



Demolition Process Considerations

Prepared for Plan Commission Work Session

March 14, 2024

Introduction & Background

Introduction

The Plan Commission is scheduled to discuss possible changes to the Demolition review process at their March 14, 2024 meeting. The following presentation provides background information and some suggested framing questions to guide this discussion.

The City's Demolition review process has been modified over the last several decades. The most recent significant change was approved in 2021 and includes the demolition regulations that are currently in place. Aside from a few exceptions as noted in the Zoning Code [*MGO 28.1858(b)*], the demolition of all principal structures requires Plan Commission consideration after receiving an advisory recommendation from the Landmarks Commission on a building's historic value.

A Potential Revised Demolition Process - Summary

In response to some Alders requesting staff explore ideas to simplify the demolition process, staff have provided a framework for a revised demolition process for discussion purposes. The following is intended to be similar to the current practice in many ways. The Landmarks Commission would continue to provide an advisory recommendation on ALL demolition requests. However, unlike today's process, demolitions that are found NOT to have historic value by the Landmarks Commission would continue under an administrative review process. Demolitions proposed for buildings that ARE found to have historic value would continue to be reviewed by the Plan Commission.

Typical Landmarks Commission Recommendations - Reference

Historic value considerations have arguably been the most significant discussion point for the Plan Commission on demolitions reviewed under the current Demolition standards.

As the role of the Landmarks Commission would remain important, staff provides the following summary of the typical types of advisory recommendations from the Landmarks Commission. A "stoplight" analogy is often used to summarize such recommendations:

- A. **"Red Light" Recommendation.** The Landmarks Commission finds that a building/site has historic value and significance.
- B. **"Yellow Light" Recommendation.** This is the Landmarks Commission's "middle-of-the road" recommendation. Such a recommendation may be provided when a building itself is not historically significant, but is believed to have some historic value related to the surrounding context. In some cases, Landmarks refers to such possible demolitions as a "regrettable loss."
- C. **"Green Light" Recommendation.** This is the Landmarks Commission finding that a building has no known historic value or significance.

Recent Demolition Statistics

Since Adoption of the Current Demolition Standards in 2021 through 2023:

- 92 Demolition applications reviewed by Plan Commission - 88 applications approved.
- 11% of applications found by the Landmarks Commission to be historically significant. (Type A or "Red" Recommendation)
- 12% of applications found by the Landmarks Commission to not be historically significant structures, but have historic value. (Type B or "Yellow" Recommendation)
- 77% of applications found by the Landmarks Commission to have "No Known Historic Value" (Type C or "Green" Recommendation)

Key Demolition Process Modifications

- **1983** – Zoning Code amended to include process that both demolition and the alternative use require Plan Commission review and approval prior to proceeding.
- **2009 Demolition Sub Committee Amendments** - Process Changes, "Demolition" is defined [Legislative File 12392](#).
- **2013 – Current Zoning Code** takes effect, largely carries forward the 2009 "Demo Sub Committee" changes.
- **September 2021- Demolition Amendment** - Removes Plan Commission's approval of future use, additional standards created. [Legislative File 67074](#).

Existing Demolition Workflow

APPLICANT MEETS
WITH STAFF & FILES
PRE-APPLICATION
NOTICES



**LANDMARKS
COMMISSION**
PROVIDES ADVISORY
RECOMMENDATION ON
HISTORIC VALUE



**APPLICANT FILES
DEMOLITION
APPLICATION**



**PUBLIC HEARING &
PC ACTION**



**SIGN-OFF &
ISSUANCE
OF RAZE
PERMIT and
DEMOLITION**

TYPICAL LANDMARKS RECOMMENDATIONS:



- A. KNOWN HISTORIC VALUE,
- B. "REGRETTABLE LOSS", OR
- C. NO KNOWN HISTORIC VALUE

*ALL PRINCIPAL BUILDING DEMOLITIONS MUST BE REVIEWED BY
PLAN COMMISSION EXCEPT FOR DEFINED EXCEPTIONS SUCH AS:
BUILDINGS DAMAGED BY FIRE OR NATURAL DISASTER; BUILDING
INSPECTION DIRECTOR FINDING OF STRUCTURAL
"UN SOUNDNESS;" DEMOLITION PREVIOUSLY APPROVED IN
CAMPUS-INSTITUTIONAL MASTER PLAN; OR WOULD BE
REPLACED BY CITY SUBSIDIZED AFFORDABLE UNITS
MGO 28.1858(b)*

