



# City of Madison

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

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Tuesday, July 30, 2019

5:30 PM

215 Martin Luther King Jr. Blvd.  
Room 206 (Madison Municipal Building)

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### CALL TO ORDER / ROLL CALL

Furman called the meeting to order at 5:39 pm.

**Present:** 5 - Patrick W. Heck; Christian A. Albouras; Arvina Martin; Keith Furman and Marsha A. Rummel

### APPROVAL OF MINUTES

Ingebritson requested that the following be added to the Public Comment section of the June 25, 2019 minutes:

"Lehnertz raised the issue that there are variations in historic districts and the ordinance is designed to preserve the character of the individual districts...During the three public hearing of the Third Lake Ridge Historic District, the consultant did not discuss the importance of the district's character. Resident input concerning the historic district's character was not obtained. The ordinance is suppose to address the defining characteristics of each historic district. Each district needs targeted criteria to preserve the entire district's character."

**A motion was made by Albouras, seconded by Heck, to Approve the June 25, 2019 Minutes as amended. The motion passed by voice vote/other. Martin abstained because she was not present at the June 25, 2019 meeting.**

### SUSPENSION OF RULES

**A motion was made by Heck, seconded by Rummel, to Suspend the Rules. The motion passed by voice vote/other.**

### PUBLIC COMMENT

*Franny Ingebritson, registering in support and available to answer questions*

*David Mollenhoff, registering neither in support nor in opposition and wishing to speak*

*Linda Lehnertz, registering in opposition and wishing to speak*

*Thomas Goodwyn, registering in opposition and not wishing to speak*

*Kraig Kowalke, registering in opposition and not wishing to speak*

*Kitty Rankin, registering in opposition and wishing to speak*

*John Martens, registering neither in support nor in opposition and wishing to speak*

Mollenhoff said that they are in the midst of a complicated process, and that he thinks they are all embracing the same goal, which is to find a way to effectively preserve the distinctly different qualities of each of our five historic districts, and there are several ways to accomplish that goal. He said that the Alliance is concerned about the general standards that the consultant proposed because they are not sufficient to protect the qualities of the five districts, so the Alliance is taking a district-specific approach. Mollenhoff went through each

of the five historic districts and summarized their individual characteristics for which district-specific standards are needed. He said that to help reach their goal, the Alliance is preparing a comprehensive list of qualities every historic district should use to preserve the character of the historic district. He said that the Alliance is not persuaded that a top-down approach by the LORC or consultants will work for the development of district-specific standards. He said that the current district-specific standards were developed from the bottom up with alder-selected committees in order to get buy-in, which is critical for this phase of the LORC and development of the district-specific standards. He said that the Alliance has written a full draft of chapter 41, except for the district-specific section, for the LORC's consideration, and they would like to share the draft at an upcoming meeting. Rummel said that it would be helpful to have a list of examples of district-specific standards to consider. She said that it seems the visual compatibility standard is not universal, so there has to be a way to apply that selectively in some cases. Heck agreed that a few examples from each district would be educational.

Lehnertz said that if something is already in the building code section, it should not be included in the maintenance section. In the alterations section, she said that it is ridiculous not to allow the removal of chimneys, and unless it is a character-defining feature, there should be some flexibility. She said that she doesn't see what is being gained from including time-consuming piddly little requirements, mentioning examples of painting storm windows and prohibiting static vents that are visible from the street. She said that if there is lead paint on interior windows, there should be some flexibility rather than outright being unable to replace unless the windows are too deteriorated to repair. She encouraged them to consider saying "visible from the public right-of-way" instead of "visible from the street." She said that the design guidelines for Williamson Street Build 2 were approved by Common Council, who instructed the Planning Division to turn it into a landmarks ordinance, which did not happen. She said that it is a good time for the LORC to see if it should be because the design characteristics included in Build 2 are missing from the proposed regulation. She said that when you don't have those standards and are only talking about visual compatibility, you end up with a building like 702 Williamson, which she described as a monstrosity. She said that there is nothing that distinguishes between residential and non-residential in the proposed ordinance except in regard to aluminum windows; however, the needs are different between mixed-use and residential buildings, and that should be taken into consideration. Rummel thanked Lehnertz for her deep reading. She said that while on the Landmarks Commission, she always struggled with "visible from the street" and asked Lehnertz what the difference would be in using "public right-of-way" instead. Lehnertz said that it would include things like the bike path, warehouses, and the lake. Rummel spoke about Build 2, and said that in the past, she had tried to get the Planning Division to take it to the next step. She said that this is a good time to look at those design guidelines and standards, and requested that they review the document at some point.

