



City of Madison

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

Wednesday, August 27, 2014

5:30 PM

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

CALL TO ORDER / ROLL CALL

Present: 4 - Marsha A. Rummel; Steve King; Chris Schmidt and Shiva Bidar-Sielaff

Excused: 1 - Mark Clear

APPROVAL OF August 14, 2014 MINUTES

A motion was made by Bidar-Sielaff, seconded by King, to Approve the August 14, 2014 Minutes. The motion passed by voice vote/other.

PUBLIC COMMENT

David Mollenhoff, registered in support, provided hard copy comments for review and provided suggestions on word choices in the Purpose and Intent section. He explained that the word "balance" is controversial and should not be included without further discussion. He requested that the Committee consider the addition of two additional purposes including creating a confident investment climate for the preservation, rehabilitation, restoration and reconstruction of historic resources and conserving the valuable material and energy resources by ongoing use and maintenance of the existing built environment. Mollenhoff explained that the Ordinance will be better clarified by an expanded definition section and asked that the Committee refer to his written comments.

Schmidt explained that "balance" was discussed at a previous meeting and has been discussed by Council on previous occasions. Mollenhoff explained that the use of the word in the Purpose and Intent section will require careful consideration.

Franny Ingebritson registered in support, provided hard copy comments for review and explained that the Purpose and Intent language should be revised to include those suggestions in her written comments.

Susan Schmitz registered neither in support or opposition, explained that she appreciates the work of the Committee and that DMI will likely provide comments and suggestions at the next meeting.

Fred Mohs registered in support, provided hard copy comments for review and explained that by using the Downtown Plan maps which show locations of contributing structures, he devised maps to show locations for possible development. Mohs explained that the Ordinance language should provide trust so that property owners of historic structures trust the process and their investment. The purpose of the Ordinance is to protect historic resources.

Jeff Vercauteren, representing Urban Land Interests, Apex Properties, Inc., Steve Brown Apartments, and Wright 2102 LP, registered neither in support nor opposition, discussed the details of the written statement he provided. He explained that historic districts require growth and development and that his suggestions provide language that allows for development of a consistent character.

Jason Tish registered neither in support or opposition, explained that Vercauteren's comments may be construed as salvaging architectural details and elements and incorporating them into a new development in order to mitigate the impact of the demolition of the building. These treatments are not favored by the National Trust or preservation professionals. Tish explained that it is not the purpose of the Landmarks Ordinance to encourage new development. Instead it is the purpose of the Ordinance to conserve historic resources with the understanding that new development may occur and when it does, the Ordinance should provide guidance for what treatments are compatible in the historic context.

King asked Tish if retaining iconic historic elements (St Mary's hospital portico) is acceptable and when it might be the only option, should it be included in the Ordinance. Tish explained that the retention of that portico is a nice feature for St Mary's, but that St Mary's is not a landmark or in a historic district and even if it were, it is not the purpose of the Ordinance to tell property owners how to salvage architectural elements of their buildings.

Bidar-Sielaff asked Tish if the Ordinance should include language that says when development occurs, then this is what should be done. Tish explained that the purpose of the Ordinance should be to explain what appropriate new development should be in the historic context. The purpose of the Ordinance should not be to encourage new development. Tish also explained that there is a difference between constructing a new addition and incorporating existing architectural elements into a new development.

King asked Vercauteren to explain his intention for including language about incorporating historic structures and artifacts. Vercauteren explained that the intention was not to limit to the use of salvage materials, but to incorporate and be sensitive to the existing historic context of the historic district. The language was intended to be interpreted from a historic district level instead of from an individual building level.

Schmidt explained that it would be necessary to request a suspension of the rules in order to review each of the comments that were submitted at the meeting. There was general discussion about the need to receive the written comments in advance of the meeting and to not address the written comments that were received at the meeting.

David McLean registered neither in support or opposition and available to answer questions.

DISCLOSURES AND RECUSALS

None.

1. [34202](#) Ad Hoc Landmarks Ordinance Review Committee Materials

No discussion on this item. This file is used as a document repository only.

2. [34577](#) Repealing and recreating Section 33.19 of the Madison General Ordinances to update the Landmarks Commission ordinance.

There was general discussion about the draft language of the Purpose and Intent section as drafted by ACA Strange and of the revised language as drafted by Vercauteren.

The discussion included the idea of "balance" in this section, what it means, and whether it is appropriate. There was a desire to return to the purpose and intent section after addressing other sections.

