



City of Madison

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

Thursday, January 23, 2020

5:30 PM

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

CALL TO ORDER / ROLL CALL

Present: 4 - Patrick W. Heck; Arvina Martin; Keith Furman and Marsha A. Rummel

Excused: 1 - Christian A. Albouras

Staff present: Heather Bailey and Bill Fruhling, Planning Division; Amy Scanlon, Engineering Division

The meeting was called to order at 5:34 pm

SUSPENSION OF RULES

No action was taken.

PUBLIC COMMENT

James Matson, registering neither in support nor in opposition and wishing to speak

Matson, representing the Madison Alliance for Historic Preservation, referenced a statement the Alliance submitted prior to the meeting. He discussed the Alliance's presentation at the last LORC meeting, and said that their proposed ordinance update would provide consistency and a basic level of protection in all districts, while also allowing flexibility within and between the districts. He said that their approach would define key terms and provide clear preservation principles for all districts, current and future, which would guide the development of the historic district ordinances. He said that they hope to have a draft of the principles completed soon, and explained that the principles provide overall guidance and would be implemented by the district ordinances. He said that this approach would avoid confusion and conflicts that might occur when mixing general and district-specific standards. He said that the Alliance believes that the current district standards should be redrafted for clarity and consistency and retained until the new district-specific standards replace them. Lastly, he said that the Alliance proposes using district advisory committees to develop the district standards that the alder who represents each historic district would be authorized to appoint.

DISCLOSURES AND RECUSALS

None

1. [57170](#)

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

Bailey referenced the document that outlined the public engagement strategy for the ordinance revision part of the Historic Preservation Project, noting that it was approved by the Common Council and has been the basis for how staff has proceeded. She also discussed a document that outlined the public meeting schedule for the ordinance revisions to show how the process has been in alignment with the approved public engagement strategy. She pointed out that this was the foundation piece, so that doesn't mean it is where they need to stop because there is always additional room for engaging with the public and historic districts.

Fruhling discussed the BUILD II project, which was adopted in 2004. He explained that at the time, there was a lot of development pressure in the 600-1100 blocks of Williamson Street, and the zoning code at the time was inadequate to deal with the type and scale of development being proposed because the code was a more suburban model from the 1960s. He said that the City was able to get a "BUILD" grant to hire a consultant and complete an intensive neighborhood process to look at the area and come up with specific guidelines in terms of design, height, and setbacks to fill in the gap of the outdated zoning code. He said that the BUILD II Plan was adopted by Common Council with the recommendation to incorporate the standards into the Third Lake Ridge historic district ordinance, and he did not know why that wasn't done at that time. He explained that the new zoning code was adopted in 2013 and fixed a lot of the issues in the previous code; he said that many things in the Williamson Street BUILD II project recommendations are now covered in the zoning code. He said that staff's proposed draft ordinance also takes a number of the BUILD II recommendations even further than what had been recommended. Rummel said that it still seems to be a struggle when the historic district ordinances supersede the zoning code, and that she doesn't think the zoning code protects the historic character of the historic districts. Bailey said that she likes the consistency of the Planning approval process that requires applicants to get a Certificate of Appropriateness from the Landmarks Commission before they can go to the Urban Design Commission and Plan Commission for approvals. Rummel agreed that over the last few years, there has been a change in prioritizing that process and it has improved, pointing out that hasn't always been the case. Fruhling said that Rummel brought up a great point about the number of areas where the zoning code and historic district ordinances are not in sync and can send mixed messages. He said that he did not disagree, and noted that one recommendation of the Historic Preservation Plan is to examine and align city ordinances and policies in the historic districts. Heck asked for clarification on the zoning code and historic district ordinances, and Bailey said that whichever is more restrictive applies. In terms of the approval process, Bailey said that it goes in order beginning with the Landmarks Commission, then the Urban Design Commission, and lastly the Plan Commission; Fruhling said that process is now policy. Furman asked if the LORC should discuss what can be done to streamline that process, and Fruhling said that the Plan Commission will be discussing the alignment of policies at various working sessions this year. Furman said that he would like to add this item to the parking lot.