Furman read from Goodwyn's registration that he opposes and does not wish to speak, but believes requirements should be guidelines only and district-specific. Furman read from Kowalke's registration that he opposes and does not wish to speak, but believes requirements should be guidelines only and specific to each unique historic district.

Rankin said that she was the City of Madison's Preservation Planner from 1979-2008. She said that the way to grapple with possible changes to the existing ordinance can only start with a thorough understanding of the individual district standards as they exist today, which will make it clear that the specific ordinances are very different from one another and address issues that are unique to each district. Except for Mansion Hill and Third Lake Ridge, she said that the ordinances are precise enough to cover the issues those neighborhoods face. She believes the district-specific standards are necessary and have been used successfully for decades to guide residents, property owners, developers,

Landmarks Commissioners, and staff as to what is or is not visually compatible. She said that repeating "shall be compatible" in the proposed ordinance is as bad as having no guidance at all, and can be harmful as individuals interpret such vague language to suit themselves. She said that the standards for Mansion Hill are currently minimal and vague, and they have seen what has happened to historic districts with vague language, giving examples of the Edgewater and Steve Brown Apartments. She said that aside from Mansion Hill & Third Lake Ridge, the other historic district ordinances were developed by the neighborhoods themselves, with alder-appointed committees of neighborhood residents and stakeholders, who then presented the proposed ordinance to the historic district and made changes based on feedback from neighbors. She said that this careful and measured endeavor is the reason our historic districts have been so successful, and if the City is going to make changes to the ordinances, they should follow the public participation precedent and implement a similar approach. She said that Third Lake Ridge is in the unique position of having a new set of standards already drafted as part of the Build 2 project, which the Common Council approved and directed that the new historic district ordinance be adopted. She said that a historic district imposes additional regulations on homeowners that no one else in the City of Madison has to comply with, so changing these regulations should not be taken lightly, or it is likely to cause outrage. She said that she hasn't read beyond the first page of the new draft standards, but based on that, it represents a drastic increase in regulation that will go over badly. She said that the Alliance recognizes that the dissimilarities between the ordinances is confusing, and is working to reorganize the ordinances in a similar sequence and to standardize and define some terms. She said that after that is complete, residents of the historic districts can propose changes as they see fit because meaningful public involvement is the Madison way.

Martens referenced his handout and said that he created the chart on the last page to assess the main design parameters in each historic district, and said that it helps demonstrate how complicated the existing ordinance is. He said that his handout also includes a summary of the differing primary characteristics, architectural features, and design issues that are currently regulated in each historic district. He said that the district-specific standards were created to accommodate the unique fabric of each historic district and have been a fundamental and successful part of the ordinance for over 35 years. He said that while the ordinances do need updating for consistency and clarity, the proposed general standards are too broad and may result in over- and under-regulation when applied to the diverse characteristics of the historic districts. He said that the current district-specific standards were requested and vetted by district residents, and proposing significant new standards will again require resident approval. He discussed the chart he created, and pointed out that as the district ordinances were created over time, there was a steady increase in the number and type of design parameters being regulated, resulting in inconsistencies between districts, and noted that Mansion Hill needs the most attention. He said that much of the variation is a genuine reflection of the different historical characteristics in each district, so they need to regulate different parameters in each historic district. He explained part of the chart regarding visual compatibility, and said that it reflects the importance of preserving groups of buildings, in addition to individual structures, and he is afraid they will lose that with broad standards.

