



# 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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Wednesday, February 12, 2020

6:30 PM

215 Martin Luther King Jr. Blvd.  
Room 013 (Madison Municipal Building)

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### CALL TO ORDER / ROLL CALL

**Present:** 4 - Patrick W. Heck; Christian A. Albouras; Keith Furman and Marsha A. Rummel

**Excused:** 1 - Arvina Martin

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

The meeting was called to order at 6:31 pm

### APPROVAL OF MINUTES

**A motion was made by Heck, seconded by Rummel, to Approve the January 14 and January 23, 2020 Minutes. The motion passed by voice vote/other. Albouras abstained.**

### SUSPENSION OF RULES

No action was taken

### PUBLIC COMMENT

[59517](#)

Public Comments - Ad Hoc Landmarks Ordinance Review Committee

*Katherine Kaliszewski, registering neither in support nor in opposition and wishing to speak*

*Kurt Stege, registering neither in support nor in opposition and wishing to speak*

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

Kaliszewski introduced herself as the Vice Chair of the Landmarks Commission and said that she also works as a preservation professional at the State Historic Preservation Office. She said that she supports simplifying the ordinance and making it more cohesive by having one set of standards for all historic districts, and potentially having supplemental district-specific sections if the public and residents of the districts find that to be important. She pointed out that many cities across the state and country use one set of design guidelines for all historic resources with no decline in preservation or loss of place. She said that there is often confusion among residents who come before the Landmarks Commission, as well as among commissioners, as they move back and forth between the different district standards. She said that she is concerned that continuing to use complicated standards may slow preservation and landmarking to a halt. She suggested the committee take their ideas for the revised

ordinance to the residents of the historic districts to find out the specific features they value and want preserved. Rummel asked about the “parking lot” issues of period of significance and what is visible from the street. Kaliszewski said that she thinks there should be different standards for buildings within vs. outside of the period of significance. She said that there should be some level of review for buildings outside the period of significance, but reviewing them to the exact standards of the historic district doesn’t work. Regarding what is visible from the street, Kaliszewski said that it is a more difficult topic, but she generally doesn’t think they should review the rear of a property unless it is visible from the street. She said there may be other issues, such as rear additions, where she could understand why the Landmarks Commission would review that type of project. Heck asked what type of district-specific standards should be included, and Kaliszewski said that she thinks there should be one set of standards for review because most things won’t differ from district to district. She said that the Secretary of the Interior’s Standards are used across the board, across the country, and they work extremely well; however, she also understands the need to look at character-defining features of the historic districts and include them in the standards to make sure that those features are preserved because they are important to the character of and people in that neighborhood. Rummel asked about the potential of adding new historic districts or landmark nominations in the future, and Kaliszewski said it is a complicated issue. She referenced the Historic Preservation Plan, and said that one aspect it discussed was not having enough staff to be able to reach out to the neighborhoods and discuss why landmarking is important, so the City definitely needs more people involved in those outreach efforts.

Steger said that the current district-specific standards for all of the historic districts were generated primarily with stakeholder groups staffed by the Preservation Planner. He said that now the LORC is established, which has a specific charge. He said that his understanding is that the LORC has two responsibilities for public engagement: to decide what engagement they have relative to the ordinance they produce, as well as to decide what, if any, engagement they want included in the ordinance for future new historic districts or changes to the historic districts.

Matson, representing the Madison Alliance for Historic Preservation, said that they don’t think the existing standards for the five historic districts should be thrown away and replaced with a one-size-fits-all ordinance. He referenced their submitted materials, and said that in Subchapter D, they propose including a new section on preservation principles in section 41.11. He said that the preservation principles are guidance for historic districts, but don’t automatically become applicable to property owners unless they are implemented by district-specific standards. Strange asked if the preservation principles were meant to replace what is currently in 41.11(2). Matson said yes, mentioning that the proposed preservation principles are more explicit and concrete.

## DISCLOSURES AND RECUSALS

None

### 1. [56516](#) Additional Public Engagement

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

Pfaff, representing the Apartment Association of South Central Wisconsin, urged the committee to hold a stakeholder meeting or other public engagement to make sure

they are getting input from a variety of stakeholders. He said that historic preservation is important, but has impacts on rental rates and people's ability to live in a growing city as costs go up, while still following the City's guidelines and being good stewards of the community. Furman said that the committee definitely wants to see more public outreach and meetings, but the question is how specific they should get at those meetings. Rummel said that it is important that realtors continue to help educate people and communicate the values and goals of the historic preservation program. Pfaff agreed that it would require realtors and other community groups to get involved, and suggested that it would be better to have any public meetings before the very end of the process.

