle location. As a small nonprofit providing quality Montessori education for children ages 18 months to 6 years, MCH is directly adjacent to the proposed demolition site. The destruction of the neighboring building will compromise both their daily operations and the functional integrity of their own Erdman building.

This is not merely about aesthetic preference—it's about how demolition fundamentally alters the contextual relationships that made these buildings work. The Erdman buildings on Medical Circle were designed as an ensemble, with intentional relationships between structures. When one building is demolished and replaced with a structure of different scale and mass, the remaining historic buildings can no longer function as designed.

One concrete example: MCH's building includes two classrooms whose only windows face the Erdman building proposed for demolition. Replacing that structure with a taller development will eliminate substantial natural light to these classrooms. This loss affects not only the educational environment for young children but also the physical condition of the building itself—increasing moisture problems, maintenance costs, and threatening the structure's long-term viability. In essence, approving this demolition may set in motion the eventual loss of additional Erdman buildings that can no longer thrive in the altered context.

I appreciate that the city has articulated commitments both to preserving neighborhood character and to protecting local small businesses. This case presents a direct test of those commitments. I urge the Landmarks Commission to consider how this demolition will undermine both Madison's architectural heritage and the viability of an established community institution that has served families for six decades.

Thank you for your time and care for our community,

Margaret Porco,

President of the Board,

Montessori Children's House

From:	Jim Lottridge
To:	Madison Landmarks Commission
Cc:	Montessori Childrens House
Subject:	Comments for items # 91456 & # 91459
Date:	Sunday, February 8, 2026 2:05:57 PM

You don't often get email from director@madisonmontessori.org. Learn why this is important

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Comments regarding # 91456 & #91459: demolition of 5534 Medical Circle and 5555 Odana Road: Opposition to both

Commenters: Jim Lottridge & Laura Kvalheim, Directors of Montessori Children's House, 5530 Medical Circle, Madison WI

We are writing to express opposition to the demolition of 5555 Odana Road because the proposed apartment building will not be on the footprint of the current Supreme Health Club (like the apartment building to its west) but be closer to Medical Circle, changing the look and feel of our property and Medical Circle drastically.

We are also writing to express opposition to the demolition of 5534 Medical Circle because it will distract from the remaining beautiful Erdman buildings, which were built into the hill/landscape. This proposed development will tower over our building, 5530 Medical Circle, with a totally different architectural philosophy. Additionally, for our school, it will change the feeling of safety and security we've had since moving to Medical Circle in 1990's

Our non-profit school, in business since 1964, and located at 5530 Medical Circle since 1991, serves families with children ages 18 months through 6 years during the school year and 18 months through 10 years old during the summer. We own our building and have done our part to maintain it and keep it as original as possible. We love the Erdman aesthetic. It suits Montessori well! One of the key components of Montessori philosophy is the environment. Our building's airy lobby/gathering area, wood panelled, warm classrooms and large sunlit spaces, lend themselves to a "children's house." It's a warm, comfortable space for children, staff, and families - not an institutional feel. Our playground, which is behind our building, adjacent to Supreme Health Club, is large, loved by the children and used three hours per day, for much of the year. When children look up they see the clouds or migrating birds (we are on a flyway). Obviously, the proposed demolition and proposed construction will have a significant impact on our ability to use this space. And as most people know, outdoor play is a critical part of early childhood education.

Even though we have an excellent reputation, being the only American Montessori Society verified school in the area and our extraordinarily long tenured staff (more than 160 years at

our school), **prospective families typically choose us based upon how they felt when they toured. This starts when they drive down Medical Circle towards our school. Does the area look safe and secure?** To that end, MPA and other neighbors on Medical Circle have been wonderful. The dentist building to our east was remodelled a few years ago and they matched the aesthetic of the Erdman buildings. We've felt safe and secure in this location and the traffic has been reasonable. The proposed demolition of current buildings and proposed development of apartments will lead to significantly more traffic near us - near the children. Who knows what the commercial bottom floor will house - Kwik Trip? Increased traffic and people, plus balconies looking out over our playground will be concerning.This doesn't exude a safe feeling for families. In our 30 plus years of experience (20 plus in leadership of the school) no amount of trees, fencing and privacy screening will convince current and prospective families that our school is safe and private.

Again, we love our Erdman building and the architecture of the area and considered 5530 Medical Circle our forever home. If this demolition goes forward and the proposed apartments are built, the situation will likely become untenable for us and we will be **forced out**. And then, likely this last cluster of early Erdman buildings will be torn down.

Thank you for your time!
Jim Lottridge & Laura Kvalheim

--
Montessori Children's House
Madison, Wisconsin
Serving children since 1964!
Follow us on Facebook!

608.273.8600
608.441.9686 (fax)
MadisonMontessori.org

City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 91464

File ID:	91464	**File Type:**	Demolition Permit	**Status:**	In Committee
Version:	1	**Reference:**		**Controlling Body:**	LANDMARKS COMMISSION
				File Created Date :	01/07/2026
File Name:				**Final Action:**	

Title: 2030 Pennsylvania Avenue - Consideration of a demolition permit to demolish a commercial building (District 12)

Notes:

Sponsors:		**Effective Date:**	
Attachments:	2030 Pennsylvania Demo Submittal, 91464 - 2030 Pennsylvania LC Demo Report	**Enactment Number:**	
Author:		**Hearing Date:**	
Entered by:	lheiser-ertel@cityofmadison.com	**Published Date:**	

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File 91464

Title
2030 Pennsylvania Avenue - Consideration of a demolition permit to demolish a commercial building (District 12)

APPLICATION FOR DEMOLITION OF PRINCIPAL BUILDINGS

Complete all sections of this application, including signature on page 2.
To request an interpreter, translation, or accommodations, call (608)266-4910.
Para solicitar un intérprete, traducción o acomodaciones llame al (608)266-4910.
Koj muaj txoj cai tau txais kev txhais lus, kev pes lus los sis kev pab cuam txhawm rau kev tsis taus uas tsis muaj nqi rau koj: Xav paub ntxiv tiv tauj rau (608)266-4910
如需口譯、翻譯或其他便利服務，請致電 (608)266-4910.