Rummel said that if you look at the order in which the historic district ordinances were created, starting in Mansion Hill and moving forward, you can see that there are more check marks in Martens' chart. She said that if you look at the consultant's list of recommendations, it is probably well-represented in those check marks. She used the example of Mansion Hill, and asked if the additional regulations needed are in the general standards, or if something more is needed to preserve the distinctiveness of each district. She asked how all of the elements being reviewed pair with what is unique about each district that they need to call out. Martens said that if you look at each historic district, you will see some of those characteristics, and gave examples of chimneys or porches being

important in some districts and not others. He said that these conclusions can only be made after looking at each historic district in detail, and said that all of the same parameters should not apply to every district. Heck asked for a specific example, and Martens said that the Marquette Bungalows ordinance stipulates that all chimneys must be retained because they create a strong rhythm when looked at from the street, but no other historic district has that concern because the chimney may not be a critical design element. He said that in a different district, there may be a situation where it is more reasonable to remove a chimney in a remodel if it is not a critical design element. Rummel thanked Martens for the document he created.

## DISCLOSURES AND RECUSALS

None

### 1. [54447](#)

#### Discussion of Consultant's Recommendations

Furman said that it is his understanding that the committee has recognized that they are going to have district-specific issues, and plan to take the direction of having a general ordinance and adding any district-specific elements that come up. He said that they have heard the concerns regarding the proposed general standards that were raised during the public comments loud and clear.

There was further discussion about how to approach working through the draft ordinance document. Heck referenced Martens' chart and asked how they will decide if the general standards fill the chart in appropriately. He said that they could go through as planned and figure out which items can be addressed in the general standards and which cannot, but it would take a lot of work to cross-reference the documents. Fruhling said that at the beginning of this process, staff had created a chart similar to Martens' that included information about the different standards in the current ordinance, so the structure is already there if the committee would like staff to add to that document.

Bailey said that the existing district-specific standards were very good preservation practice when they were enacted, and are the reason we have the historic districts still today, so are they are important. She said that as preservation practice has evolved, there is starting to be a divergence between some of our district standards and current preservation practice. She explained that some of the district-specific standards are in conflict with current interpretations of the Secretary of the Interior's (SOI) Standards, which are used to review preservation tax credit projects. Heck asked if it is their task as a committee to facilitate historic tax credits being secured, to do historic preservation, or both. Bailey said the SOI Standards and Guidelines were not designed for tax credits, but to educate on good preservation practice, so most communities are using the SOI Standards and Guidelines for that reason. She explained that the City of Madison currently uses them for individual landmarks; there is not a specific ordinance for each landmark in order for them to retain their character. She said that in response to a question at a previous committee meeting, she asked other preservation commissions around the country if they address their historic districts specifically, and the overwhelming response was to use the SOI Standards and associated Guidelines for all preservation practice, whether individual landmarks or historic districts. She said that they should craft an ordinance that aligns with good preservation practice so they are not putting owners of historic properties at a disadvantage of being able to access funds to help them maintain their properties. She said that many communities have also developed illustrated design guidelines, which distill the SOI Standards and Guidelines to create a visual reference of how to comply with the standards.

Albouras asked to hear the public's response. Rankin said that the SOI Standards were developed specifically for tax credits because when the program was set up by the federal

government, they wanted to create strict standards so that people did right by their properties when receiving tax credits. She said that it is stupid to insist people comply with those standards because they were made for individual buildings and do not address historic districts. Rankin said that there was no conflict between the standards in 1976, and we are using the same language now, so she doesn't see why that is an issue. She said that the SOI Standards might be good preservation practice at a level of getting tax credits for a project, but is not necessarily good preservation practice for a historic district made up of small two-story frame houses where people are not that rich. Lehnertz said that when one applies for tax credits, the SOI Standards and Guidelines that are applied are stricter than the City of Madison's ordinance, so she doesn't know why the City reviews projects for which someone is getting tax credits. She said that by using the SOI Standards and Guidelines, they would be asking people to abide by really strict standards and people who don't also live in a National Register Historic District cannot apply for tax credits and would get nothing out of it. She said that it will be more costly for the property owners, so they should provide other incentives to encourage historic preservation. Martens said that the proposed National Park Service (NPS) standards are intended to preserve buildings in a near museum-like quality and they provide tax credits to compensate for that effort, but our historic districts are not museums and residents are not given tax breaks to maintain that high level of preservation.

