

To Plan Commission, Director Stouder, Preservation Planner Bailey

From Bob Klebba

8 December 2022

Re: 74891, Review of Landmarks Commission's role and Plan Commission approval standards

I appreciate your review of your collaborative role with Landmarks Commission in the review of demolition requests. The Landmarks Commission's recommendations are documented in staff reports and seem to influence the direction in which the PC proceeds. However the staff report covers many other issues and LC's recommendation often appears insignificant with respect to those concerning future use. As you know this one report discusses not only the request for demolition, but also the application for conditional use and sometimes a rezone application. Thus when reviewing a demolition request, the Commission must understand and analyze the future use at the same time.

I have made a request to the Commission and to staff to separate demolition requests from land use applications with separate staff reports and at different meetings. Chair Zellers informed me that MGO requires that the demolition be considered at the same meeting as the land use application. However the PC's policy was changed in June to require a separate vote for demolition requests. But public testimony and consideration are still heard for all items together.

There are problems with this approach. In a recent review of a development proposal for 100 N Butler St, a demolition request, a CU application and a rezone application were all discussed in a single staff report. Even though there were separate legistar records for each item, the same staff report was included in each record. So when going to the legistar record for the demolition request, commissioners have to read the report for the future use. Also public comments came in about different aspects of the proposal, but all were filed under one record. For example, the Madison Trust commented on the rezone application, but the letter was filed under the conditional use application record. Because a single staff report and one consideration are done for the 3 agenda items, the demolition is considered along with the conditional use which is conflated with the rezoning. Separate staff reports and more careful filing of public comments could have reduced confusion and promoted better understanding of each item.

A more problematic example was the review of the demolitions for the proposed development at 519-547 W Washington Ave in May. The demolition request was barely discussed even though it involved 9 houses defining a 100-year old neighborhood on an iconic avenue within blocks of the Capitol Square. In any other situation, commissioners would undertake the review of the demolition of almost a block of Madison's cultural history with some gravitas, but the staff report focused on the proposed development's land use application. Furthermore, it became clear during consideration that the staff report for the proposed development did not discuss the standards for demolition and that they had not been discussed with the developer. Separate staff reports for each item could have provided clearer and more accurate information and allowed better decision making in this situation.

Lastly, over the past few years, PC has been inconsistent in its consideration of Landmarks' "c" recommendation in demolition request reviews. Sometimes the demolition of a structure with known historic value is approved, other times it isn't. It is difficult to say how much the single staff report prejudices a commissioner's perception of a demolition request. But it is obvious that when reviewing a staff report, it is impossible not to consider the future use when reviewing a demolition with a "c" recommendation from LC. I suspect that the "c" recommendation is less important when the future use is more appealing. I believe that separate staff reports and separate considerations would reduce this kind of prejudice in the PC's review of demolition requests.

Given the effort that the Landmarks Commission and the Preservation Planning staff put into providing recommendations for demolition requests, I believe it is incumbent on Planning to provide staff reports discussing demolitions only and on the Plan Commission to consider them separately from land use applications. This process would allow commissioners to review demolitions on their own merit with greater understanding of the issues unique to that item.