Furman began discussion of public engagement, and said that as the process moves further along, they will need to do more engagement, which could take many different forms, such as district advisory committees as proposed by the Alliance or public

meetings in the historic districts. He said that the committee promises the community that they take public engagement seriously and he also understands the need for buy-in, but that he wasn't sure if they needed to determine what type of public engagement is used at tonight's meeting. Bailey said that staff would like to get to a point where the committee has a solid working draft of the proposed ordinance so they can do case studies based on the projects used in the walking tours to show how the project went through the approval process with the existing ordinance, as well as what it would look like with the proposed new ordinance so that they have something solid to work from in the public meetings. Furman said that he thinks the committee can continue working through the parking lot issues and getting to a better place with the draft ordinance before making any specific decisions. Heck said that if they delay the decision too long, they would be precluding the option of having district advisory committees help draft the ordinance and holding public engagement meetings to gather feedback. Furman said that the draft ordinance can be changed in terms of format and content, and he is comfortable with the idea that it could radically change after going out for public review. He said that there are a lot of different ways to do this, but the ultimate goal is to make the ordinance as straightforward as possible so the community can read and understand it. Rummel said that it seems that sooner is better to have public engagement because once the committee continues work on the ordinance and builds in some assumptions, those could be challenged or changed and then they will have spent a lot of time working on the ordinance, only to undo it. She said that she wanted to make sure the committee understood what type of public engagement they were considering. She referenced the Alliance's suggestion for district advisory committees, and reiterated her comments from the last meeting that it would be a big commitment for alders to take on. Martin agreed that the engagement cannot be solely alder-based, and there would need to be staff time involved in order to get good feedback. Furman said that the committee will need to decide what type of public engagement will give them the best product possible, whether that is district advisory committees or other public meetings instead of or in addition to that. He said that the public engagement may take a lot of time in the process, but he doesn't want to preclude buy-in from the community and ensuring they receive community input. He said the committee will need to figure out the balance of making sure they are listening to the public, while still making sure the process is moving forward. Given the concerns alders have expressed about the district advisory committees, Furman asked if staff should consider the specific details of a public engagement piece in terms of staff's capacity to assist, who else might be able to help, and what potential costs might be so the committee has an idea of how realistic it is. Rummel suggested they could have a weekend or Saturday devoted to a process where people could meet and discuss the ordinance revisions. Furman said he thinks the more the committee can give the public to work with, the less complicated the public engagement process will be because there will be a framework in place. He pointed out that the district advisory committees could also make it difficult to create common standards among historic districts, and he thinks there are some good common requirements across the districts in the current draft. Heck said that the district advisory committees aren't a replacement for the wider public engagement that will occur, so the question is whether they include aspects of the district advisory committees in that process. Furman agreed, and said that the other question is at what point the committee gives a draft to the public for consideration. Furman suggested they discuss the parking lot issues and ask that staff consider what resources will be necessary for the public engagement so they can discuss it at the next meeting.

2. [56918](#)

Draft Historic Preservation Ordinance

Bailey discussed code-required work, including the topics of accessibility, fire and life safety, and hazardous materials. She proposed language related to life safety and code-required work to include as requirements and guidelines in the draft ordinance. She said that the language had been drawn from the consultant's original recommendations; Fruhling said that a lot of provisions in the consultant's recommendations were already covered in the building code, so staff pulled out information that was additive to what was already required by building code. Bailey added that they included language that provided direction on how to comply with the code on this type of work. Furman asked if the requirements and guidelines would be added to each section of the ordinance, and Bailey said that they would likely be added to the sections on alterations, additions, and new construction. Rummel asked if the proposed language incorporates all of the topics of accessibility, fire and life safety, and hazardous materials. Bailey said that the language is focused on accessibility because the ordinance already includes language that deals with the current environmental regulations, so it didn't make sense to have a section on hazardous materials. Rummel said that they hear a lot about hazardous materials as something that is important to people, so she thinks it should be called out somehow. Bailey said that she could highlight the parts of the ordinance that discuss hazardous materials for future discussion. Bailey asked if the committee was agreeable to staff including the proposed requirements and guidelines in the updated draft ordinance. Rummel and Martin said they were okay with including the language.