Rummel said that the Historic Preservation Plan Advisory Committee also has a plan to complete illustrated design guidelines, but it is five years out, so it is important to remember the parallel process that is occurring with the plan. She also suggested that a walking tour of the historic districts may help the committee to see the distinctiveness in each district. Albouras said that it would provide some context that would be beneficial to him. Heck said that it is a fantastic idea, and suggested that members of the public submit specific examples that they should look at. Martin agreed that specific examples that are representative of the district or are outliers would be helpful.

Rummel said that they need to think about how they get at the general and the specific in the ordinance while still making it easy for people to understand what they can do. Heck said that they need really specific examples to understand how the proposed ordinance works well and where it potentially doesn't. He said that one of the big concepts to grapple with that was brought up by several people is how the current ordinance deals with the overall character of what makes a historic district special. He said that while they need to think about individual houses, there is also a larger question of how this approach can address the overall character of a historic district. He said that the 200-foot radius for visual compatibility and sections where only the front of the house is considered were portions of the document that he found to be potentially problematic, so they will need to address that and the character of the historic districts. Rummel said that lot pattern is important, so it may be helpful to have a 200-foot radius map as a visual on the tour to help them understand lot sizes, setbacks, and patterns as they figure out how to balance those factors and preserve. She said that what worries her is eroding the fabric of the historic district because it is incremental, and at what point is the integrity gone.

Scanlon said that the way they left it at the last meeting was to put together the full ordinance so the committee could see how it is laid out. She said that once they get into it and discuss, they will be able to see how many exceptions come to the surface and maybe change their direction slightly based on that. She explained the structure of the draft ordinance document, saying that the idea is for a person to start at the maintenance section, and if that is not the scope of work they are looking for, they can move forward to repairs, then alterations, with each section building upon the previous one to create a spectrum of intervention. If it is more than an alteration, it moves forward to additions, then new structures. She said that every section follows the same organization, so the user would follow the same logic throughout the document. She said that with this structure and everything all in one place, she thinks

things are easy to find.

Rummel said that one speaker discussed maintenance during the public comments, and she asked where there is overlap in what building code and landmarks have authority over. Scanlon said that they always make sure there is no conflict with building code, but sometimes you don't need a Certificate of Appropriateness to do maintenance but still need to check in with the Preservation Planner to make sure you are doing maintenance correctly, so there is a delicate balance. She said things could be moved around, but the intent of the maintenance section should remain. Fruhling said that part of the intent of separating out and creating a maintenance section is for ease of use and to provide some guidance for the user. He explained that the minimum building code for maintenance is fairly weak, so their thinking was to kick that up a notch for historic districts so the buildings are maintained to a little higher standard, and said that he doesn't think the proposed maintenance standards are overly burdensome. He mentioned that if there are a number of ordinances that apply to a particular property, the more restrictive ordinance applies. Martin said that she likes the structure of the draft ordinance because everything is in one place, and it makes sense to start at the base and have it escalate throughout the document as Scanlon explained. Bailey said that people have different interpretations of what maintenance on their house is, so it is important to define what maintenance is, as well as what repairs and alterations are, so the document discusses levels of intervention and sets parameters.

Furman asked Martens what he thought about the structure of the draft ordinance in regards to him making a case for district-specific standards. Martens said that it is a complex question, but he doesn't think they are arguing that they need separate chapters for each historic district. He said that they will need to include some exceptions, but he does not know how that will fit into the structure of this document. He said that it will depend on how many exceptions they find and what they are, so he can't answer until he knows that. Furman said that was a helpful assessment that shows they are on the same path. He said that there are going to be exceptions, and when they come up, they will have a better idea of how to structure the document.

There was brief discussion of the historic district tours, and it was decided that staff would create a document for committee members to use on a self-guided tour. Heck said that it would be helpful to have examples of complex cases they can specifically look at on the tour. Rummel agreed that the problematic cases are really helpful to see where tensions have been in the past and to assess what they want to accomplish. Furman asked attendees to consider specific places to visit and share that feedback with staff.

2. [54448](#)

Discussion of Next Steps and Schedule

Furman said that at the next meeting, they will jump in the maintenance section and begin their discussion of the draft ordinance. Scanlon discussed the revised work plan and schedule, and pointed out that new sections were added for the parking lot issues to be addressed and definitions.

**ADJOURNMENT**

**A motion was made by Martin, seconded by Albouras, to Adjourn at 7:30 pm.  
The motion passed by voice vote/other.**