



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?*

Tuesday, March 9, 2021

6:30 PM

Virtual Meeting

Joint Meeting of the Landmarks Commission and Ad Hoc Landmarks Ordinance Review Committee.

Some or all members of the Landmarks Commission, LORC, or members of the public participated in the meeting remotely by teleconference or videoconference.

CALL TO ORDER / ROLL CALL

Present: 5 - Patrick W. Heck; Michael J. Tierney; Arvina Martin; Keith Furman and Marsha A. Rummel

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

Also present: Alder Bidar

The meeting was called to order at 6:32 pm

PUBLIC COMMENT

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

Fred Mohs, registering in opposition and not wishing to speak

DISCLOSURES AND RECUSALS

None

2. [64458](#) Existing Structures Draft Ordinance

Bailey introduced the ordinance as being drafted based upon research from the consultant and feedback received from public meetings in the historic districts. She pointed out that the Landmarks Commission is one of the primary users of the ordinance and requested feedback on whether the amount of detail included is helpful or is a hindrance that should be scaled down. She provided a general overview of the draft ordinance and then discussed case studies of projects from each historic district that were reviewed using both the existing and proposed ordinances. She said that in using the proposed ordinance, she found that some elements of the process are repetitive, which may not be beneficial. She pointed out that the proposed ordinance is longer, so she only included the relevant parts of the ordinance in the staff report rather than including everything from a particular section and noting "n/a" if it doesn't apply like when using the existing ordinance. Andrzejewski pointed out that in using this method, the Landmarks Commission would be accepting staff's conclusions that the standards excluded from the report are not relevant. She said that she

worried about the education of commissioners and familiarity with the ordinance. Bailey said that because staff reports are digital, making length less of an issue, she could continue to include all of the standards as she does now and also suggested a worksheet approach with checkboxes for areas that need more detail. She asked if it would be appropriate for staff to include only the standards that are pertinent in a staff report, and Strange said that it would be appropriate. Bailey described the case study in University Heights and the complicated analysis of the roof for the addition, which was of a different style than the existing roof form. The proposed ordinance says that the addition roof should be similar to the existing roof, but she said that in this case, it wouldn't have looked right for this building. Rummel suggested they look at that section more, and Bailey agreed that saying an addition roof needs to be of the same style makes things complicated. Rummel asked if including guidelines in the staff report was discretionary, and Bailey confirmed that she included guidelines if they were relevant in supporting a standard. Bailey said the Marquette Bungalows case study came to a different conclusion using the proposed ordinance, and the new front porch that was allowed under the current standards isn't necessarily welcomed in current preservation practice. Because there wasn't precedence on this building to have a front porch, it could be considered a conjectural feature. She said that this case was complicated, and her conclusion was that the Landmarks Commission would need to decide if it meets the standards. Andrzejewski asked if it was okay to use the guidelines as they were in the proposed staff report, when they arguably contradict the standards. Strange said that the proposed draft ordinance has standards that are required and guidelines to be used as tools for explaining how to meet the standards, and staff and the Landmarks Commission will need to be sure not to treat the guidelines as standards and instead focus on what is required to meet the standards. Andrzejewski referenced illustrated design guidelines and pointed out that whether written or visual, it is important to clarify the role of guidelines. Heck said that with regard to the Marquette Bungalows case, different standards and guidelines lead to different conclusions, and the Landmarks Commission would need to come to a decision when staff doesn't have a clear recommendation to make. Fruhling asked about the roof form of the addition in University Heights and whether that would be a good case for an alternative design variance, and Strange said that could apply. Heck asked about the state statute with regard to materials and whether that should be integrated into the draft ordinance. Bailey said that the state statute is included in all staff reports, and the Landmarks Commission then uses their expertise to determine if proposed materials adequately replicate historic materials. She said in the Marquette Bungalows example, the draft ordinance didn't go far enough with trying to incorporate it, so language about adequately replicating historic materials should be added to the ordinance.

Andrzejewski asked for general thoughts from Landmarks Commission members. Arnesen said that currently there are cases where staff may not have a clear recommendation and the Landmarks Commission is called upon to interpret the standards and make a decision, so it wouldn't be unusual for them to continue doing so with the new ordinance. Kaliszewski said that she is supportive of having one general ordinance for all historic districts because it is cleaner and easier for residents and commissioners to use.