Bailey provided information on the current periods of significance for the five local historic districts. She referenced a public comment letter from Linda Lehnertz, which discussed amending the period of significance for Third Lake Ridge because it contains two National Register Historic Districts that encompass a wider range of time than the local district. Bailey explained that the current ordinance requires properties to follow the same standards whether they fall within or outside of the period of significance, and some districts also look at historic resources within the period of significance for new construction projects. She posed several questions about period of significance for the committee's consideration, asking if buildings outside the period of significance should be held to a lesser standard for exterior alterations and how that might create a segmentation of our history or prevent those structures from being included in an expanded period of significance in the future. She also asked if the new construction standards would suffice for evaluating exterior alterations to structures outside the period of significance, and mentioned that is the current policy in Little Rock, AR. She raised the topic of how much structures outside the period of significance impact the character of the historic district, and asked if the goal of the standards was to make changes to a structure compatible with itself or more conforming to the larger assemblage of buildings within the period of significance.

Rummel said that the amoeba house in University Heights could be a landmark someday, and asked how they protect buildings that come from a different time. She said that when new historic districts are created, they are often marred in some way, and said that there needs to be a balance between protecting things while also having layers over time. Martin asked if some buildings outside of the period of significance could have different contributions to the character of a neighborhood that would be worth protecting. Bailey said that many historic preservation ordinances set a limit that a property must be at least 50 years old to be historic, but ours does not. Martin

pointed out that we don't know what is going to be considered significant in the future. Bailey said that the committee would need to look at the buildings that would be included in an extended period of significance and decide if that is the story they want to tell about the historic district, or if those buildings are not really what the historic district is about.

Heck said that when they discussed new construction standards, they talked about how the period of significance is important in guiding new construction in a historic district, so if it is expanded, it could have an impact on what people build. Scanlon explained that in the current ordinance, staff looks at visually related area maps of properties within 200 feet that show which buildings are within and outside of the period of significance, and buildings within the period of significance are used to determine what is acceptable new construction. She said that by making the period of significance larger, we might be adding buildings that don't reflect the character that is necessarily what we want to use for determining what volume or height could be for new construction. Bailey pointed to an example in Mansion Hill, and said that if some student housing buildings were included in the period of significance so that new construction could be in character with those buildings, it could allow for new construction that is taller, has a larger volume, and very different architectural character from the district.

As part of a discussion on period of significance, Bailey said that she likes the idea of reaching out to property owners and residents in the historic districts and asking if the buildings within the period of significance represent their district. She said that the period of significance for First Settlement currently ends in 1920, but there is consistency with building forms going up to 1930, so the period of significance could be expanded. She said that Lehnertz made a good point about the period of significance for Third Lake Ridge being expanded to 1944, which seems to be a good pausing point before the post-WWII construction went in a very different direction. She said that in Mansion Hill, they will need to consider the wave of student housing development. Heck pointed out how that could affect the scale of the district, and Bailey said that the height, volume, and architectural character are all different from anything currently defined as a historic resource in Mansion Hill. Bailey said that she would like to do more research on University Heights, but may be comfortable with the current period of significance for the district, as well as for Marquette Bungalows. Heck asked if staff could provide examples of new construction projects that would allow the committee to discuss the positive and negative aspects of the current practice and periods of significance. Furman said they also need to discuss the difficult questions Bailey posed earlier about period of significance. He asked if staff could provide examples from other cities with similar historic districts to Madison regarding how they handle new construction standards, and Martin agreed that would be helpful.

3. [54448](#)

Discussion of Next Steps and Schedule

The committee cancelled the February 11 meeting due to a conflict in scheduling, and requested that staff reschedule for another date in February. At the next meeting, Furman said that he would like to decide which parking lot items the committee is comfortable discussing now and which items should wait until after they figure out their public engagement strategy. It was decided that they would also discuss the spectrum of standards for review and visibility from the street.

ADJOURNMENT

A motion was made by Rummel, seconded by Martin, to Adjourn at 7:21 pm.
The motion passed by voice vote/other.