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Re: Madison Historic Preservation Plan
September 14, 2017 Landmarks Ordinance Review Committee Meeting Outcomes & Findings

To whom it may concern:

Jennifer L. Lehrke and Jason Tish of the Madison Historic Preservation Plan consultant team attended the Landmarks Ordinance Review Committee (LORC) meeting held on Thursday, September 14, 2017. The consultants were introduced to the LORC and performed the following tasks:

1. Discuss the issues with the existing ordinance Standards for Review and related ordinance sections which may include the purpose and intent, Criteria for Creation, Historic Resources, and Reference to Plan clauses in each of the historic district sections

Outcomes & Findings of the August 14, 2017 Landmarks Commission Meeting were shared with the LORC. Jennifer L. Lehrke sought additional input from the LORC concerning the issues with the existing ordinance Standards for Review and related ordinance sections. The following comments and questions were made by the committee during the discussion:

1. National Register district boundaries are not co-terminus with the local historic district boundaries. Because all of the Third Lake Ridge is not all NR, they can't suggest that all building owners to use the historic tax credits as an incentive, whereas they can suggest that in other local historic districts. LORC commented that there are similar issues with Mansion Hill and University Heights, and that a lot of people don't know about or understand the historic tax credit program.
2. Major differences between current standards in the Mansion Hill and Third Lake Ridge districts, which is shown graphically in the matrix.
3. Vagueness or difficulty to understand the current standards requirements for new construction – mass, rhythm, solid to void, height issues, etc. LORC commented that visual design guidelines could be very useful. They are easily understandable, explains what to do, what not to do, and avoid confusion with technical, architectural jargon. There are struggles with visual compatibility on streets that have a lot of topography, too.
4. Lack of definition in the current standards for University Heights regarding the visibility of facades from the street - Is it facing the street? From the street in front of the building or from 5 blocks away? LORC commented that this is also affected by topography and may be more important with regards to the introduction of new buildings into a historic district. When someone travels from First Settlement to Third Lake Ridge, they can see the tops of buildings, so what is the right distance to use?

5. Requirements for primary façades vs. secondary façades. Staff commented that Landmarks has already been operating under this premise. The ordinance is set up with this intent with language like “the street façade,” etc.
6. Current historic district standards contradict/do not dovetail with zoning, particularly in Third Lake Ridge where because zoning allows for taller buildings that the HP ordinance does. LORC commented that this is an issue in other districts as well. Plan Commission has conditional use powers that can override the Landmarks Ordinance and Landmarks Commission review. It would be great to re-write this to resolve the conflict. It’s going to be a big issue. When the new zoning code was written, it allowed a legacy of what height was historically allowed in the vicinity, which is not always compatible with the Historic Preservation ordinance. Planners need to be sure to cite both the zoning ordinance and the landmarks ordinance when talking to property owners. Perhaps a new zoning chapter needs to be written for historic districts.
7. There’s too much range between the districts on what is allowed and what it not allowed. LORC cited the example of Marquette Bungalows, which has very specific information on windows and muntins, while other ordinance sections do not. These sections are also a product of their time; the older ones have less detail, and the newer ones have more detail. The city has a greater role and responsibility in maintaining the districts in the landlord/tenant/rental areas.
8. Follow NPS standards to coincide with historic tax credits? When they do have tax credits as an option, they want to uphold those standards. Staff commented that currently, the standards for review don’t conflict with NPS standards, and we want to make sure that we don’t do anything new that would change that or introduce conflict.
9. Additions – siding and roof may be different than the windows, yet they ask that the additions to differentiate from the original. For example, University Heights standards for review asks to duplicate historic details. However, the NPS wants additions to be a product of their time, which goes against the ordinance. The differentiation should be subtle. Is a roof more important than a siding material or a window? The public maybe can’t discern the difference between the subtle changes between new and old. How do we educate the public? How do we tell them that they have something special? To the extent that the public understands, it makes the job of the Landmarks Commission easier.
10. The current standards are largely silent on removing features, such as shutters or chimneys. Does taking a chimney down need a permit? What needs a permit? LORC commented that this is difficult to control. What can you see? What can’t you see? The example of the party house hot tub. The example of removing the shutters to restore them, but they never get put back. This work certainly doesn’t require a permit, but it does require a Certificate of Appropriateness. Chimneys are somewhat neighborhood policed. The neighbors will often report it, but many don’t know how to or if they can report it.
11. There is overwhelming consensus to have some uniform general standards for all the districts and then some specific standards that get at the character of each district. Staff pointed out that there’s a section in the Phase 1 ordinance revisions entitled Sub D, 41.18 Standards for granting a Certificate of Appropriateness that references “the public interest”. If you’re a landmark, you follow the NPS standards. It can be used to enforce things that are maybe too loose in the standards.
12. Buildings from outside of the period of significance or “non-contributing” buildings should not have to meet standards for visual compatibility. LORC commented that per phase 1, if the site is in the historic district, they must abide by the standards. Some of these buildings were built before the district or standards were in place. There are these occasional outliers. These buildings should have a slightly different review or set of standards to abide by. The ordinance is kind of silent in this area.
13. Requirements for buildings that were built outside of a district’s period of significance or “non-contributing.” Ordinance should provide guidance on this.
14. Changes to properties that were done before the ordinance was in affect or without the proper review and approval. LORC commented that there is this mentality that, “My neighbor did it, so why can’t I?” Each historic resource has its own story and its own history. Just because your neighbor did it, doesn’t mean you should be allowed to do it to. It’s kind of like other types of

