



City of Madison

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

Thursday, August 29, 2019

5:30 PM

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

CALL TO ORDER / ROLL CALL

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

Staff present: Heather Bailey, Planning Division

Martin arrived at 5:49 pm

APPROVAL OF MINUTES

A motion was made by Heck, seconded by Albouras, to Approve the August 20, 2019 Minutes. The motion passed by voice vote/other.

SUSPENSION OF RULES

No action was taken

PUBLIC COMMENT

Jim Murphy, registering in opposition and wishing to speak

Gary Tipler, registering neither in support nor in opposition and wishing to speak

Linda Lehnertz, registering in opposition and wishing to speak

Murphy, representing the Marquette Bungalows Neighbors Group, said that many in the group still have strong concerns about the materials presented over the last year. He mentioned that because the committee has new members, he will provide statements that were previously submitted for new members' review. He said that residents feel their concerns regarding lead paint have been ignored, and are also concerned about affordability of home ownership, explaining that it is an overreach to require repair before replacement because of the cost. He said that other concerns include aging in place and sustainability. He said that their group will wait to provide detailed comments on the ordinance until there is a final version to review, but said that they do support a district-specific ordinance as well as an alder-appointed committee for the each district to guide the ordinance. He suggested that the committee and staff convince homeowners why being part of a historic district is worthwhile and does not just add onerous regulation and expense, saying that these are homes, not museums.

Tipler spoke about the historic district tours for committee members. He said that he has a lot of experience and ideas for the tour of Third Lake Ridge, and offered to lead a tour for the committee. In addition to the list of buildings provided by staff, he said that there is a longer history of buildings worthy of sharing. He explained that there is a breadth & depth of styles, architecture, and history represented by buildings that remain in Third Lake Ridge, which is ideal to view on a tour. He provided Williamson Street walking tour booklets to the

committee.

Lehnertz spoke about several areas of discussion from the last committee meeting. Regarding the remediation of lead paint, Lehnertz said that removing paint from a window is difficult, time-consuming, and if one hired someone to do the work, it would cost as much as a new window. She said that one can never remove all of the paint from the crevices, and still may have minute remnants of lead paint that could cause concern for families. Regarding the discussion of building code and its concerns with safety, Lehnertz said that the ordinance cites more than just safety and that Building Inspection does look at the outward appearance of a house. Regarding the discussion of cost and variance criteria, she said that if variance criteria is going to be relied on because of cost, she would suggest modifying the variance language, but does not think variances should be relied on to address the issue of cost. She said that there has not been a good discussion about whether we are trying to preserve the character of the historic district or of each individual house, and said that it seems like the proposed ordinance is trying to turn every property in a historic district into a landmark. She discussed the state law regarding inspection of rental properties being complaint-driven, and asked if the ordinance would be creating a double standard in historic districts for rental versus single-family homes. She explained that if the City can't do anything with a rental property unless there is a complaint, it will fall on single-family homes to be compliant with the higher standards, while rental properties are not. Bailey said that a significant portion of administratively approved projects are initiated by Building Inspection and are largely rental properties, but in general, code-driven enforcement actions are due to complaints, whether rental or single-family homes. She said that it is a complaint-based program, and Lehnertz said that concerns her because complaints should not be driving how the neighborhood looks. Rummel brought the committee's attention to a letter submitted by Lehnertz in February, and said that it was a helpful, detailed document.

DISCLOSURES AND RECUSALS

None

1. [56918](#) Draft Historic Preservation Ordinance

Furman began discussion of the Standards for Repair - Windows and Doors section, and said that because this topic is coming up a lot, the committee should have a longer discussion about windows. Bailey said that she would need to gather more information on topics such as sustainability, cost of repairs, life cycle of windows, and energy efficiency to have an in-depth discussion. Rummel said that moving forward, they will need to grapple with windows and levels of intervention. She said that applicants may think their windows are at a certain level of deterioration, and asked what basis staff has to say the windows are at a different level of intervention. Bailey said that the State Historical Society requires an assessment by a repair person, and she has seen other cities require an energy audit; however, that additional burden for applicants makes her uncomfortable. Furman requested that a discussion on windows be included as an agenda item at their next meeting. He also suggested that doors specifically be mentioned in the Windows and Doors section, rather than just having a subsection on windows.

Rummel asked about the organization of the Standards for Alterations section, pointing out that it starts with smaller things and ends with the big notion of the building site. Bailey explained that is how the National Park Service Guidelines are set up. Rummel suggested that the overarching building site be at the front end, then move to the smaller things. In the General - Materials and Features section, Albouras asked if the term "shall be avoided" was used to provide leeway rather than strictly prohibiting conjectural features. Bailey confirmed that it was, and while it is not black-and-white, it provides parameters for the Landmarks

Commission to make decisions. Bailey pointed out that in general, they tried not to include referrals within the ordinance, but in the Exterior Walls - Masonry section, there is a reference to chimneys in the Roofs section. She also clarified that Masonry Requirement "a." is referring to masonry that has not previously been covered by those materials, and the committee agreed that the clarification should be added to the document. Rummel referenced Lehnertz' previous comments about chimney removal, and asked if there is any flexibility depending on the historic district and whether the chimney is character-defining. Bailey pointed out that the ordinance refers to chimneys visible from the street. She said that chimneys speak to how buildings used to function, and just because they are not on fancy buildings, it does not make them any less historically significant or less of an architectural feature of that building. She asked what it would look like if the chimneys were removed, and at what point is the threshold for having lost so many chimneys that it doesn't look like the historic neighborhood that it was. Rummel asked about the energy efficiency of fireplaces, and Bailey said that one could cap the chimney. Heck pointed out that in earlier sections, there was more discussion on what to do with deteriorated bricks, but it isn't mentioned in the Exterior Walls - Masonry section in the Standards for Alterations. He asked if there should be mention of in-kind brick or appropriate substitutes in that section, and Bailey said staff will come up with language to add there.