Bailey began discussion of the Alliance's submitted questions. Andrzejewski said the first question, "do all the standards work for all properties in all historic districts," was excellent and she had been thinking a lot about it. She said the historic districts were created at different moments in time according to the standards for preservation at those moments in time. She said they should work toward an ordinance that preserves the distinct character of all properties; one might think that is an ordinance specific to each historic district, but she didn't think so. She said that it is a standard that can be applied uniformly throughout according to historic preservation practice today, which she pointed out will change again. She said now that all of their ideas are in this draft, they need to work on pulling back and making sure they find a balance and get to the flexibility to preserve the character of the

historic districts. She pointed out that illustrated design guidelines can get them to a point of more district specificity, but the uniform set of standards, which is cutting edge preservation practice, makes it legible for the public and Landmarks Commission and will work for specific districts. Kaliszewski said she agreed with Andrzejewski, especially in terms of uniform standards having the ability to preserve character-defining features that are important in each historic district. She agreed that illustrated design guidelines will help people understand the ordinance. Rummel asked if the guidelines should be put into a separate body of work in order to keep the ordinance focused on the standards. She said that she is still struggling with the question of how discretionary the guidelines can be, but the case studies allayed her worries a little. Heck asked the group if they envisioned the illustrated design guidelines being district specific. Andrzejewski said she did. Kaliszewski said she agreed to a point because each historic district is made up of many different styles and periods, but she imagined them covering the general character seen across the city as well. Bidar said that she thought the illustrated design guidelines should be specific to each historic district. She said that they need to preserve the overall character of a historic district, which can be done by having more holistic guidelines for each district. Arnesen asked if having a general ordinance along with district-specific illustrated design guidelines would cause confusion and defeat the purpose of a general ordinance. Andrzejewski said that the illustrated design guidelines can't overtake the standards and should be flexible, and with the Landmarks Commission's expertise, she hopes they can preserve that balance. Bidar agreed that the guidelines should not be prescriptive but instead provide direction for users. She said that it's fine not to have an answer to every possible circumstance in the ordinance because it would be too prescriptive if they did; there can be a gray area in preservation, and some things need to be considered by a commission of knowledgeable experts. Rummel suggested they make the illustrated design guidelines a working document that will change over time, and they should begin to gather existing illustrations for a first draft now.

Rummel asked staff for thoughts on whether the ordinance was overly detailed as they were working through the case study staff reports. Bailey said that it is a little cumbersome; she hoped the wealth of detail was helpful for property owners, but the staff reports were repetitive at times. She said that in some sections, rather than having a lot of standards, she hoped they could sum things up into 1-2 standards that get at the essence of the topic. She said that she is confident the Landmarks Commission can provide a successful interpretation of what is appropriate for a particular building and historic district that will make sense to experts and the public. Martin said that she liked the idea of 1-2 standards that get at the heart of things for professionals and experts, but suggested that the alder on Landmarks Commission may need more education on certain topics if the ordinance were more general. Taylor said that if staff feels the ordinance is repetitive, he thinks simplification would be better. He pointed out that the Landmarks Commission takes their review seriously, on a case-by-case basis, and often there is a gray area that the standards help them work through. Arnesen said that he thought the Landmarks Commission could handle the proposed level of detail.

Furman asked the group to consider if the draft ordinance does any harm or causes unintended consequences. Heck asked if the assumption was that they would use the existing district-specific new construction standards or if that was yet to be determined. Furman said that the existing new construction standards would continue and then they would determine what that section should look like long-term. Rummel said that she would like to include grids that simplify the standards for easy reference, and Bailey agreed it could be helpful.

Arnesen said that windows are the most controversial issue for the Landmarks Commission and asked staff for thoughts on how the proposed ordinance deals with windows. Bailey said that it is very specific, and there is the largest amount of detail in the windows and doors section, which follows standard preservation practice. Arnesen asked if

the commission's current process requiring a third-party assessment of windows is consistent with the proposed ordinance. Bailey said that it is consistent with the proposed ordinance and pointed out that currently that information is in the Landmarks Commission Policy Manual, and including it in the new ordinance would make it a standard.

3. [54448](#)

Discussion of Next Steps and Schedule

Furman said the committee plans to have a public process and they are open to changes to the draft ordinance, but first they wanted to get the draft ordinance in a place that would allow for good discussion and feedback at the public meetings. Bailey said that she planned to edit the draft ordinance based on feedback from tonight, then after the spring election, she would present that draft to the LORC, who would hold public meetings and gather public input on the draft. Martin agreed they should wait until after the election to reconvene. Andrzejewski said she agreed on the next steps and pointed out that the Landmarks Commission has made a concerted effort to attend the LORC meetings and will continue to do so. Heck said that he'd like to find a way to invite the input of Alders Rummel and Bidar in the future because of their knowledge about their historic districts and the overall review process. The group agreed and thanked the outgoing alders for their service.

ADJOURNMENT

A motion was made by Heck, seconded by Martin, to Adjourn at 8:24 pm. The motion passed by voice vote/other.