

Provided by Dave Mollenhoff

Critique of *Comprehensive Plan/Phase 2 of LORC*

dvm, 10-19-14

The justification for spending \$295,000 as outlined in the “Comprehensive Plan/Phase 2 of LORC” (Appendix A) deserves careful scrutiny. Here’s why:

1. Madison needs a comprehensive historic preservation plan! But it won’t get one with this proposal!

A. The budget request does not include the key points that typically appear in an RFP for a comprehensive preservation plan. Commonly included elements are:

- conduct a detailed analysis of a community’s Madison’s preservation history;
- involve the community in an active conversation about preservation goals and values
- prepare a master plan including priorities, strategies, actions, schedules and costs.
- integrate preservation planning with overall city management
- show how historic resources can be used to attract visitors, improve property values, and stimulate the economy.

Here, according to the author’s budget request, are the three “purposes” for doing a comprehensive preservation plan:

- Citywide Historic Resources Survey
- Update Existing Historic Districts
- Historic Preservation Toolkit

These are very different from the key points in a typical RFP!

B. It does not appear to conform to the standards prescribed in the *Secretary of the Interior’s Standards for Preservation Planning*. These standards require consultants to:

- place heavy emphasis on public involvement to define goals, issues, priorities, and values
- identify goals and activities, methods, strategies, and schedules to achieve them
- integrate preservation planning with the city’s management system.

Why were these standards not reflected in the budget request?

C. The author incorrectly asserts that the "Multiple Property Documentation Form" is “the National Park’s Service recommended methodology for citywide history property inventory.”

Click on the first link the author provided under “Citywide Historic Resources Survey,” and up pops a screen entitled “HOW TO COMPLETE THE NATIONAL REGISTER MULTIPLE PROPERTY DOCUMENTATION FORM.” Why the author selected this methodology for a citywide survey is not clear. Actually, this methodology is almost never used for comprehensive historic surveys. Rather, it is a tool “for evaluating the National Register eligibility of related properties.”

D. The author urges the consultant to consider including in the comprehensive preservation plan what can only be called a worst practice, the “building recompense fee.” This concept was formally proposed to the Landmarks Commission by Cover and Cornwell on June 2, 2014. Their idea was to make demolition by neglect legal by allowing a building owner to pay a fine instead of being prosecuted by the City Attorney. Unfortunately, this recompense fee is little more than a pay- to-play scheme that would make Madison the laughing stock of the country. Nevertheless, the budget request author made it a central ingredient of the “historic preservation toolkit.”

E. The author apparently confuses two important technical terms: inventory and survey.

The term “inventory” is one of three major purposes in this budget request (Citywide Historic Resources *Inventory*), but the paragraph describing “inventory,” uses the term “survey” twice. This suggests that

the author was using these two terms interchangeably. However, the two terms, as used in contemporary preservation practice, are very different. Here is the way these terms are defined by the Secretary of the Interior's Standards and Guidelines:

Intensive Survey—a systematic, detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance within specific historic contexts.

Inventory—a list of historic properties determined to meet specified criteria of significance.

It is important to understand that information from the intensive survey is used to create the inventory of significant properties, so a survey precedes the inventory.

2. The confusion between survey and inventory could cause the duplication of the monumental citywide intensive survey done between 1980 and 1995, and raises this question: Is a “citywide historic resources survey” really needed? The work done during this 15-year intensive survey is described in the attached memo (Appendix B) from Kitty Rankin, the City's Preservation Planner from 1983 to 2011.

3. The proposal fails to provide sufficient financial and program details to allow anyone to make an informed decision .

The total amount requested is \$295,000. This consists of \$250,000 from the General Fund and \$45,000 from the Wisconsin Historical Society's Certified Local Government (CLG) grant program.

- The request does not say that the two CLG grants, one for \$20,000 and another for \$25,000, are anything but certain. This program requires Wisconsin cities, villages, and towns to compete annually for a relatively small amount of money. Requests of \$20,000 and above are unusual, and for a single city to get two such grants in successive years is rare.

- The request is silent on how \$250,000 will be allocated between 2015 and 2016

- The request does not provide any breakdown on what key components of the comprehensive plan will cost.

- The request does not say what part(s) of the city should be surveyed, what type of survey is needed, and how long it will take to complete.

- The author boasts that the survey will use “advanced technology,” that this technology will “accelerate the survey process,” and that it will get the job done “at a fraction of the cost of conventional survey methods.” Unfortunately, the author does not tell us what this advanced technology is or how much it will save.

- The request says the consultant will initiate the comprehensive preservation plan in the spring of 2015, but it does not say when the consultant will submit the draft plan. Indeed, as you read the proposal's “Timeline,” you can easily get the impression that the author forgot there was a consultant out there to manage.