Furman referenced the staff report on additional public engagement, and mentioned that staff's recommendation on a path forward included completing a revised working draft of the unified ordinance, reviewing case studies comparing the existing and revised ordinance, and getting direction from the committee on public input. He said that his preference is to continue discussing the "parking lot" issues and working toward a draft ordinance. He pointed out that they are committed to getting feedback, and at some point the committee will need to make a decision on how best to do that. Heck thanked staff for putting together the various public engagement options, and said that he leans toward not holding a long series of meetings. Furman said that they can continue to think about their options as they work through the draft ordinance.

2. [56918](#)

Draft Historic Preservation Ordinance

Bailey explained that at their last meeting, the committee requested examples of how other communities handled the issue of period of significance, and referenced the list compiled in the staff report. She said that there were a variety of models used, but many cities have standards that require properties outside the period of significance to keep in character with the historic district and not become more of an outlier. She said that some places also have periods of significance that move over time, and mentioned the example of Little Rock considering anything over 40 years old to be historic. Heck said that he could see problems with that. Bailey read her conclusion from the staff report that, "Most preservation commissions simply apply their standards to all properties, regardless of their age, with a practice of focusing on the overall character of a historic district rather than developing different standards for non-historic structures." As an example, she provided the Raleigh Historic Districts and Landmarks Design Guidelines and pointed out that it was organized in a similar way to staff's draft ordinance, and the language was largely pulled from the Secretary of the Interior's Guidelines. Raleigh's design guidelines are adopted as standards, and they use this one set of unified standards for all historic districts and landmarks.

Albouras left at 7:25 pm.

Bailey said that staff would like direction from the committee on how to treat structures outside of the period of significance, and suggested that they wait to discuss the specific dates of the periods of significance once the draft ordinance is complete. Rummel said that the dates are arbitrary, so the idea of a mobile 40-year timeframe has resonance for her. Heck said that with a rolling horizon, he was concerned about buildings that would suddenly become historic resources, but are not necessarily considered significant; he provided examples from Mansion Hill. Bailey suggested that the period of significance could remain for each historic district to set a context for historic resources, so any new construction would need to be in character with the

resources from within the period of significance, which are the reason why it is designated a historic district. Furman read through the guiding questions for a discussion on period of significance from the January 14 staff report, specifically emphasizing the last question regarding whether the goal is to make changes to a structure compatible with itself or to make them more conforming to the larger assemblage of buildings. Heck said that he likes the idea of buildings outside of the period of significance keeping in character with the historic district and not becoming less conforming so that they aren't prevented from becoming a historic resource later if the period of significance were to be expanded. Scanlon said that the periods of significance in the current ordinance are slightly arbitrary, but are in some cases tied to a related National Register Historic District. Regarding the discussion on a rolling 40-year period of significance, she said that she believes the historic district or landmark needs to be designated based on its historic significance at a certain period of time; if that changes over time, then that can be added to its designation, but it shouldn't be assumed. She explained that over time in an urban environment, there are layers that come in, but they need to be distinct snapshots and descriptions of new significance in a specific time period. Heck asked if there can be two periods of significance. Strange said that in LORC 1, they had discussed that there could be two periods of significance, or one period of significance along with additional properties, movements, or things that have been identified as historic resources, which would also be taken into account when reviewing projects. Scanlon said that an example of an area with multiple layers that they had discussed in LORC 1 was Nakoma, which is not a local district but a National Register Historic District, and has 1920-30s buildings that are considered contributing as well as 1950-60s buildings that could potentially be added as a layer of significant mid-century architecture.

Furman pointed out that there are two different categories, new construction and then everything else, and they could be handled in different ways. He said that they need to make the ordinance as clear as possible for residents who will be reading it. Heck said that he likes the idea that alterations and maintenance of a building should refer to itself because one wouldn't want a building getting an alteration based on a building 40 years newer. Bailey referenced the "parking lot" item regarding how to measure 200 feet, and read staff's proposal for 41.03(5), which adds language to include historic resources within 200 feet that are "contained within the district." She pointed out that the historic district boundaries were defined for a reason, so she is recommending they take into account resources within the district. She mentioned that to look outside the district boundary to define what can go into the historic district conceptually doesn't make sense. Heck said he agreed with the proposed language, and there was consensus among the group to integrate the new language. Heck asked where the 200-foot measurement originated, and Rummel said that it was related to public notifications for Plan Commission. Furman asked how the 200 feet was measured, and Scanlon said that it is 200 feet from the property line. Heck asked what the negatives would be of having a larger radius than 200 feet. Scanlon said that if there were a larger area, then one could propose constructing a new building similar to one farther away that is not like the neighboring buildings. She said that some of the historic districts morph character over the district, so one side may have a completely different character than the other. If there is a smaller circle, then you are making sure you maintain that character in the area; if you start to look too far away, you are not making it cohesive with itself. Heck said that the measurement of 200 feet sounds good.

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

Furman said that he would like to continue working on the “parking lot” items at their next meeting on March 10.

**ADJOURNMENT**

**A motion was made by Rummel, seconded by Heck, to Adjourn at 8:12 pm. The motion passed by voice vote/other.**