City of Madison
Building Inspection Division
215 Martin Luther King Jr Blvd, Ste 017
PO Box 2985
Madison, WI 53701-2985 (608) 266-4551

Submit the following via email to:

- Building Inspection at sprapplications@cityofmadison.com and
- Landmarks Commission at LandmarksCommission@cityofmadison.com (see submittal schedule)

Part 1: General Application Information

Street Address:	2030 Pennsylvania Avenue		
Alder District:	12	**Zoning District:**	RMX

Project Contact Person Name	Joey Wisniewski	**Role**	Senior Development Coordinator
Company Name	New Land Enterprises		
Phone	414.271.5263	**Email**	[redacted]

☑	**Completed Application** (this form)
☑	**Property Owner Permission** (signature on this form or an email providing authorization to apply)
☐	**Copy of Notification sent to the Demolition Listserv** Date Sent_____
☑	**Copy of Email Pre-Application Notification of Intent to Demolish a Principal Structure sent to District Alder, City-registered neighborhood association(s), and City-listed business association(s).** Date Sent 11/26/2025
☑	**$600 Demolition Application Fee** (additional fees may apply depending on full scope of project)
☑	**Demolition Plan**
	Are you also seeking a Zoning Map Amendment (Rezoning) or Conditional Use? ◉ **Yes** ○ **No**

Part 2: Information for Landmarks Historic Value Review

☑	**Letter of Intent** describing the proposed structure to be demolished, description of proposed method and timeline of demolition
☑	**Construction Information** (Dates of construction and alterations, architect name, builder name, history of property, historic photos)
☑	**Existing Condition Photos** (Interior and exterior digital photos of each principal building to be demolished sufficient to indicate its character and condition)
	Will existing structure be relocated? ○ **Yes** ◉ **No** If "yes" include preliminary assessment that relocation is likely to be structurally and legally feasible
☐	***Optional: Proposed mitigation plans for properties with possible historic value***

Part 3: Application for Plan Commission Review (if applicable)

- When Landmarks Commission finds a building has Historic Value, the demolition application must be considered by the Plan Commission.
- If Plan Commission review is required, staff will schedule the public hearing based on the published schedule.
- Applicant must make an appointment to pick up "Public Hearing" sign from Zoning Counter and post the sign on property at least 21 days before Plan Commission hearing.

Demolition requests will be scheduled concurrently with other related requests before the Plan Commission, where applicable. A schedule confirmation will be emailed to the designated project contact. Contact staff at pcapplications@cityofmadison.com with questions.

Part 4: Signature

Property Owner Authorizing Signature (or authorized via attached email)		Joey Wisniewski	
Property Owner Name		Joey Wisniewski (authorized agent for purchaser)	
Company Name		New Land Enterprises	
Street Address		1840A N. Farwell Ave, Milwaukee, WI 53202	
Phone	414.271.5263	**Email**	[redacted]

For Office Use Only	
Date:	
Accela ID No.:	

New Land Enterprises
1840A N. Farwell Avenue
Milwaukee, Wisconsin 53202
414.271.LAND

6 January 2026

Heather Bailey, Ph. D.
Preservation Planner
Neighborhood Planning, Preservation & Design Section
City of Madison
Department of Planning, Community, & Economic Development
215 Martin Luther King, Jr. Blvd, #017
Madison, Wisconsin 53703

RE: LETTER OF INTENT - LANDMARKS COMMISSION: 2030 PENNSYLVANIA AVE

Hello Heather,

The following is submitted with the plans, application, and fee for the Landmarks Commission's consideration.

PROJECT TEAMS

Developer:
New Land Enterprises
1840A N. Farwell Ave
Milwaukee, Wisconsin 53202
414.271.LAND
Contact: Joey Wisniewski
joey@newlandmke.com

Architect:
Korb Architecture
648 N. Plankinton Ave #240
Milwaukee, Wisconsin 53203
414.273.8230
Contact: Simon Mance
smance@korbarch.com

Civil & Landscape Engineering:
JSD Professional Services, Inc.
W238 N1610 Busse Rd. #100
Waukesha, Wisconsin 53188
Contact: Christopher Jackson
christopher.jackson@jsdinc.com

PROJECT INTRODUCTION
New Land Enterprises (NLE) is excited to introduce our redevelopment vision for the 2030 Pennsylvania project. NLE is proposing a multi-phase, mixed-use neighborhood-focused redevelopment at the former headquarters of the Hooper Corporation. We believe this site represents one of the most important and exciting development opportunities in Madison.

The site is positioned at the intersection of multiple vibrant areas: the Capitol East corridor, the Oscar Mayer district, the North Street neighborhood, the Sherman neighborhood, the Tenney-Lapham neighborhood, and the Village of Maple Bluff. The site's adjacency to the Madison Public Market only amplifies the importance of the site.

The first phase of development proposes a multi-family development consisting of 500(+/-) premium-grade residential units on the northern half of the property, where the Capitol East district meets the North Street neighborhood and Oscar Mayer district on Madison's East Side. Future phases of redevelopment include adaptive reuse of the Scanlan Morris building and a wood-truss warehouse building creating over 64,000 SF of commercial, retail, and office space, the creation of pedestrian public plazas, and the construction of a statement civic building or similar use adjacent to the Madison Public Market.

The proposed redevelopment of the 8.36-acre site would replace primarily vacant buildings and surface parking lots related to the former Hooper Corporation headquarters. Selective demolition of buildings found not to be historic or contributing to the character of the neighborhood will be required for the proposed redevelopment.

We believe this proposal maintains the integrity and quality of the existing neighborhood and ensures that new development is complementary to the surrounding uses. The proposed project will create a vibrant, active mix of uses with a stable, diverse mix of housing types for a wide range of residents.

In addition to the new construction, the adaptive reuse of key character buildings, and the creation of new civic and public spaces, New Land, in collaboration with the City of Madison and Wisconsin Department of Transportation, proposes traffic calming measures, bicycle infrastructure, and pedestrian safety improvements along State Highway 113 (Pennsylvania Ave/E. Johnson Street). A bike path is also being considered along the railroad tracks to the east of the property.