If ever there was a pig in a poke, this is it. To spend any amount of money, much less \$295,000, with such flimsy detail is foolhardy.

4. The budget request is silent on the roles to be played by the Landmarks Commission and a citizen steering committee in the Comprehensive Plan process. In many cities around the country, the Landmarks Commission develops the RFP, interviews and recommends a consultant, helps solicit public input, and works with the consultant to develop and refine the plan. But this budget request is silent on the roles the Commission will play. Similarly, most cities use a citizen steering committee to help shape and guide the planning process, but the budget request is silent on this important point.

5. A comprehensive preservation planner may not be needed to perform the key tasks listed in the budget request. The three tasks noted in the request—namely, the inventory, an update of existing historic districts, and a historic preservation toolkit—can be done by less sophisticated and expensive contractors and consultants.

6. The budget request does not allow enough time to do a first class comprehensive preservation plan. The request says the consultant will begin sometime between March and June 2015 (Spring 2015). Although the consultant's finish date is not specified in the request, the last date listed is March 2016 (the end of Winter 2016). This means that the consultant firm is expected to complete its work in as little as 9 months. Many cities allow two years for this process. It's important to remember that this plan is designed to be a guidance system for historic preservation for 10 to 15 years, and that, with the exception of an 8-page segment done in 2008 for Madison's comprehensive plan, this will be Madison's first true comprehensive historic preservation plan.

7. The author does not appear to understand that within the preservation planning profession, the correct sequence is to do a comprehensive plan first and the ordinance second. Madison is doing the reverse. This is bad practice because the best ordinances are written to implement a comprehensive preservation plan. Cities that reverse the process are almost always forced to make extensive changes to their ordinance to make them reflect the comprehensive plan.

Why did Madison get it backwards? Probably because the Common Council upheld the Landmarks Commission's decision to deny the SBA project request for the 100 block of West Gilman. That project was 17 times larger than what the landmarks ordinance allowed and a flagrant case of demolition by neglect, and yet the city's top planners actively supported the project. It was no accident that one week after the Council defeat, Mayor Soglin issued a memorandum saying that Steve Cover would be leading a staff steam to repeal and rewrite the ordinance. The goal was to quickly revise the ordinance so that huge SBA-type buildings could be legally constructed in the Mansion Hill Historic District. Alders thwarted the attempt to allow Cover to assume the key staff role by approving a resolution creating the Ad Hoc Committee composed of five alders and staffed my Amy Scanlon.

8. The combination of the extension resolution and the budget request forces the city to make two undesirable changes to its ordinance repeal and rewrite procedures.

The first change is to delay the completion of the repeal and rewrite process for a minimum of 18 months (March 2016).

The second change is created by language in the budget resolution that requires the city to "adopt phase I ordinance recommendation" in Winter 2014. This means that about half of the Landmarks Ordinance will have been rigorously vetted by the Ad Hoc Committee (Sections 1-18 to be completed in December 2014), and the other half dealing with historic districts will not be completed until March 2016 at the earliest. So until the entire ordinance is completed, half of the ordinance will be brand new and the rest will be up to 40 years old (1974).

This new/old problem creates a serious problem. What do we do with development requests that come in during the time the ordinance is unfinished? Is such a new/old ordinance capable of providing effective protection for Madison's historic resources during this unfinished period? Would not this new/old condition be a predicable justification for a difficult to defend lawsuit?

The fact is, until *all* sections of the ordinance are completed and adopted, Madison's historic resources could be in jeopardy. The question we should be asking is this: What process would provide the best protection for our historic resources at the earliest possible date. The fact that two of our local historic districts—Mansion Hill and Third Lake Ridge—are vulnerable because developers see these areas as development sites. To leave them insufficiently protected during this ordinance revision process is unconscionable.

CONCLUSION: This request for \$295,000 is poorly conceived. Alders should reject it and demand better.

Appendix A

Comprehensive Preservation Plan/Phase 2 of LORC:

Background. In 2014 the Common Council formed a Landmarks Ordinance Review Commission. The purpose of the LORC is to complete an update of the City's Landmarks Ordinance, which was initiated in 2011. This update addresses unclear language and process in the existing ordinance, and has been viewed as a phase 1 of a more comprehensive update. The Landmarks Commission also identified a need to update the existing historic districts to be addressed in a phase 2.

Budget Request. The Planning Division included a request for \$250K in the 2015 and 2016 Capital budgets to provide resources for a more comprehensive preservation plan for the city, that will include the phase 2 effort as a component. Funds will be used to hire a consultant to ensure continuity of the process; without consultant assistance process disruptions may be unavoidable since the Preservation Planning program is supported by a single staff member and workload demands may detract from this effort.