PRE-APPLICATION PHASE

PLAN COMMISSION REVIEW PHASE

PERMITTING PHASE

A Possible Revised Demolition Workflow

FOR DISCUSSION PURPOSES

APPLICANT MEETS
WITH STAFF &
FILES PRE-
APPLICATION NOT
ICES &
LANDMARKS
APPLICATION

PRE-APPLICATION
PHASE

LANDMARKS
COMMISSION
PROVIDES ADVISORY
RECOMMENDATION ON
HISTORIC VALUE

A. KNOWN HISTORIC VALUE
B. "REGRETTABLE LOSS"

C. NO KNOWN HISTORIC VALUE

LANDMARKS
REVIEW PHASE



APPLICANT FILES
DEMOLITION
APPLICATION

PUBLIC HEARING &
PC ACTION

PLAN COMMISSION REVIEW PHASE

*PLAN COMMISSION APPLICATION & REVIEW ONLY REQUIRED
WHEN LANDMARKS COMMISSION FINDS HISTORIC VALUE*

*PROJECTS NOT FOUND TO HAVE HISTORIC VALUE BY
THE LANDMARKS COMMISSION PROCEED RIGHT TO
ADMINISTRATIVE SIGN-OFF AND PERMITTING PHASE. STAFF
REVIEW ALL APPLICABLE REGULATIONS ARE MET.*

SIGN-OFF &
ISSUANCE
OF RAZE
PERMIT and
DEMOLITION

PERMITTING PHASE

A Possible Revised Demolition Workflow

FOR DISCUSSION PURPOSES – ALTERNATE THRESHOLD FOR ADMINISTRATIVE REVIEW

APPLICANT MEETS
WITH STAFF &
FILES PRE-
APPLICATION NOT
ICES &
LANDMARKS
APPLICATION

PRE-APPLICATION
PHASE

LANDMARKS
COMMISSION
PROVIDES ADVISORY
RECOMMENDATION ON
HISTORIC VALUE

A. KNOWN HISTORIC VALUE

B. "REGRETTABLE LOSS"

C. NO KNOWN HISTORIC VALUE

LANDMARKS
REVIEW PHASE



APPLICANT FILES
DEMOLITION
APPLICATION

PUBLIC HEARING &
PC ACTION

PLAN COMMISSION REVIEW PHASE

*PLAN COMMISSION APPLICATION & REVIEW ONLY REQUIRED
WHEN LANDMARKS COMMISSION FINDS HISTORIC VALUE AND
HISTORIC SIGNIFICANCE*

*PROJECTS NOT FOUND TO HAVE HISTORIC VALUE AND
SIGNIFICANCE BY THE LANDMARKS COMMISSION PROCEED
RIGHT TO ADMINISTRATIVE SIGN-OFF AND PERMITTING
PHASE. STAFF REVIEW ALL APPLICABLE REGULATIONS ARE
MET.*

SIGN-
OFF & ISSUANCE
OF RAZE
PERMIT and
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PERMITTING PHASE

Other Process Considerations: Landmarks Commission Review

LANDMARKS
COMMISSION
PROVIDES ADVISORY
RECOMMENDATION ON
HISTORIC VALUE



LANDMARKS
REVIEW PHASE

Suggested Modifications to Landmarks Review Phase:

- Create Applicant-Initiated Submittal
Landmarks Commission Review is currently initiated by Staff after applicant submits online notice.
- Clarify / Standardize Submittal Requirements
- In addition to primary recommendation, note that Landmarks Commission can also advise on the appropriateness of any "**Creative Mitigation**" measures such as Saving/Salvaging Materials, Documentation, etc.

Other Process Considerations: Approval Standards – Existing

1. The applicant has included information related to any efforts to relocate the building, including but not limited to assessing the costs of relocation, the impact of relocation on city terrace trees, and the structural soundness of the building.
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.
3. The applicant has received an approved reuse and recycling plan from the City Recycling Coordinator.
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.
5. The Plan Commission has received and considered the report of the City Forester regarding the impact a proposed building relocation could have on City terrace trees, if applicable.
6. The Plan Commission shall consider the condition of the building or buildings proposed for demolition or removal. In order to find this standard met, the Plan Commission may consider a report of the Madison Fire Department, Police Department, and/or Building Inspection Division regarding the proposed demolition, including whether any evidence of a potential fire hazard, unlawful use of the property, public nuisance, or other public health and safety concern supports demolition or removal.
7. The Plan Commission shall consider the factors and information specified in items 1—6 and find that the proposed demolition or removal is consistent with the statement of purpose of this section and with the health, prosperity, safety, and welfare of the City of Madison.

Discussion on Approval Standards

- Existing Standards 1-6 include factors and information that must be considered. Standard 7 requires findings related to statement of purpose and health, prosperity, safety, and welfare of the City of Madison.
- Staff would suggest an additional standard that in order to approve a demolition, the Plan Commission would need to find that the benefits of a demolition outweigh interest in preserving historic resources.
- Some standards could become part of administrative sign-off and would not need to be considered by the Plan Commission.

Framing Questions for Discussion

- 1. Is the Plan Commission open to creating a path for some demolition reviews to become administrative?**
- 2. What should be the threshold for an Administrative Review?**
 - "Green Light" (Type C) No Known Historic Value
 - "Green & Yellow Light" (Types C & B)
- 3. Should certain technical requirements (eg, Submit Re-Use and Recycling Plan) be listed as procedures, but not as a standards?**
- 4. What other ideas/questions you have regarding the demolition process?**



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