



City of Madison

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

*Consider: Who benefits? Who is burdened?
Who does not have a voice at the table?
How can policymakers mitigate unintended consequences?*

Thursday, November 5, 2020

5:30 PM

Virtual Meeting

Some or all members of the Landmarks Ordinance Review Committee and members of the public participated in the meeting remotely by teleconference or videoconference.

CALL TO ORDER / ROLL CALL

Present: 4 - Patrick W. Heck; Michael J. Tierney; Keith Furman and Marsha A. Rummel

Excused: 1 - Arvina Martin

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

The meeting was called to order at 5:30 pm

APPROVAL OF MINUTES

Including the correction to remove "non-contributing" from the last sentence of Ingebritson's public comment.

A motion was made by Rummel, seconded by Heck, to Approve the March 10, 2020 Minutes. The motion passed by voice vote/other. Tierney abstained because he was not present at the March 10 meeting.

SUSPENSION OF RULES

No action was taken

PUBLIC COMMENT

1. [59517](#) Public Comment - Ad Hoc Landmarks Ordinance Review Committee

None

DISCLOSURES AND RECUSALS

None

2. [62844](#) Current Status of Ordinance Revision

Bailey summarized the ordinance revision process to date.

3. [56918](#) Draft Historic Preservation Ordinance

David Mollenhoff, registering in opposition and wishing to speak
James Matson, registering neither in support nor in opposition and wishing to speak
Anna Andrzejewski, registering neither in support nor in opposition and available to answer questions

Mollenhoff said that a preservation ordinance based on generic standards cannot effectively protect Madison's historic resources. He said that the five historic districts possess distinctive qualities that can only be preserved with district-specific ordinances, and referenced 10/28/20 comments submitted by James Matson with hypothetical district-specific standards. He said that he hopes the committee will give the Alliance's draft ordinance the additional attention it deserves.

Matson referenced the Alliance's suggested ordinance updates and said that he used their draft to create hypothetical district-specific ordinances. He said that staff's proposal is different in that it is a single set of standards with no district-specific flexibility. He said that the proposed ordinance also focuses too much on routine maintenance and treats new construction as a low priority. He said that the vague standards will create more controversy and be difficult for property owners to understand.

Rummel asked Matson about the special character for which he thinks they need district-specific ordinances. Matson said that in staff's proposal, the standards are vague in order to be generally applicable to all historic districts and as a result don't offer much help or individual context. He said that standards for the Williamson Street corridor won't work for Marquette Bungalows or University Heights, and there are differences between commercial and residential properties. Heck said that it would be helpful to have concrete examples of situations that could be problematic in the new ordinance.

Bailey discussed the updated draft of the ordinance, noting that any changes or new language recommended by the committee were highlighted in yellow. Fruhling discussed the structure of the ordinance and pointed out that the general standards at the beginning of each section also apply, which discuss visual compatibility. Rummel asked if the average person will know which section to be in based upon the level of intervention and whether there was a more intuitive way to organize it. Bailey said that the illustrated design guidelines will be helpful to have a visual representation of how the standards would look. Heck asked for Andrzejewski's thoughts on the organization of the ordinance. Andrzejewski, Landmarks Commission Chair, said that having driving principles up front that are consistent across all historic districts is helpful, as well as creating illustrated design guidelines. She said that a hybrid would be best, to have general plus district-specific guidelines, but they need to be careful not to get too specific or the level of detail may become unwieldy for both the Landmarks Commission and the public.

Bailey presented on an expedited tax credit review process for properties listed in the National Register. She thinks it would be problematic to simply sign off on projects that are receiving tax credits because there would be no Certificate of Appropriateness obligating the property owner to comply with the City's requirements. She said that a compromise could be to allow administrative approval of tax credit projects, with the

exception of projects that require a public hearing before the Landmarks Commission. Heck said that he is supportive of that compromise because it seems that reasonable checks still exist if staff were to review as described. Rummel agreed that they want to have some control in case a project isn't done right or is done differently than was approved, but still want to help people benefit from the tax credits. Furman said that applicants are already going through a lot of work in the tax credit process, so it seems like a lot of hoops to jump through to also go before the Landmarks Commission. Furman asked if they should add language that allows staff to require that a project goes before the Landmarks Commission; Rummel said that staff currently has that ability and asked if they should call it out. Bailey suggested language, "Staff can administratively approve proposals for properties pursuing state or federal preservation tax credits in conformance with the Landmarks Commission Policy Manual, or may refer the application to the Landmarks Commission for their review." Heck asked if alders should have the ability to ask that something go before the Landmarks Commission, similar to procedures for Plan Commission. After discussion, the committee decided this extra layer may not be necessary, but would think about it more.

