



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved LANDMARKS COMMISSION

Monday, March 25, 2019

5:00 PM

215 Martin Luther King, Jr. Blvd.
Room 153 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Stuart Levitan, Chair, called the meeting to order at 5:02 pm.

Present: 4 - David W.J. McLean; Stuart Levitan; Anna Andrzejewski and Katherine N. Kaliszewski

Excused: 2 - Marsha A. Rummel and Richard B. Arnesen

APPROVAL OF MINUTES

A motion was made by Kaliszewski, seconded by McLean, to Approve the March 11, 2019 Minutes. The motion passed by voice vote/other.

PUBLIC COMMENT

None

DISCLOSURES AND RECUSALS

Levitan disclosed that the property owner at 2122 Kendall Ave is a former colleague and longtime personal friend.

PUBLIC HEARING - REQUEST FOR CERTIFICATE OF APPROPRIATENESS

1. [54950](#) 2122 Kendall Ave - Demolition of an existing garage structure and construction of a new garage structure in the University Heights Hist. Dist.; 5th Ald. Dist.

A motion was made by McLean, seconded by Andrzejewski, to Approve the request for the Certificate of Appropriateness. The motion passed by voice vote/other.

REGULAR BUSINESS

2. [47837](#) Landmarks Commission Historic Preservation Plan Status Report

Bailey said that the Historic Preservation Plan is currently being drafted, and once the working draft is complete, they will release it for comment. She said that the Landmarks Ordinance Review Committee (LORC) was supposed to meet later this week, but that meeting has been cancelled to give staff more time to unpack the material for the new additions and alterations section of the ordinance. The LORC's next meeting is scheduled for April 10.

3. [54301](#) Secretary's Report - 2019

Bailey provided a report on the status and condition of the structure at 417 State Street. She said that the building was constructed in 1895 in the Queen Anne style using sandstone and cream brick with decorative wood shingles in the gable-end. She explained that on Tuesday, March 19, the brick and stone façade was painted black without approval from the Urban Design Commission, which must approve façade alterations in the Downtown Core district where the structure is located. On March 20, Building Inspection issued a notice of violation. City staff met with property representatives to discuss possible courses of action to remove the paint. At that point, a small section had already been pressure washed to remove the paint, but it also removed the face of the brick and part of the sandstone foundation. Staff recommended they look into using preservation-friendly paint strippers in small test sections. Additional work was done over the weekend, and today when staff checked the structure, most of the paint had been removed. However, it appeared that more damage was done to the brick and the sandstone suffered substantial deterioration. She reported that the property owner has now contracted with a company that specializes in graffiti removal and will complete additional work this week to remove the remaining paint in a more sensitive manner.

Levitan asked what the penalties are for doing this work without permits and approvals. Bailey said that it requires approval from the Urban Design Commission, but painting does not require a building permit. Staff said that they are unaware of the monetary amount of any penalties. Bailey said that the business owner has been responsive and is attempting to mitigate what they did. Fruhling explained that there is a review process in place that would have kept this from happening because the property is in the Downtown Core district; however, the individuals doing the work did not check what the requirements were for that district and did the work without seeking any approvals from the City. He said that it is not that there aren't mechanisms in place to prevent this from happening, they just weren't followed.

Levitan said that if a property is a local landmark or in a local historic district, that information shows up on the property title. He asked if there is anything written on the title that would inform a property owner that they are in a design district. Fruhling said that he did not think so because it is part of the requirements of the zoning district, just like the requirements of any other zoning district where one may have setbacks, building height limits, and other design requirements to follow, which would not be listed on a deed. Levitan said that his understanding is that there was interior work, including electrical, going on as well, and asked what level of work would require a building permit. Bailey said that electrical work requires a building permit. Fruhling said that he does not know the scope of the interior work, but a lot of the interior work would likely have required a building permit.

4. [54302](#) Buildings Proposed for Demolition - 2019

By unanimous consent, the Landmarks Commission voted to recommend to the Plan Commission that the building at 4082 Hoepker Rd has no known historic

value. The motion passed by voice vote/other.

NEW BUSINESS

5. [55140](#) Discussion of Potential Eligibility of a State Street Historic District

Bert Stitt, registering in support and wishing to speak

Sam Breidenbach, registering in support and wishing to speak

Bailey explained that there was a National Register nomination for a State Street Historic District in 1995, but there was enough property owner objection that it did not move forward for a designation. It did, however, move forward for a determination of eligibility and was determined to be eligible for the National Register. Andrzejewski asked for confirmation that there was only a National Register nomination, not a local historic district nomination. Bailey confirmed and said that at the time, as the property owners were not interested in an honorary designation, they were also not interested in a designation that was regulatory.

Levitan said that the State Historical Society does refer to a "State Street National Register Historic District," and Bailey said that it was determined eligible, which is important for federal compliance review. Levitan asked if the federal tax credits have increased since 1995, which would make it more economically valuable to be on the National Register now. Kaliszewski confirmed that the federal tax credits have increased. Bailey said that the state tax credit has increased since 1995 as well, which she estimated was 5% at the time and is now 25%. Levitan said that if the district meets the standards for the National Register, that is validation for proceeding at the local level.