The scale of our vision is ambitious, but that is what this site deserves. We've spent a considerable amount of time considering the "why", "what", and "how" of our proposal. Our vision crosses the nexus of transformational, catalytic, and feasible. To bring this vision to reality, we have assembled a world-class team with significant expertise in their respective fields, specifically tailored for a project of this scale and scope, with a proven track record of ability to execute.

Please note: For the purposes of this application, we are only seeking approval for demolition of the buildings on the north portion of the site located at 2030 Pennsylvania Avenue, parcel number 71006316030. The demolition of these buildings will allow for residential development to move forward. Future phases of selective demolition will be applied for separately.

DEMOLITION STANDARDS

The site has been identified in the City of Madison Comprehensive Plan as desirable for high-density residential and mixed-use development. The site is located in the Oscar Mayer Special Area Plan, Urban Design District #4, and Transit-Oriented Development Overlay Zoning District.

The existing buildings at 2030 Pennsylvania Avenue were most recently used as light industrial, storage, and office space for the Hooper Construction Corp. and its tenants, and for police training. The southern building is a 1-story massing consisting of several connected building additions of varying age, heights, and building materials. The north building is a 1-story massing of a traditional industrial building. A reuse and recycling plan will be submitted prior to the deconstruction of the existing buildings. It is not feasible to reuse or move the buildings.

The demolition will be performed with traditional methods. No explosives will be used. Clean fill will be separated for attempted reuse as clean fill or recycled base material. Metal from building electrical, ductwork, piping, windows, and other building materials will be separated for recycling. Asphalt will be reused where possible or hauled for recycling.

The demolition could take place as soon as Summer 2026 and would take no longer than 8 weeks.

Thank you for your consideration in the review of our proposal. Please reach out with any questions.