In response to Vercauteren's 1c, there was discussion about how to address development in the Ordinance and if development should be encouraged or if development should have reactionary standards. King suggested that that 1c should read, "Ensure the harmonious and orderly growth and development of the city, and when new development occurs, ensure that it sensitively incorporates historic structures and artifacts." Schmidt noted that there are numerous comfort words in this language that will need to be removed or heavily defined.

Zellers explained that the purpose of a historic district is to preserve what is historic and that in Madison less than 1% of the land area is in a historic district. Zellers explained that a

historic district would not have value if its purpose was to encourage new development within it. Rummel explained that what is being taken away through demolition should be weighed against what is proposed to replace it. The purpose should be to preserve properties that have historic value and meaning.

Scanlon suggested that 1c read, "Ensure the harmonious growth and development of the city that sensitively relates to the historic context." Bidar-Sielaff explained that different historic districts have different characters and contexts. Bidar-Sielaff explained that University Heights has not seen a lot of large changes to the context, but other historic districts have experienced more dramatic changes over time. Bidar-Sielaff suggested that the active encouragement of new development may be directed toward certain sites that have been altered previously and are no longer significant to the district. Scanlon explained that a comprehensive preservation plan is needed to assess the historic resources and the areas that would be appropriate for development in the city. The current ordinance addresses a process and a survey that has been in place for 30 years and the comprehensive preservation plan could inform the Ordinance language and future process. Scanlon explained that the Ordinance language may not need to contain language to encourage development if the comprehensive preservation plan is completed and provides this information.

King suggested that the language read, "Provide a framework for reinvestment in historic districts that includes new development where appropriate that sensitively incorporates the historic fabric of the district." King requested that ACA Strange use that language as a foundation to capture the intent of the discussion. Zellers suggested language that reads, "Provide a framework for reinvestment in historic districts that includes new development while protecting the fabric of the historic district."

In response to Vercauteren's 1d, there was discussion about how to address development in the Ordinance and if development should be encouraged or if development should have reactionary standards. King explained that there is a value to the way the districts look that should be protected. Zeller suggested that it read, "Enhance the visual and aesthetic character of the city while ensuring that new design and construction compliment the City's historic resources."

In response to the proposed c of the draft language, Rummel explained that the Landmarks Commission discussed the maintenance aspects numerous times. ACA Strange explained that the Landmarks Commission has discussed the need to encourage enforcement of the maintenance which has not happened previously due to lack of staff resources. There are now more staff resources for this effort and the ordinance should be enforced vigorously in this regard. King suggested that it include the word clear to read, "Provide a clear regulatory framework..." Bidar-Sielaff suggested that the last seven words of the phrase be removed. Schmidt explained that the word clear is redundant.

In response to the proposed d of the draft language, Rummel and Bidar-Sielaff suggested that the language include the word contribute instead of impact so it reads, "...economic assets that contribute to..."

King suggested including a statement about sustainability and retaining valuable resources as previously proposed by Mollenhoff. Bidar-Sielaff thought that some language could be borrowed from the Downtown Plan or the Sustainability Plan.

Zellers requested language about creating a confident investment climate to acknowledge that the City understands that property owners in historic districts rely on the consistent interpretation of the Ordinance. Bidar-Sielaff explained that it didn't seem to fit in this section, but that she agreed with that message. Schmidt suggested that it is already addressed in the purpose and intent section. Schmidt suggested that the language read, "Safeguard the City's historic resources and investment in them by establishing an obligation to maintain them through the vigorous enforcement of this ordinance."

There was general discussion about the words preservation, conservation and protection. ACA Strange explained the difference between the words preservation and protection using an example of the Stahl House in Los Angeles. In that example, protection is considered the act of reinforcing the mountain where the house is located and preservation is the appropriate

treatment of the materials of the building after the site has been protected. Schmidt requested that the terms be defined to further review of this section.

There was general discussion about the Composition and Terms section. ACA Strange explained that there was significant discussion about this section by the Landmarks Commission, but that it resulted in the same composition as currently exists with the addition of the definition of professional qualifications. King requested the inclusion of a construction professional in the composition to address the need for building condition and pricing information. Rummel noted that the architect currently plays that role when necessary.

McLean (current architect on the Landmarks Commission) explained that architects can provide general information on the condition of a historic building if they have that experience and can provide information to guide the Commission on construction related items. Schmidt suggested that the language be modified to include a person with construction knowledge. Bidar-Sielaff requested that the alder represent a local historic district.

A motion was made by King, seconded by Bidar-Sielaff, to Refer to the AD HOC LANDMARKS ORDINANCE REVIEW COMMITTEE next meeting. The motion passed by voice vote/other.

ADJOURNMENT

A motion was made by King, seconded by Rummel, to Adjourn at 7:25 p.m. The motion passed by voice vote/other.