Bailey referenced recommendations from the 2012 Downtown Plan, one of which states that a State Street local historic district designation should be considered if initiated by a representative group of property owners. She explained their position, which acknowledges that the district is a historically significant resource, but they would like to move forward not only with owner approval, but with owner initiation. Levitan said that property owners are not necessarily the best stewards of their architectural resources, and he believes it is time for others to take the initiative because State Street needs to be protected. Andrzejewski asked how the nomination process would work. Levitan said that under the new ordinance, a submission for designation of a district or property can be submitted by any individual, including the Preservation Planner.

Fruhling suggested they keep the Historic Preservation Plan in mind during this discussion because that Plan will lay out activities the City would like to take on in its historic preservation efforts and what the priorities should be. He said that the Downtown Plan, which Bailey referenced, is our most recently adopted policy document, so that is our current directive from the Common Council in terms of the City's policy on the State Street area. He said that the Preservation Plan will provide another opportunity to consider the issue, and they will need to determine where that priority lies in terms of everything they

want to do for historic preservation. He pointed out that a lot has changed since 1995, and they will need to complete a new inventory and resurvey the properties in the area, which will require resources. Levitan asked if that means they cannot proceed on an inventory until 2020. Fruhling said that at this point, he doesn't know where the resources would come from, but this is something they would likely need to hire a consultant to work on, and there is no money for that in the 2019 budget. He pointed out that the 2020 budget process begins this summer, which is before the Preservation Plan will be completed and adopted by the Common Council, so that may delay this until 2021. Levitan said that is very unfortunate because we have seen what has happened and know what will happen in the two years before we start. Fruhling said that if it is something the Landmarks Commission finds important to move forward with, staff can look into next year's budget, but they also need to remember that there will be a gamut of things they would like to do coming out of the Historic Preservation Plan as well.

Andrzejewski asked if there are recommendations in the Downtown Plan regarding other historic districts, and staff confirmed there are. Andrzejewski said that they need to look at the whole picture because if they move ahead on this, it does mean that other things will be put aside. She said that she understands taking a moment to consider how this relates to the other initiatives laid out in the Plans and to think about the best way to get there. Levitan said that he thinks this is a high priority because State Street is critical and the architecture is vital to understanding the social, cultural, and economic development of the street.

McLean agreed that it is important, and as time passes, the change will become more drastic. He mentioned that a State Street Historic District has been discussed in the past as well, specifically when the Overture Center was constructed, but he is not sure of the best way to get there either. Andrzejewski asked if staff could consider the options and provide recommendations on how to proceed, and Bailey confirmed that they can. Kaliszewski agreed that it is important to start thinking about this, particularly with what happened last week, and said that if they could get the photo documentation started this year, that would be ideal, but understands they need to figure out the cost involved. Levitan pointed out that they are not starting from scratch because they have the 1995 inventory, so they would need to assess what is still there and what is not to give them an idea of where they are starting from.

Fruhling said that staff will come back with potential next steps and alternatives. He said that it is also important to keep in mind that this will require a deliberate outreach and education effort. He said that was part of the failure of the last nomination, so they will need to take the time to educate people on what this nomination means in order for it to be successful. Levitan suggested they work with the Madison Trust for Historic Preservation or create a partnership with other groups that could help with some of the legwork.

Bert Stitt said that the creation of a State Street Historic District is vital, and would save State Street. He said that with all of the people who come to

Madison to visit State Street, it is a national treasure, and we are losing it. He said that this event should wake people up to the importance of the district so that it is not taken for granted. He said that he fully supports any effort to legalize the historic value of State Street, and would love to see more money invested in this endeavor so that financial support could also be available for people with properties that could be restored. Levitan mentioned that the previous owner of 417 State Street received a façade improvement grant for the windows several years ago, so City money was also degraded in this event.

Bailey said that all of Madison's other historic districts were initiated by the neighborhoods. Because the property owners wanted to be part of the historic district, staff sees participation and continued enthusiasm in projects that are submitted. She said that preservation works best as a grassroots effort and for this to be successful, they need to get buy-in from property owners on State Street. She explained that this would involve reaching out to property owners and discussing what it would mean for them as well as what historic districts can do, including enhancing and stabilizing property values. McLean asked if the majority of property owners on State Street are local or if there are absent owners who may not have any real stake in it, which he pointed out could affect the potential success rate. Bailey said they do not know, but can come back with that information.

Sam Breidenbach said that as much as he agrees with having the owners weigh in and ensure the support is codified, State Street is a treasure of the community more so than any other historic district. He said that it is just as important to have a marketing campaign that articulates the value of State Street for the broader benefit of the community. He pointed out that we have lost a lot of buildings since 1995, which people may not realize, so a broader marketing campaign for the community that illustrates what we have already lost would be important. He said that the longer we wait, the more buildings we will see destroyed. He said that it is a unique district that should have a unique approach, and bringing in the public is just as important as support from property owners.

ADJOURNMENT

The meeting adjourned by unanimous consent at 5:45 pm.