Bailey discussed the spectrum of review for the standards proposed for historic districts, and referenced the staff report for the suggested language on how to implement each level of intervention. Rummel asked if the language would go in the ordinance or the Landmarks Commission policy manual. Strange said that either option would work, but if the Landmarks Commission is setting the parameters for the spectrum of review, putting it in the policy manual would allow them the flexibility to tweak it as needed. He continued that if the committee wants the ordinance to specifically direct the Landmarks Commission on what they can and cannot do in delegating responsibility, it could go in the ordinance. Bailey said that she had suggested this language for the ordinance in order to let people know what type of review their project requires based on the level of intervention. Rummel asked where in the ordinance it would go, and Strange suggested 41.17(4), where it discusses obtaining a Certificate of Appropriateness. Bailey asked if it would make sense for it to be part of the introduction for the new historic district section. There was further discussion, and staff will come back with a specific proposed location.

4. [54448](#)

Discussion of Next Steps and Schedule

Furman referenced the work plan and said that the committee's goal is to complete their work before the election in April, while making sure not to rush the process. He said that he wanted to be sure they have good public engagement, which they can discuss at upcoming meetings. Heck said that they still need to tackle how they will handle the Alliance's input, which has potential to impact the schedule. Strange asked when they would run hypothetical and past projects through the current and proposed ordinances to compare how they flow through the process. Bailey responded that they need to resolve the "parking lot" items first in order to fully vet the ordinance, so it will likely be in December. Furman said there are two big issues to resolve, including what the exceptions look like and what level of detail the ordinance should have. Heck mentioned the Alliance's concerns regarding how new construction is handled in the proposed ordinance and said that they should use examples of new construction projects when they compare the different ordinances.

Heck referenced the language in Matson's submitted ordinance that describes the purpose of each historic district and asked if the committee's current draft has a

provision for when new historic districts are created. Bailey said that so far they have only dealt with the standards for the historic districts, and they do not have anything codified for summarizing why a historic district is significant beyond the period of significance. Rummel said that she shares the Alliance's concern regarding new construction and trying to balance the general goals of a growing city to add new housing with preserving a unique resource. She said that the ordinance needs to discuss height, bulk and massing, lot coverage, and patterns of development in addition to the typology and stages of intervention. She said that she wants to be sure they put into place an ordinance that helps people understand what they can do to their property and helps the development community and planners figure out if and how a neighborhood could grow if it is in a historic district. She asked if there was a way to streamline the presentation so that it focuses on the big issues like new construction first and then moves to maintenance later.

In response to Heck's earlier question, Strange suggested they use 41.11 to add language regarding the historic districts. He pointed out that 41.11(2) includes development standards and guidelines that reference gross volume, bulk and massing, rhythm of solids to voids, etc., which the previous committee spent a long time vetting. He said that it would be helpful for the committee to read 41.11 in the context of the committee's draft and the Alliance's draft as a reminder of what the committee had originally thought was important for the historic district ordinances. Bailey asked that the committee also look at pg 20 of the new ordinance draft, which discusses lot coverage, setbacks, building orientation, etc., because the committee spent a lot of time discussing those issues as well.

Heck asked about including some of the detail they're discussing in illustrated design guidelines and whether they would be district-specific. Bailey said they should be district-specific and may be able to address those details, including showing what is appropriate for new construction. Heck asked if the committee were to recommend that illustrated design guidelines be created, they would need to be funded and a consultant hired in a separate process. Bailey confirmed that was true and said that it was also listed as a priority in the Historic Preservation Plan.

ADJOURNMENT

A motion was made by Rummel, seconded by Heck, to Adjourn at 7:35 pm. The motion passed by voice vote/other.