



City of Madison

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

Tuesday, March 10, 2020

5:30 PM

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

CALL TO ORDER / ROLL CALL

Present: 3 - Patrick W. Heck; Keith Furman and Marsha A. Rummel

Excused: 2 - Christian A. Albouras and Arvina Martin

Staff present: Heather Bailey and Bill Fruhling, Planning Division; Amy Scanlon, Engineering Division; John Strange, City Attorney's Office
Also present: Alder Bidar

The meeting was called to order at 5:31 pm

APPROVAL OF MINUTES

A motion was made by Heck, seconded by Rummel, to Approve the February 12, 2020 Minutes. The motion passed by voice vote/other.

SUSPENSION OF RULES

No action was taken

PUBLIC COMMENT

[59517](#)

Public Comment - Ad Hoc Landmarks Ordinance Review Committee

Linda Lehnertz, registering neither in support nor in opposition and wishing to speak
Franny Ingebritson, registering neither in support nor in opposition and wishing to speak

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

Lehnertz spoke in response to Kaliszewski's public comment at the previous meeting regarding the Secretary of the Interior's Standards. Lehnertz said that the proposed draft ordinance takes the guidelines rather than the standards, and applies them to all historic districts, but the guidelines are not meant to give case-specific advice or address exceptional or unusual conditions. She referenced the locations discussed at the last meeting that use one set of standards for all historic districts, and pointed out that there are other examples of cities who have different standards for each of their historic districts. She said that she disagrees with Kaliszewski's suggestion that the Third Lake Ridge Standards for New Structures are clear and simple and could be used for all historic districts. She said that the meaning of the phrase "visually compatible" makes it difficult for the Landmarks Commission to apply the standards, and gave 722

Williamson Street as an example. She said that there is a lot more detail in BUILD II that would make it easier for everyone to understand.

Ingebritson said that the main concern of those who live in Mansion Hill is the demolition of contributing buildings and redevelopment of those sites. She shared a chart that she made, which notes the construction dates of buildings in the district, and said that Mansion Hill can't stand to lose many more buildings. She said that Mansion Hill is a walkable neighborhood with a stunning collection of different types of architecture, including mansions and vernacular homes. She said that she would like a specific standard that preserves contributing buildings, otherwise they will see the end of a historic district.

Mollenhoff referenced the materials submitted by the Madison Alliance for Historic Preservation, including a draft of chapter 41. He said that the main point of the ordinance and goal of historic preservation in Madison is to preserve the character of our existing and future historic districts. He said that the Alliance's draft ordinance has identified all of the components that go into historic character and translated them into preservation principles. He pointed out that if they were to change the word "should" in the preservation principles to "shall," they would become enforceable standards.

Matson referenced attachment #1 regarding how to update historic district ordinances. He described the steps, and said that the Alliance's draft ordinance provides a uniform template that can be used to update the district ordinances. He suggested they look at existing standards as well and potentially build those in, while getting feedback from historic district residents. He said that each historic district is different, and the ordinance can have consistency and relative uniformity while also having flexibility to deal with those nuances. He said that rather than looking back and forth between general and district-specific standards, all of the information would be in the district-specific ordinance.

DISCLOSURES AND RECUSALS

None

1. [56516](#) Additional Public Engagement

Kurt Stege, registering neither in support nor in opposition and available to answer questions

Shawn Pfaff, registering neither in support nor in opposition and wishing to speak

Furman thanked Ald. Bidar for attending the meeting, and asked for her thoughts on public engagement. Bidar said that we are fortunate to have residents in the historic districts who have been engaged throughout the process, and we should make an effort to reach out to as many residents as possible with a broad mailing and neighborhood meetings. She said that she would like to see a broad level of engagement as opposed to selecting a few people to have a deeper conversation because if they connect with a wider audience, they will get better feedback. She recommended choosing a couple of key points to highlight and request feedback on those areas where the committee has had a lot of discussion. Heck asked if Bidar envisioned the engagement taking place after the committee has a draft ordinance completed. Bidar said that she would wait until there is a final draft that the committee feels comfortable with, but they would still be able to take feedback and make changes to the draft before it starts the process of

being introduced to Common Council. Rummel agreed with Bidar that they will need different strategies to reach different people, and mentioned a charrette to reach a larger subset of people. She said that they need to efficiently reach people who might not know about the ordinance revisions, but who will be affected by them. Bidar agreed, and suggested they send postcards with a link for an electronic option for residents to provide feedback or ask questions, along with the in-person charrette or meetings.

Heck said that there seem to be two different audiences, people who have followed the process and others who the committee needs to be sure they reach and who might be more interested in the application of the ordinance rather than how it's changed from the old ordinance; he asked if they needed different types of engagement for those audiences. Bidar agreed there are different levels of engagement among residents, and said that over time, especially among people who have just moved to a historic district, the old standards aren't going to matter to them and they will just want to know the rules. Bailey said that she often gets phone calls from people who simply want to know what they need to do. Bidar said that is probably the majority of people, and we need to get feedback from them on if they understand the ordinance and if not, what their questions are. Furman said that he thinks examples of projects using the old ordinance and proposed ordinance would still be helpful to people who may need to get approval for a project someday. Bidar pointed out that residents and property owners in historic districts are largely able to engage via postcards and electronically, so there shouldn't be barriers to community engagement with those methods. Heck said that owners of non-contributing properties need to be engaged as well.