Sincerely,

Joey Wisniewski
Senior Development Coordinator
New Land Enterprises

2030-2098 PENNSYLVANIA

2030-2098 PENNSYLVANIA

2030-2098 PENNSYLVANIA

KORB

PROJECT
2030 PENNSYLVANIA MULTIFAMILY
2030 PENNSYLVANIA AVENUE,
MADISON, WI 53704

OWNER
NEW LAND ENTERPRISES
1940 N. FARWELL AVE.
MILWAUKEE, WI 53202

ARCHITECT
KORB ARCHITECTURE
646 N. PLANKINTON AVE, SUITE 240
MILWAUKEE, WI 53203

STRUCTURAL ENGINEER

CIVIL ENGINEER
JSD
507 W VERONA AVE, SUITE 500
VERONA, WI 53593

LANDSCAPE ARCHITECT
JSD
507 W VERONA AVE, SUITE 500
VERONA, WI 53593

DATE	REVISION

DESIGN REVIEW - NOT FOR CONSTRUCTION

PROJ. NO.:	25001-09
SCALE:	
PHASE:	UDC FINAL
DATE:	JANUARY 5, 2026

EXISTING BUILDINGS PHOTOS

G002

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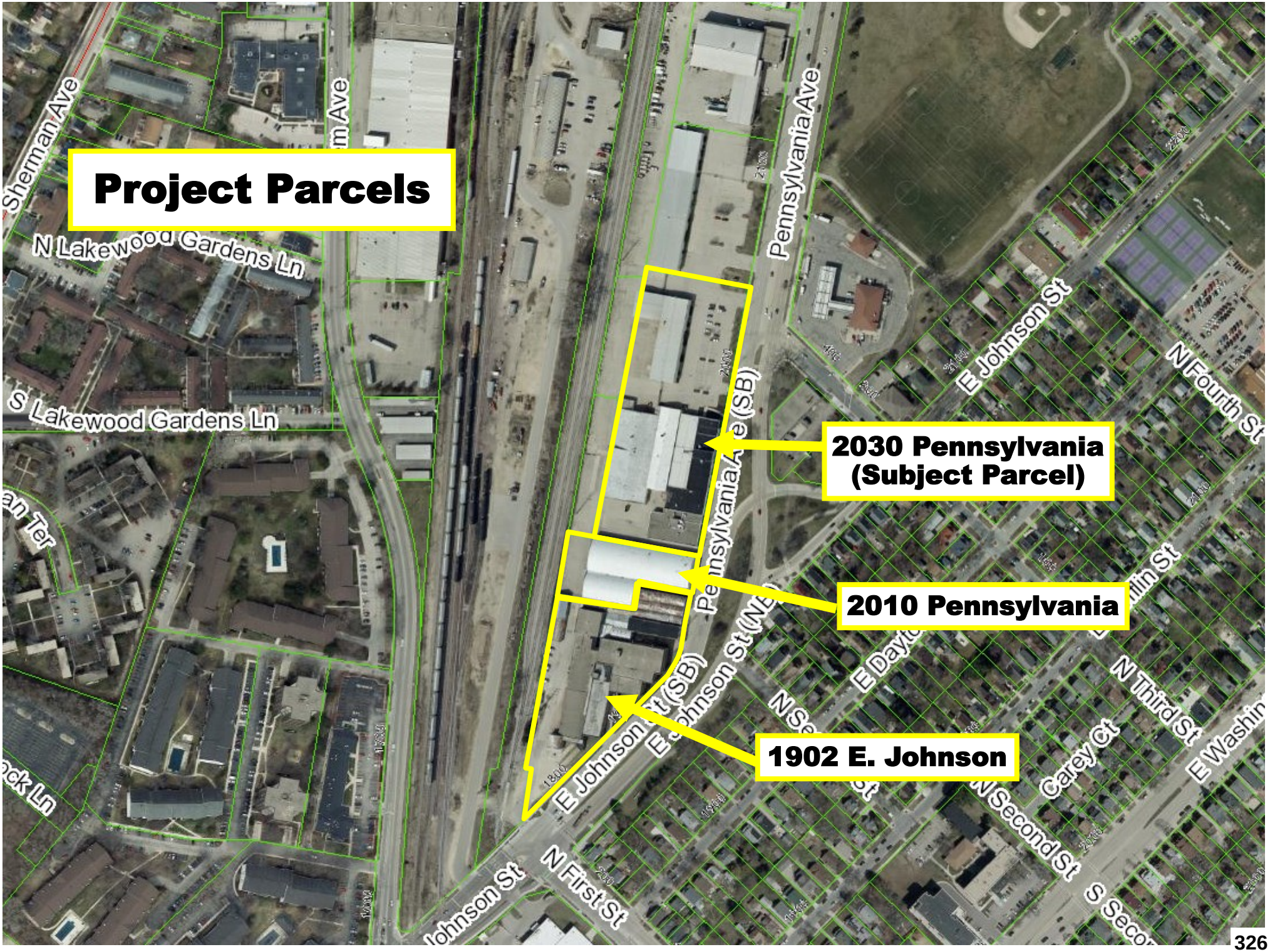
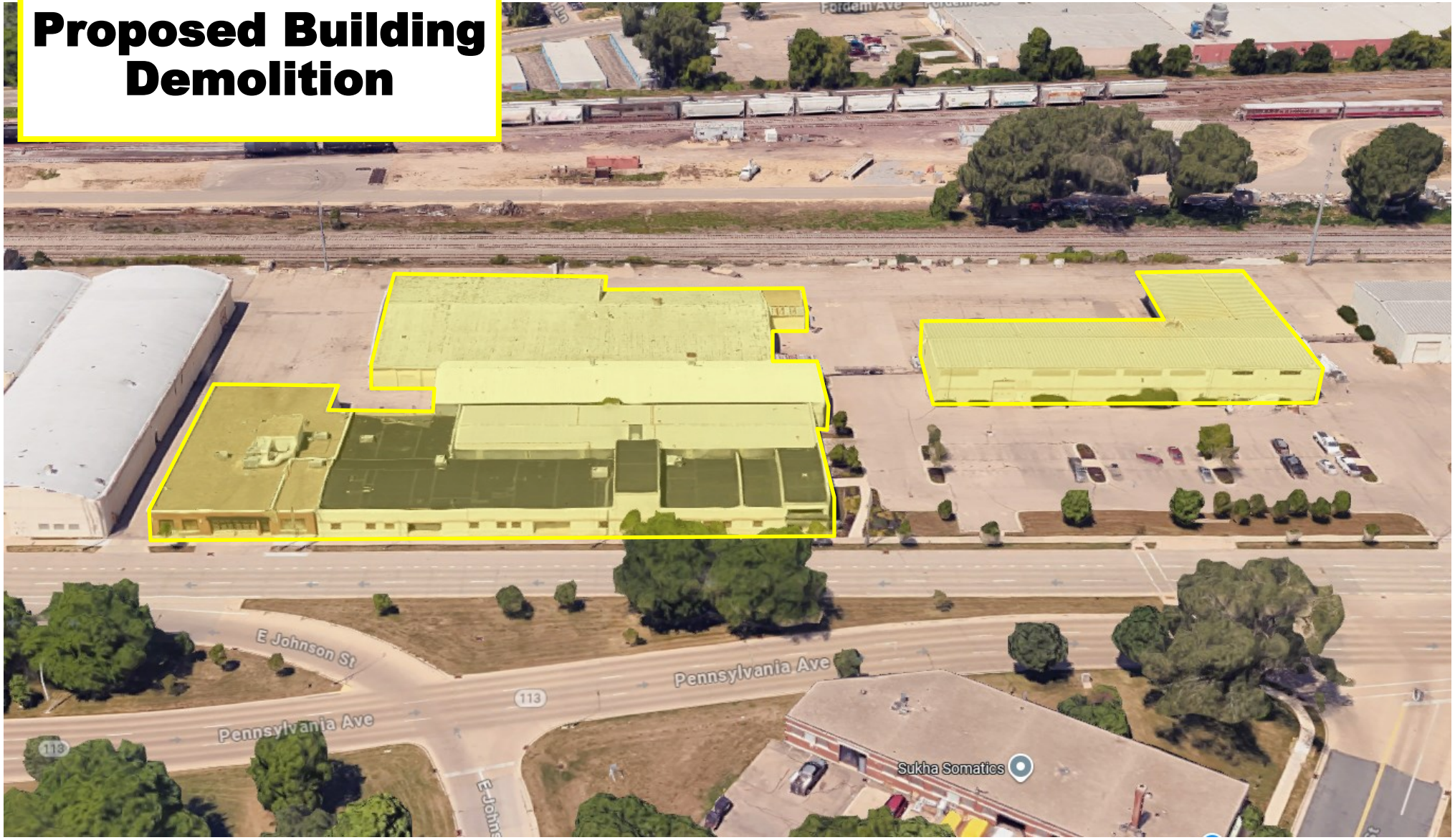
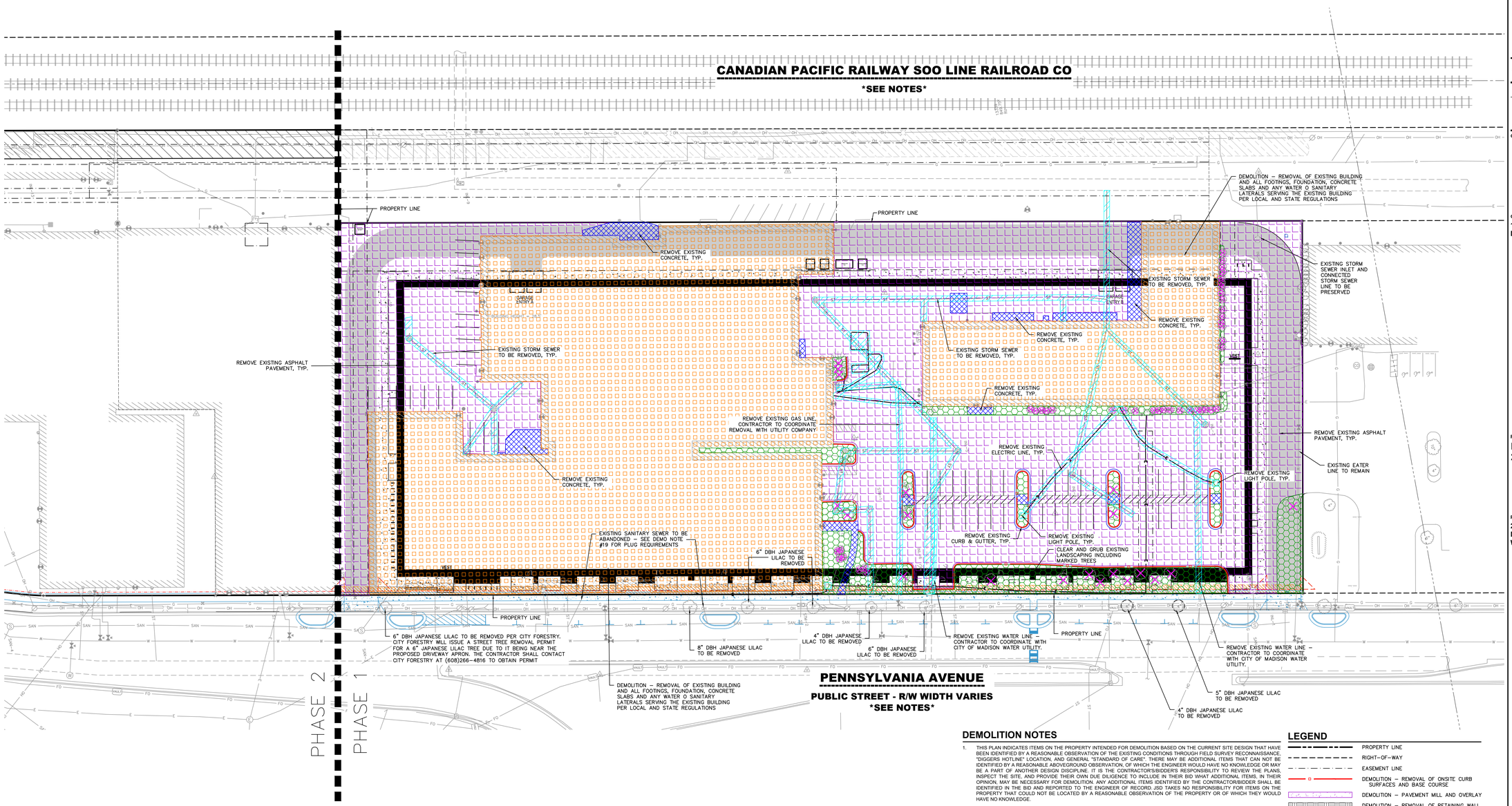

