



PLANNING DIVISION STAFF REPORT

December 8, 2022

PREPARED FOR THE PLAN COMMISSION

Topic: Landmarks Commission's Role in Reviewing Demolition Requests
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Background

The Landmarks Commission routinely provides an advisory recommendation to the Plan Commission on the potential historic value of a property when demolitions are proposed. As the City's body tasked with being the stewards of cultural resources that reflect our shared heritage, the Landmarks Commission strives to provide guidance to the Plan Commission as it considers proposed demolitions, per the standards in [MGO 28.185\(7\): Review for Historic Value](#).

Approximately a decade ago, the Plan and Landmarks Commissions decided to formalize and standardize this process and developed some standard language for those reviews. The Landmarks Commission then included that language and process in the [Landmarks Commission Policy Manual](#). As part of the process, there are some general categories and the Commission strives to provide details to clarify and provide specifics with findings for particular projects when there are historic concerns.

Loosely, these recommendations fall into three categories:

- a. No known historic value
- b. There is some historic value at this property but the building or site is not itself significant
- c. There is historic value, the Landmarks Commission is advising why it is valuable, and recommends the Plan Commission proceed with deliberation in relation to that historic value

Most of these reviews are straightforward. For the "b" findings, the Landmarks Commission is looking to put on the record something important to the City's history, but is not advising on specific preservation or mitigation measures for the property with the proposed demolition. For the "c" finding of historic value, the Landmarks Commission has strong concerns that might be addressed by adaptive reuse or mitigation measures that integrate the significance or heritage of the site into the redevelopment.

Finally, the Landmarks Commission has shifted to making note of previously identified archaeological sites when these properties come in for redevelopment. We are required by the State to protect specific locational information for sites, but can identify that there is a significant site that involves this property and why it is significant. This allows us to be respectful of and protective of the archaeological sites to prevent additional looting or damage, but also allows us to highlight that this area has been the site of long-term human habitation by our tribal partners. This often leads to a finding of "a" no known historic value for the building being proposed for demolition, but a public statement that the redevelopment will need to comply with state burial or archaeological laws, and naming the site that is involved.

Applicable Standards

[MGO 28.185](#) Approval of Demolition (Razing, Wrecking) and Removal
(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 Appropriateness.

(9) Plan Commission Approval.

(c) Standards of Approval

- 2. The applicant has received a Certificate of Appropriateness from the Landmarks Commission under MGO Secs. [41.09\(1\)\(c\)](#) and [41.12\(3\)](#), if applicable.
- 4. The Plan Commission has received and considered the report of the City's historic preservation planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission.

[Landmarks Commission Policy Manual](#)
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.