zoning. If you were non-conforming and you do something new to your building, you're going to have to bring it up to current zoning or code.

15. With regards to windows, there was some discussion. It's difficult to find the right contractors with the education, training, and resources to restore windows. Some of the neighborhood associations have lists of good contractors. We should find a way for them to add restoration contractors, too.
16. Historic pattern of lot sizes and footprint ratios on lots, setbacks, side yards, and other visible features. LORC commented that this is a very important. People that want to combine or split properties. As a relevant story, the Elks Club sold a small house. They wanted to chop off the lake access and keep it for the Elks Club. Someone bought the house to fix it up, and they still have a little access to the lake. The standards should be less vague and more specific regarding lot divisions to ensure that they match the pattern of the neighborhood.
17. Old derelict houses being torn down and replaced with mixed use buildings on Williamson Street in Third Lake Ridge. LORC commented that this is a maintenance issue that turns into demolition by neglect. How can the city vigorously enforce this? The city does have a specialist in the building inspection department that enforces maintenance issues. Does their need to be an anonymous tip line?
18. We need to think about the historic treatment of topography and the landscape as a natural progression of maintaining character. If the ordinance talks about landscape features, Landmarks gets to talk about landscape features. However, if it is silent on the matter, they can't discuss it. Only 2 of the districts address landscaping in a limited way. Sidewalks and flatwork don't require a permit. In University Heights, this discussion has come up quite frequently. The topography and landscaping is part of its character.
19. How to allow for successful accessibility changes? It's a new element, let it be new. Standards set them up for interpretation, but don't give a lot of clear definition. If a building can use Chapter 11 of the International Existing Building Code, it does allow some flexibility. However, if a property needs accessibility, it needs accessibility. There have been examples of very successful ramps that were added to the front of the building that fit with the yard, landscaping, and monumental entrance. However, there have been a lot of bad examples, too, where the ramp took up the entire front yard and disrupted the character of the neighborhood.
20. Adding solar electric and hot water? State Statute dictates the ability to install so historic character is not negatively affected. Statute says you can't say no to a solar panel installation unless it affects the historic character. Where you stand, what you see, and topography of the area also affect this decision and how visually intrusive it is.
21. What information do property owners receive before and after they purchase a property in an historic district? Preservation staff sends out a spring letter to all landmark and district property owners. As soon as it is mailed, staff gets many phone calls and emails, confessions of things that were done because the property owner didn't know they needed a Certificate of Appropriateness. Staff tries to keep it light, but the letter is a little heavy handed and bureaucratic sounding. The unique signage mentioned below would also help keep property owners informed.
22. Realtor education and professional outreach. LORC commented that with regards to the Elks Club, it was clearly stated in the real estate property listing that they needed to go to the Landmarks Commission to demolish or alter the building.
23. Since LORC last met, a new topic came up: the confederate monument. There will be a joint meeting between Landmarks, Board of Parks Commissioners, Department of Civil Rights to discuss the future of the monument. The city attorney is working on language regarding gravestones as objects and improvements, and Landmarks has been largely disregarding them.
24. LORC commented that Landmarks August 14, 2017 review of the ordinance was thorough.
25. The public engagement strategy for the ordinance is pretty well set with multiple meetings in each district. Some concern was expressed about getting a meeting notice out ASAP because the kick off and first round of public meetings are coming up soon. It should say that this is the first of three meetings. It should reference the alder of each district. It was requested that both property owners and renters be notified. The responsibility to comply really falls on the property owner, so staff was

only considering sending it to property owners. In addition to mailing, the alders would like the language so they can email to their list serves.

26. There is a project introduction and kick-off meeting coming up in two weeks. Stay posted for emails.

27. There will also be a Historic Preservation Plan Advisory Committee formed. Ideas for participants should go to the Mayor's Office.

Sincerely,

Legacy Architecture, Inc.

Jennifer L. Lehrke

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