Project Parcels
2030 Pennsylvania
(Subject Parcel)
2010 Pennsylvania
1902 E. Johnson
Sherman Ave
N Lakewood Gardens Ln
S Lakewood Gardens Ln
Pennsylvania Ave
E Johnson St
N Fourth St
N Third St
Carey Ct
N Second St
N First St
E Johnson St (SB)
E Johnson St (NB)
Pennsylvania Ave (SB)

Filene Park
Briarwood Apartments
Nar Turkish Restaurant
Fordem Ave
Watco Wisconsin & Southern Railroad
Sukha Somatics
N Third St
E Johnson St
Emerson East Park
N Second St
Madison Public Market
Not included in current submittal.
2030 Pennsylvania (Subject Parcel)

Proposed Building Demolition





DEMOLITION NOTES

1. THIS PLAN INDICATES ITEMS ON THE PROPERTY INTENDED FOR DEMOLITION BASED ON THE CURRENT SITE DESIGN THAT HAVE BEEN IDENTIFIED BY A REASONABLE OBSERVATION OF THE EXISTING CONDITIONS THROUGH FIELD SURVEY RECONNAISSANCE, "DIGGER'S HOTLINE" LOCATION, AND GENERAL "STANDARD OF CARE". THERE MAY BE ADDITIONAL ITEMS THAT CAN NOT BE IDENTIFIED BY A REASONABLE ABOVEGROUND OBSERVATION, OF WHICH THE ENGINEER WOULD HAVE NO KNOWLEDGE OR MAY BE A PART OF ANOTHER DESIGN DISCIPLINE. IT IS THE CONTRACTOR'S/BIDDER'S RESPONSIBILITY TO REVIEW THE PLANS, INSPECT THE SITE, AND PROVIDE THEIR OWN DUE DILIGENCE TO INCLUDE IN THEIR BID WHAT ADDITIONAL ITEMS, IN THEIR OPINION, MAY BE NECESSARY FOR DEMOLITION. ANY ADDITIONAL ITEMS IDENTIFIED BY THE CONTRACTOR/BIDDER SHALL BE IDENTIFIED IN THE BID AND REPORTED TO THE ENGINEER OF RECORD. JSD TAKES NO RESPONSIBILITY FOR ITEMS ON THE PROPERTY THAT COULD NOT BE LOCATED BY A REASONABLE OBSERVATION OF THE PROPERTY OR OF WHICH THEY WOULD HAVE NO KNOWLEDGE.
2. CONTRACTOR SHALL KEEP ALL STREETS AND PRIVATE DRIVES FREE AND CLEAR OF ALL CONSTRUCTION-RELATED DIRT, DUST, AND DEBRIS.
3. ALL TREES WITHIN THE CONSTRUCTION LIMITS SHALL BE REMOVED UNLESS SPECIFICALLY CALLED OUT FOR PROTECTION. ALL TREES TO BE REMOVED SHALL BE REMOVED IN THEIR ENTIRETY. STUMPS MAY BE GROUND TO PROPOSED SUBGRADE IN GRASSED AREAS ONLY UNLESS DIRECTED BY ENGINEER.
4. ALL LIGHT POLES TO BE REMOVED SHALL BE REMOVED IN THEIR ENTIRETY, INCLUDING BASE AND ALL APPURTENANCES. SALVAGE FOR RELOCATION. COORDINATE RELOCATION AND/OR ABANDONMENT OF ALL ELECTRIC LINES WITH ELECTRICAL ENGINEER AND OWNER PRIOR TO DEMOLITION.
5. ABANDONED/REMOVED ITEMS SHALL BE LEGALLY DISPOSED OF OFFSITE UNLESS OTHERWISE NOTED.
6. CONTRACTOR TO REPLACE ALL SIDEWALK AND CURB AND GUTTER ABUTTING THE PROPERTIES THAT WERE DAMAGED BY THE CONSTRUCTION.
7. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE TO:
   - 7.1. EXAMINE ALL SITE CONDITIONS RELATIVE TO THE CONDITIONS INDICATED ON THE ENGINEERING DRAWINGS. ANY DISCREPANCIES ARE TO BE REPORTED IMMEDIATELY TO THE ENGINEER AND RESOLVED PRIOR TO THE START OF CONSTRUCTION.
   - 7.2. VERIFY UTILITY ELEVATIONS AND NOTIFY ENGINEER OF ANY DISCREPANCIES. NO WORK SHALL BE PERFORMED UNTIL THE DISCREPANCIES ARE RESOLVED.
   - 7.3. NOTIFY ALL UTILITIES OWNER'S PRIOR TO THE REMOVAL OF ANY UNDERGROUND UTILITIES.
   - 7.4. NOTIFY THE DESIGN ENGINEER AND LOCAL CONTROLLING MUNICIPALITY 48 HOURS PRIOR TO THE START OF CONSTRUCTION TO ARRANGE FOR APPROPRIATE CONSTRUCTION INSPECTION.
8. ANY UTILITIES THAT ARE DAMAGED BY THE CONTRACTOR'S SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AT THE CONTRACTOR'S EXPENSE.
9. CONTRACTOR SHALL COORDINATE PRIVATE UTILITY REMOVAL/ABANDONMENT AND NECESSARY RELOCATION WITH RESPECTIVE UTILITY COMPANY. CONTRACTOR SHALL COORDINATE WITH PRIVATE UTILITY COMPANIES PRIOR TO CONSTRUCTION.
10. ALL DEMOLITION SHALL BE IN ACCORDANCE WITH THE APPROVED JURISDICTION'S RECYCLING PLAN.
11. ANY CONTAMINATED SOILS ENCOUNTERED SHALL BE REMOVED IN ACCORDANCE WITH FEDERAL AND STATE REGULATIONS TO AN APPROPRIATE AND APPROVED LANDFILL.
12. ALL EXISTING UTILITIES SHALL BE FIELD LOCATED AND CLEARLY MARKED BY CONTRACTOR PRIOR TO ANY EXCAVATION. CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY IF ANY DISCREPANCIES OCCUR IN THE LOCATION SHOWN OR PROPOSED IMPROVEMENTS IMPACTING EXISTING UTILITY LINE LOCATION(S). CONTRACTOR SHALL BE RESPONSIBLE FOR CONDUCTING UTILITY LINE OPENINGS (ULO) TO CONFIRM LOCATIONS OR ELEVATIONS, AS REQUESTED BY THE ENGINEER.
13. SEWER ABANDONMENT SHALL BE IN ACCORDANCE WITH SECTION 3.2.24 OF THE STANDARD SPECIFICATIONS AND JURISDICTIONAL SPECIFICATIONS.
14. WATER ABANDONMENT SHALL BE IN ACCORDANCE WITH SECTION 4.14.0 OF THE STANDARD SPECIFICATIONS AND JURISDICTIONAL SPECIFICATIONS.
15. ALL PERIMETER EROSION CONTROL DEVICES SHALL BE INSTALLED PRIOR TO THE START OF DEMOLITION ACTIVITIES. CONTRACTOR SHALL KEEP ALL STREETS AND PAVEMENTS FREE AND CLEAR OF ALL CONSTRUCTION RELATED DIRT, DUST, AND DEBRIS.
16. BUILDING REMOVALS SHALL BE PREFORMED BY A QUALIFIED CONTRACTOR. CONTRACTOR SHALL FOLLOW ALL DEMOLITION REGULATIONS, DISCONNECT ALL UTILITIES, OBTAIN ALL APPLICABLE PERMITS, AND DISPOSE OF ALL BUILDING MATERIALS IN APPROPRIATE AND APPROVED LANDFILLS. DEMOLISHED MATERIALS SHALL NOT BE BURNED OR BURIED ONSITE.
17. CONTRACTOR SHALL REMOVE EXISTING UTILITY PIPE OR PROVIDE PIPE BACKFILLING AFTER REMOVAL OF EXISTING UTILITIES WITHIN BUILDING FOOTPRINT USING "LOW DENSITY CONCRETE/FLOWABLE FILL".
18. RESTORATION OF THE EXISTING ROADWAY RIGHT-OF-WAYS ARE CONSIDERED INCIDENTAL AND SHALL BE PART OF THE COST OF THE UNDERGROUND IMPROVEMENTS, DEMOLITION, AND REMOVAL. THIS INCLUDES CURB AND GUTTER, SIDEWALK, TOPSOIL, SEEDING, AND MULCHING.
19. THE CONTRACTOR (OR OWNER'S REPRESENTATIVE) SHALL OBTAIN A PERMIT TO PLUG EACH EXISTING SANITARY SEWER LATERAL THAT SERVES THE EXISTING BUILDING BEING DEMOLISHED. PERMIT APPLICATION AND FEES ARE REQUIRED FOR EACH LATERAL TO BE PLUGGED.

LEGEND

- PROPERTY LINE
- RIGHT-OF-WAY
- EASEMENT LINE
- DEMOLITION – REMOVAL OF ONSITE CURB SURFACES AND BASE COURSE
- DEMOLITION – PAVEMENT MILL AND OVERLAY
- DEMOLITION – REMOVAL OF RETAINING WALL
- DEMOLITION – REMOVAL OF ASPHALT SURFACES
- DEMOLITION – REMOVAL OF CONCRETE SURFACES
- DEMOLITION – REMOVAL OF BUILDINGS/STRUCTURES
- DEMOLITION – REMOVAL OF UTILITIES
- DEMOLITION – REMOVAL OF LANDSCAPE BEDDING
- TREE REMOVAL
- SHRUB REMOVAL
- PROTECT EXISTING TREE

CITY TRAFFIC ENGINEERING NOTES

1. THE RIGHT-OF-WAY IS THE SOLE JURISDICTION OF THE CITY OF MADISON AND IS SUBJECT TO CHANGE AT ANY TIME PER THE RECOMMENDED PLAN BY TRAFFIC ENGINEERING AND CITY ENGINEERING DEPARTMENT