Bailey said that staff struggled with the Exterior Walls - Wood section because it is very specific. She said that at neighborhood meetings, people asked for specific information on what can and cannot be used; however, she also agreed with the Alliance that being this specific will make it difficult to add new historic districts that contain these prohibited materials and features. She mentioned that she has seen design guidelines language that requires documentation of what was historically associated with the property, but that would require people to do research. She said that the committee will need to consider the options and find a happy medium. Heck said that thinking about creating new historic districts is helpful in determining how the ordinance should address the home or the surrounding homes in terms of what is permissible. Bailey said that information on the style of shingles was included as well, and that staff had considered saying it should be historically associated with properties within 200 feet, but that gets into a gray area that property owners do not like. Rummel asked if they could make it more of a case-by-case basis that could be reviewed by the Landmarks Commission rather than an outright no, and said that the idea of new historic districts also caught her attention. Bailey said that they could say this is not allowed in current historic districts and amend the ordinance if they add a new historic district, but she wants the ordinance to be welcoming for potential historic districts as opposed to needing to go through an amendment process.

2. [57170](#)

Discussion of Madison Alliance for Historic Preservation's "Proposed Historic Preservation Ordinance"

David Mollenhoff, registering neither in support nor in opposition and available to answer questions

Kitty Rankin, registering in support and available to answer questions

Jim Skrentny, registering in support and available to answer questions

Kurt Stege, registering in support and available to answer questions

Furman explained that this item is on the agenda to give the committee an opportunity to discuss where they are in the process and how to take advantage of the great feedback they are getting from the Alliance. He thanked the Alliance for the document outlining issues to be resolved, and asked for the committee's thoughts on the Alliance's draft ordinance and how to integrate that into their process. Heck asked about Subchapter I and how it differs from the current district-specific standards. Mollenhoff said that the Alliance is still in the process of providing a specific example, and that currently everything in that subchapter is a placeholder. He said that they believe each section of the subchapter should have a good

description of the historic character of each district because those unique qualities lead directly to the district-specific standards. He noted that the Alliance believes one of the most important jobs of the committee is to find a way to assure preparation of a design manual with pictures and illustrations because it will make all of the words packed into the ordinance come alive. Bailey agreed that illustrated design guidelines are helpful, and said that she has seen other communities benefit from creating them along with their ordinance. Mollenhoff said that it should be an extremely high priority.

Mollenhoff referenced the Alliance's "Evolution of Chapter 41" document and spoke about the overall structure of the Alliance's draft ordinance, explaining that Subchapters A-D are nearly identical to the other versions and they created Subchapters E-H because they answer the most important questions that a property owner may have. He said that this will make the ordinance more user-friendly because each has visibility as a separate subchapter, and will be a step forward in terms of clarity. Bailey said that the charge for LORC 2 is to address the historic districts, but it is also an opportunity to make clarifications and reorganize other parts of the ordinance as a final overhaul. Mollenhoff agreed that this is a good opportunity to do that. Heck said that he liked the idea of including Subchapter H regarding property owners' responsibilities, and Bailey said that similar information is already included under maintenance obligation in the current ordinance. Heck suggested other ways to reorganize the various sections, and Bailey said that John Strange from the City Attorney's Office should be in attendance for any discussion of how the ordinance is organized.

Rummel asked about the language in Subchapter I, and Mollenhoff said that the committee should not pay attention to that section until the Alliance comes back with a complete prototype for Third Lake Ridge. Rankin said that they rearranged each district ordinance so they read similarly, but wanted the committee to see the existing ordinance because what has been happening the last 30 years will give them the background in order to make new decisions. Rummel said that in comparing the old and new ordinances, the main difference is that the new ordinance has levels of intervention and typologies such as walls, doors, or porches. She asked about the role of bulk and massing standards because they are not included in the front end of the new draft ordinance, and said that perhaps it is a "parking lot" issue to be addressed. Heck suggested that committee members familiarize themselves with each of the current district ordinances so that when they go through the Standards for New Structures, they can recognize the strengths and weaknesses of both approaches.

3. [54448](#)

Discussion of Next Steps and Schedule

Furman asked if the committee would like to discuss windows at the next meeting, and Martin said that she would like to because it is a very specific and important part of the ordinance. Albouras said that he would like to see concerns about removal of lead paint and remediation addressed as well. The committee discussed potential meeting dates, and decided on September 18 and October 30 for upcoming meetings. Furman said that he would like to figure out the details of the historic district walking tours as well. Bailey said that staff is working to gather more information for the tours and will send it to the committee as it is completed.

ADJOURNMENT

**A motion was made by Albouras, seconded by Rummel, to Adjourn at 7:27 pm.
The motion passed by voice vote/other.**