Comprehensive Preservation Plan Purpose. The Comprehensive Preservation Plan will do the following:
Citywide Historic Resources Inventory. Develop historic context statements that "tell the story" of Madison's evolution, using the National Park's Service recommended methodology for citywide historic property inventory (http://www.nps.gov/nr/publications/bulletins/nrb16b/nrb16b_IIintroduction.htm). The citywide inventory identifies potential districts/contributing resources and individual landmarks. Examples of such survey efforts include Discover Denver (<http://www.discoverdenver.co/>) and SurveyLA (<http://www.preservation.lacity.org/survey>). These programs use advanced technology to accelerate the survey process at a fraction of the cost of conventional survey methods. This methodology will set up the Comprehensive Preservation Plan to be a living history document.

Update Existing Historic Districts. Review and update the contents of the existing historic districts (originally conceived as the primary element of the phase 2) to ensure that they are consistent with the City's overall preservation goals while recognizing the uniqueness of each individual district.

Historic Preservation Toolkit. Address other issues that round out the City's Preservation Toolkit. These issues may include, but are not limited to: pattern books, building recompense fee, conservation districts, historic preservation fund, marketing/heritage tourism, and the like which have been discussed as desired elements of a comprehensive preservation planning program.

Timeline (tentative – very rough draft for discussion purposes only)

Fall - Winter 2014 – LORC completes the phase 1. Council adopts phase 1 ordinance recommendation and \$250K capital budget request. City secures \$20K CLG grant to supplement efforts. Staff and LORC finalize scope of services and timeline/phases for Comprehensive Preservation Plan. Staff develops RFP for Comprehensive Preservation Plan consulting services.

Winter - Spring 2014/2015 – Consultant selected. Initiate Comprehensive Preservation Plan.

Spring-Summer 2015 – Draft historic context statements and develop historic inventory technology

Summer – Winter 2015/2016 – Update existing historic districts. Staff applies for and secures additional \$25K CLG grant to supplement efforts. Winter 2015/2016-Winter 2016 – Develop Historic Preservation Toolkit and ongoing inventory.

Appendix B

To the members of the Ad Hoc Landmark Ordinance Revision Committee

I am absolutely outraged that City Planning is proposing to duplicate the massive amount of work that we have already done. My first order of business when I arrived in city planning in 1979 was to secure federal funds administered by the Wisconsin State Preservation Historic Office (WSHPO) and start work on Madison's Comprehensive Survey of Historic Resources. Further grants were awarded for several years. Along the way, we hired several professional researchers to work with us, including people who are still working in the field today (Timothy Heggland and Elizabeth Miller). All research and survey work was done in accordance with the Standards of the Secretary of Interior at the time. Our methodology was far more extensive and vigorous than the Secretary of Interior's Standards both then and now. (I should note that before I began work with the City I had worked at the WSHPO. One of my duties was to coordinate historic preservation surveys across the state. I also developed the methodology for the first large survey in the state, for the City of Milwaukee).

The Madison survey was largely completed around 1995 and massive documents on the historical themes, architects and a draft of the architectural styles was completed some time ago. Over 5000 sites are listed in our inventory. As part of the work for the State Preservation Office, we also identified all historic districts eligible for the National Register of historic places and subsequently received a grant to list all of those districts on the National Register.

There is a document in the Historic Preservation Planner's office that outlines the methodology we used for our survey. There is also an extensive bibliography of sources we used, not only on Madison's and Dane County's history but also on specific historic themes, such as, for example, pharmacists.

There is one aspect of a normal City survey that we did not undertake - buildings associated with historic individuals. In a city of our size there are simply too many people who could qualify as historic personages. To give an example, there were many important attorneys in Madison starting from its earliest days. Trying to sort out who was actually historic enough to warrant designating the building associated with them would be near to impossible. We took into account that many of Madison's most important people were professors and that the buildings most closely associated with them would probably be university buildings. The decision not to try to identify who were and were not historic was approved by the WSHPO.

The requirements of the WSHPO were that we not consider those buildings that were less than 50 years old (which is the standard for the National Register. That meant that the period of significance would have ended in 1930. We received permission, however to study buildings erected in the Depression and up to World War II. Those years, in our determination, architecturally related more to the past than to the future. Because of the relative lag in construction during the Depression and during World War II, there was a monumental shift in architectural design. Therefore we did not include any areas platted after 1950. Now properties in those areas are often over 50-years old. Some of those more recent suburbs have already been surveyed, but the rest need to be assessed in the near future. The last survey work that could be done is the areas of the City that were annexed after 1980.

I am shocked that the institutional memory of the Planning Department is so short sighted that it has neglected, or perhaps doesn't even know, that such an immense and important body of work exists.

Katherine Rankin

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