PUBLIC IMPROVEMENTS NOTES

1. ALL PROPOSED IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY OR CONNECTIONS TO CITY OWNED UTILITIES SHALL BE COMPLETED PER THE CITY ISSUED IMPROVEMENTS PLAN (CONTRACT NO. XXXX, PROJECT NO. XXXX)

WORK-IN-ROW NOTES

1. ALL CONTRACTORS AND SUBCONTRACTORS PERFORMING WORK IN THE PUBLIC RIGHT-OF-WAY ARE REQUIRED TO BE PREQUALIFIED WITH THE CITY OF MADISON. PREQUALIFICATION FORMS ARE AVAILABLE ON THE CITY'S WEBSITE AT: https://www.cityofmadison.com/engineering/developers-contractors/contractors/how-to-get-prequalified
2. THE CONTRACTOR IS REQUIRED TO OBTAIN A CITY PERMIT TO EXCAVATE IN THE PUBLIC RIGHT-OF-WAY.
3. ALL PROPOSED IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY OR CONNECTIONS TO CITY OWNED UTILITIES SHALL BE COMPLETED PER THE CITY ISSUED IMPROVEMENTS PLAN (CONTRACT NO. XXXX, PROJECT NO. XXXXX). IMPROVEMENTS PROPOSED WITHIN THE RIGHT-OF-WAY ON THE HUB - ULGM VILLAGER ON PARK PRIVATE DEVELOPMENT DRAWINGS ARE SHOWN FOR REFERENCE ONLY. CITY ISSUED PLANS GOVERN.

DIGGERS HOTLINE
Toll Free (800) 242-8511

JSD
CREATE THE VISION TELL THE STORY
jsdinc.com
MILWAUKEE REGIONAL OFFICE
W238 N1610 BUSSE ROAD, SUITE 100
WAUKESHA, WISCONSIN 53188
P. 262.513.0666

CLIENT:
NEW LAND ENTERPRISES

CLIENT ADDRESS:
1840 N. FARWELL AVENUE
MILWAUKEE, WI 53202

PROJECT:
HOOPER SITE
2030 PENNSYLVANIA AVE.

PROJECT LOCATION:
2030 PENNSYLVANIA AVENUE
MADISON, DANE COUNTY
WISCONSIN, 53704

north

SCALE IN FEET
30' 0 30'

PLAN MODIFICATIONS:

#	Date:	Description:
1	01/05/2026	LAND USE/UDC SUBMITTAL
2		
3		
4		
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14		
15		

Designed By: PJS
Reviewed By: CAJ
Approved By:

SHEET TITLE:
DEMO PLAN - PHASE 1

SHEET NUMBER:
C1.0

JSD PROJECT NO: 25-16062

THESE PLANS AND DESIGNS ARE COPYRIGHT PROTECTED AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN CONSENT OF JSD PROFESSIONAL SERVICES, INC.

File: \\JSDINC\new projects\2025\2516062\DWG\Civil Sheets\25160062 Civil Con Docs.dwg Layout: C1.0 - DEMO (PHASE 1) User: michael.sinicatchi Posted: Jan 02, 2026 - 12:27pm Xref's:

HOOPER

11/25/2025

To Whom It May Concern,

Per our agreed upon Letter of Intent, New Land Enterprises has authority to propose an infill development project on HOOPER CORPORATION's parcels 251/0710-063-1601-4, 251/0710-063-1602-2, and 251/0710-063-1603-0.

Sincerely,

Robert Schaller
CFO
Hooper Corporation

PO Box 7455 • Madison, WI 53707-7455
6450 Pederson Crossing Boulevard • DeForest, WI 53532
Ph (608) 249-0451 • **hoopercorp.com**

From:	Joey Wisniewski
To:	Joey Wisniewski
Bcc:	"cochairs@northstreetna.org"; "cochairs@northstreet.org"; "jilstrup@downtownmadison.org"; "info@madisonnba.com"; district12@cityofmadison.com; McNabola, Lisa
Subject:	Conditional Use, CSM, Demolition Notification - Hooper Site
Date:	Wednesday, November 26, 2025 12:50:00 PM
Attachments:	image002.png

Hello,

I am writing to notify you and your organization that New Land Enterprises (NLE) intends to file Certified Survey Map, Conditional Use, and Demolition applications for the following addresses:

2030 - 2034, 2076 Pennsylvania Avenue
2010 Pennsylvania Avenue
1902 E. Johnson Street

It is our desire to host a neighborhood informational meeting to introduce NLE and our proposed redevelopment plans to the community next month. Invitations to that meeting will be shared soon. We are excited to share our vision and collaborate with our neighbors to build something truly special and beneficial to the neighborhood and the City of Madison.

In the meantime, you can learn more about NLE here. Or, by reading our bio below.

Feel free to reach out with any questions. We look forward to meeting you!

Joey Wisniewski
Senior Development Coordinator

New Land Enterprises
C: 414.698.6383
NewLandMKE.com

About New Land Enterprises
Founded in 1993, New Land Enterprises is an internationally recognized and award-winning real estate development firm specializing in market-rate mixed-use residential and commercial real estate. To date, the company has developed 30+ projects with a value in excess of $740M. We have a passion for creating memorable, experience-driven developments with an urban feeling using superior engineering, with expertise in light-frame wood, light gauge steel, post-tension concrete, and mass timber structures.

New Land is vertically integrated, providing accounting services and award-winning property and asset management for a diverse portfolio of 2,250+ apartments and 200,000 SF of commercial space. We've won nine municipal RFPs, formed multiple successful public-private partnerships, converted a vacated alley into a top tourist destination, renovated a historic grand movie palace, and transformed streets into pedestrian plazas (yes, plural).

In addition to pioneering mass timber, our history of innovation includes being the first in Wisconsin to use

light gauge steel in multi-family development, radiant hydronic heating systems, and micro-units with integrated furniture. Our buildings are some of the most efficient in the marketplace with LEED v5 and Green Globes certifications, as well as best-in-class Energy Star performance of 97+.