Furman said that based on the committee's discussion, they should continue to develop a draft of the ordinance with the understanding that it may change after receiving public feedback. He said that they should provide people a lot of advance notice so that people have time to review the draft ordinance before providing feedback at whatever type of engagement format they choose. He said that the goal is to reach the most people and provide an opportunity to participate without any barriers. At that point, feedback would be integrated and a final draft of the ordinance would be sent through the normal legislative process that would also give people the opportunity to engage. Rummel asked Stege if the Madison Trust for Historic Preservation was willing to help publicize the work the committee is doing, and he said that they would be happy to do so. Heck said that the electronic component of engagement is very important, and they need a website where people can look at what the committee has done and provide feedback electronically. Bidar agreed that was a productive way for people to engage, and Bailey said that it would allow people to engage with it on their own schedule.

Pfaff said that Fitchburg held a successful charrette for their comprehensive plan that provided them with interesting feedback from a variety of people. Furman said they will continue the conversation on different formats of public engagement in the future.

2. [56918](#)

Draft Historic Preservation Ordinance

Bailey began discussion of the "parking lot" topic, visible from the street. She referenced the staff report from the 2/12/20 LORC meeting, and pointed out the different ways the current ordinances treat visibility from the street. Rummel asked if the current ordinances make the Landmarks Commission review projects in a different way, or if they are more or less a different generation's way of saying the same thing. Bailey said that they are a different generation's approach to preservation, but because they are

dealing with different words, the interpretation does end up being different. She provided examples of projects where the ordinance refers to the “street façade,” but the primary façade of a house was not facing the street; the Landmarks Commission has to deal with the language as it is, not necessarily with the original design and intent of the house. She highlighted relevant sections of the current working draft of the ordinance, and explained the hierarchical approach used. The primary façade or front elevation is the highest priority, followed by elevations visible from the street, and lastly, elevations and rooftops not visible from the street or pedestrian line of sight. She explained that the historic resources are being preserved as cultural assets for the community, and the primary façade is how the public engages with those assets. Heck asked about calling out the pedestrian line of sight or public right-of-way further up in the hierarchy rather than only at the bottom. Bailey said that they would need to define some parameters for the pedestrian line of sight and visible from the street to make it more manageable. Rummel said that the entity itself is the historic resource, not just a plane of it, and we don’t treat our historic resources as four-sided buildings, only as a façade. Bailey referenced Lehnertz’ comments about the various treatment options in the Secretary for the Interior’s Standards, and said that the preservation approach says that we need to retain what is here and not make changes, but she doesn’t think that we should treat historic resources as museum pieces. She said that we use the standards for rehabilitation that allow resources to evolve for new and ongoing uses, but there are ways to go about making those changes so that they retain their historic character and as much historic fabric as possible. She said that historic districts are living things, and places need to evolve in order to stay engaged and part of the community. Rummel said that she doesn’t think it matters where you see the building from if the goal is to preserve as much as possible. Bailey said that one of the standards she uses is whether a historic district or building retains its historic integrity as it evolves over time. Heck said that a historic district is different from an individual building, and if part of what they are getting toward is the character and fabric of the neighborhood, then maybe these judgments about certain façades being more important than others is because they contribute to the fabric of the entire block or historic district. He said that throughout this process, they need to remember to think about the whole historic district. Rummel said that the right-of-way is important and one would be able to see changes to a façade that faces areas beyond streets, like bike paths. Bailey said that the Alliance used the language, “developed public right-of-way,” which covers more territory. Heck suggested they run the language regarding the public right-of-way by the City Attorney’s Office. Furman said that he considered visibility from the street when he did the historic district walking tours, and based upon what he observed, would be more inclined to include visibility from anywhere someone from the public could go, including areas like bike paths. Rummel suggested they further investigate using the phrase “developed public right-of-way.” Fruhling referenced the definitions document provided at the 1/14/20 LORC meeting, and said that there are resources they can use to develop the definitions once they know which direction the committee would like to go. Heck asked if building façades facing public spaces such as parks should also be treated as a primary façade. Rummel asked if the term “primary façade” should be used in the draft ordinance, and Bailey said that she will update the draft language if the committee likes the hierarchy approach outlined in the staff report. Rummel said that instead of “visible from the street,” they would use “visible from the developed public right-of-way.” Bailey said that she would make edits to the draft ordinance with the committee’s guidance.

3. [54448](#) Discussion of Next Steps and Schedule

Furman said that they will continue their discussion of “parking lot” items, including the spectrum of standards for review and the expedited tax credit review process. He suggested that committee members review the Alliance’s new draft document in order to discuss it at a future meeting, and requested that staff prepare a response to the draft. Rummel pointed out differences between the Alliance’s and committee’s draft ordinances, and said they will need to figure out if certain parts of the Alliance’s draft can be separated out or if it is a package deal because it is reliant on accepting certain premises to make sense. Furman said that for now, the committee will continue discussing the “parking lot” and the draft ordinance, and can discuss formatting and the possibility of taking parts of the Alliance’s draft that seem intuitive at a later time.

ADJOURNMENT

A motion was made by Heck, seconded by Rummel, to Adjourn at 7:05 pm. The motion passed by voice vote/other.