City of Madison
DEVELOPMENT
SERVICES CENTER

PLAN COMMISSION DEMOLITION PERMIT INTERESTED PARTIES NOTIFICATION FORM

THANK YOU.

Your notification request has been submitted. A confirmation email will be sent to the email address you provided. Your message will be reviewed by City staff, and if properly completed, will be submitted to the registered list. You will receive an email confirming the status of your submittal from City staff within three business days.

If you have questions about the filing of demolition permit requests to the Plan Commission or the pre-application notification requirements, do not hesitate to contact the Planning Division at (608) 266-4635.

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PLANNING DIVISION STAFF REPORT

February 9, 2026

PREPARED FOR THE LANDMARKS COMMISSION

Project Name & Address:	**2030 Pennsylvania Avenue**
Application Type:	Demolition Historic Value Review
Legistar File ID #	91464
Prepared By:	Heather Bailey, Preservation Planner, Planning Division
Date Prepared:	February 4, 2026

Summary

Relevant Ordinance Section:

28.185(7) Review for Historic Value. Every application for demolition or removal of a principal structure shall be reviewed by the Landmarks Commission, which shall provide input to the Building Inspection Division regarding the historic value of the property with the building or structure proposed for demolition or removal.

(a) If the Landmarks Commission determines that the property with the proposed demolition or the structure proposed for removal has no known historic value, the demolition or removal may be approved administratively under sub. (8)(b) below, provided that at least one of the standards for administrative approval have been met.

(b) If the Landmarks Commission determines that the property with the proposed demolition or the structure proposed for removal has historic value, then the Plan Commission shall approve the demolition or removal under sub. (9) below, after considering input from the Landmarks Commission.

(c) Nothing in this subsection eliminates the requirement in MGO Secs. 41.09(1)(c) and 41.12(3) that the demolition of landmark structures or structures in historic districts must also be approved by the Landmarks Commission through the issuance of a Certificate of Approval.

41.28 HISTORIC VALUE ADVISORY RECOMMENDATION

(1) Review for Historic Value. Following a review of MGO Sec. 28.185 applications for demolition by the Landmarks Commission and based upon application materials, and a report by the City's Preservation Planner, and any public testimony, the Commission shall review MGO Sec. 28.185 applications for demolition and assign one of the following Categories to each principal building proposed for demolition:

(a) Category A Demolitions: denotes that the Landmarks Commission finds that the building has historic value based on architectural significance, cultural significance, historic significance, as the work/product of an architect of note, its status as a contributing structure in a National Register Historic District, listed in the National Register of Historic Places, and/or as an intact or rare example of a certain architectural style or method of construction.

(b) Category B Demolitions: denotes that the Landmarks Commission finds that the building has historic value related to the vernacular context of Madison's built environment, cultural practices, or as the work/product of an architect of note, but the building itself is not historically, architecturally or culturally significant.

(c) Category C Demolitions: denotes that the Landmarks Commission finds that the building has no known historic value. This category may also denote sites or properties that have historic value, and the significance will not be negatively impacted by the removal of the building itself. This category may also include sites or properties that have archaeological or other site findings of significance, but where removal of the building itself will have no impact.

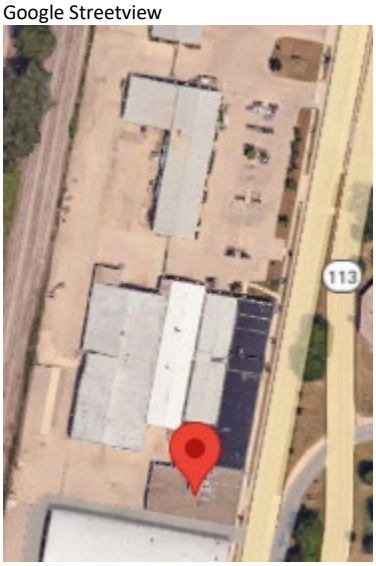
(2) Presence of Archaeology. When applicable, each finding shall also note the presence of an archaeological or burial site on the site of the building proposed for demolition.

2030 Pennsylvania Avenue

Commercial buildings constructed in 1901, per Assessor.

Google Streetview

Google Streetview



Google Earth

Applicant submittal

Applicant submittal

Applicant: Joey Wisniewski, New Land Enterprises

Applicant's Comments: NLE is proposing a multi-phase, mixed-use neighborhood-focused redevelopment at the former headquarters of the Hooper Corporation. The first phase of development proposes a multi-family development consisting of 500(+/-) premium-grade residential units on the northern half of the property, where the Capitol East district meets the North Street neighborhood and Oscar Mayer district on Madison's East Side. Future phases of redevelopment include adaptive reuse of the Scanlan Morris building and a wood-truss warehouse building creating over 64,000 SF of commercial, retail, and office space, the creation of pedestrian public plazas, and the construction of a statement civic building or similar use adjacent to the Madison Public Market. The proposed redevelopment of the 8.36-acre site would replace primarily vacant buildings and surface parking lots related to the former Hooper Corporation headquarters. Selective demolition of buildings found not to be historic or contributing to the character of the neighborhood will be required for the proposed redevelopment.

The site has been identified in the City of Madison Comprehensive Plan as desirable for high-density residential and mixed-use development. The site is located in the Oscar Mayer Special Area Plan, Urban Design District #4, and Transit-

Oriented Development Overlay Zoning District. The existing buildings at 2030 Pennsylvania Avenue were most recently used as light industrial, storage, and office space for the Hooper Construction Corp. and its tenants, and for police training. The southern building is a 1-story massing consisting of several connected building additions of varying age, heights, and building materials. The north building is a 1-story massing of a traditional industrial building. A reuse and recycling plan will be submitted prior to the deconstruction of the existing buildings. It is not feasible to reuse or move the buildings.

Staff Findings: While there is a preservation file and site file for the adjacent property detailing the buildings on the Scanlon-Morris Company property, they do not include information on these buildings. While the Madison Assessor information lists a date of construction of 1901, there are a variety of industrial and commercial structures of various ages and designs. There are no known historic associations and none of the structures are architecturally significant. There are no previously identified archaeological sites on this property.

Staff Recommendation: Staff recommends a finding of (c) no known historic value.