

Statement by David Mollenhoff, Landmarks Commission, May 9, 2022

I have had the honor of serving on the Landmarks Commission for 8 years, chairing the Madison Alliance for Historic Preservation from 2013 to 2021, attending nearly every LORC meeting for both phases (2013-2015 and 2017-2021), and owning a contributing building in the Mansion Hill Historic District for 55 years. Therefore, I have some knowledge about Chapter 41. I am writing as an individual and not as a member of the Alliance.

As a member of the commission one of the first things I learned was that new construction projects are almost always the most controversial, complicated, and time-consuming. This is still true today and will be in the future.

This is why the commission must have enforceable standards for new construction that are clear, coherent, and complete.

Unfortunately, the standards proposed by LORC are not clear, coherent, or complete. The attached three-column chart makes this clear. I particularly direct your attention to the words in **red print** in the center column showing the latest LORC draft. More specifically,

- Each of the five proposed “standards” only requires commissioners to “consider such factors as...” This means that the commission may consider some, all, or even other unlisted factors! Such lax language cannot function as effective enforceable standards.

- Developers will love this ambiguity and will use it to persuade you to accept grossly oversized new buildings in historic districts. This happened recently when the developer of 817 Williamson persuaded you that his huge new building was a harmonious fit with nearby buildings in the Third Lake Historic District.

What a dramatic contrast to the 10 standards that the Alliance for Historic Preservation urged you to adopt in February 2021 (the right hand column)! These standards have the great advantage of providing enforceable standards for all 10 factors that contribute to historic character, including one (#1) that requires several quantifiable metrics that will prevent the construction of oversized buildings.

The failure to adopt these 10 standards will have two predictable consequences for the commission:

1. You will spend many unnecessary hours debating with developers which of the dozens of ordinance-allowed factors should be used to approve a project, only a few of which need to apply.

2. You will incrementally fail to achieve the primary purpose of the historic preservation ordinance—to preserve the historic character of our five districts—because the squishy standards will force the commission to accept buildings that are utterly inappropriate.

Therefore, I urge you to adopt the 10 standards that the Alliance proposed in February 2021.

HOW ENFORCEABLE ARE THE PROPOSED LORC STANDARDS FOR NEW CONSTRUCTION?

A COMPARISON OF CURRENT AND PROPOSED STANDARDS, May 7, 2022

As you read this chart ask yourself: Which standards—LORC’s in the center column or the Alliance’s in the right column—will provide superior protection for historic resources?

Today’s ordinance, 2015	Latest LORC draft, 2022	Alliance draft, 02-02-21
<p>Today’s ordinance (41.11(2)) requires the landmarks commission to “consider” a list of “standards or guidelines.”</p>	<p>The latest LORC proposal only requires the Landmarks Commission to “consider such factors as…” and then provides a long list of qualities. This means that the Commission may consider all, some, or none of the listed qualities, or by implication, even use <i>other</i> unlisted qualities that are deemed consonant with listed factors.</p> <ul style="list-style-type: none"> ▪Such lax language cannot function as enforceable standards. ▪Note below the subjective term “visual size.” How about <i>actual quantifiable size</i>? 	<ul style="list-style-type: none"> ▪This draft assumes that the key to effective regulation is to create a clear, coherent, and complete list of ALL qualities that constitute historic character and then to translate those qualities into enforceable standards. We have distilled those qualities into 10 enforceable standards noted below.
<p>(2) Development Standards and Guidelines. Any proposed ordinance under this section, the Landmarks Commission should consider including the following as standards or guidelines:</p> <p>(a) Any new structure located on a lot that lies within two hundred (200) feet of a designated historic resource shall be visually compatible with that historic resource, particularly in regards to:</p> <ol style="list-style-type: none"> 1. Bulk and massing. 2. In the street elevation of a structure, the facade’s proportion of width to height. 3. The proportions and relationships between doors and windows in the street and publicly visible facade. 4. The proportion and rhythm of solids to voids, created by openings in the facades. 5. Colors and patterns used on all facades. 6. The design of the roof. 7. The landscape treatment. 8. The texture and materials used in all facades. <p>(b) The existing rhythm created by existing structure masses and spaces between them shall be preserved</p> <p>(c) The amount, shape, and pattern of open spaces shall be sensitive to the character of the district.</p> <p>(d) The landscape plan shall be sensitive to the individual structure, its occupants and their needs.</p> <p>(e) All street facades shall blend with other structures via directional expression. When adjacent structures have a dominant horizontal or vertical expression, this expression shall be carried over and reflected.</p> <p>(f) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the historic character of the district.</p> <p>(g) Gross volume, height, and other quantitative measurements of the proposed structure shall be sensitive to similar quantitative measurements of historic resources within two hundred (200) feet of the proposed structure.</p>	<p>41.27 STANDARDS FOR NEW STRUCTURES</p> <p>(1) General</p> <p>(a). Primary Structures. The design for a new structure in a historic district shall be visually compatible with other historic resources within two hundred (200) feet in the following ways:</p> <ol style="list-style-type: none"> 1. Building Placement. When determining visual compatibility for building placement, the Landmarks Commission shall consider factors such as lot coverage, setbacks, building orientation, and historic relationships between the building and site. 2. Street Setback. When determining visual compatibility for street setbacks, the Landmarks Commission shall consider factors such as the average setback of historic resources on the same block face within two hundred (200) feet, and the setback of adjacent structures. 3. Visual Size. When determining visual compatibility for visual size, the Landmarks Commission shall consider factors such as massing, building height in feet and stories, the gross area of the front elevation (i.e., all walls facing the street), street presence, and the dominant proportion of width to height in the façade 4. Building Form. When determining visual compatibility for building form, the Landmarks Commission shall consider factors such as building type and use, roof shape, symmetry or asymmetry, and its dominant vertical or horizontal expression. 5. Architectural Expression. When determining visual compatibility for architectural expression, the Landmarks Commission shall consider factors such as the building’s modulation, articulation, building planes, proportion of building elements, and rhythm of solids to voids created by openings in the façade. 	<p>41.11 PRESERVATION STANDARDS: GENERAL A historic district ordinance shall include all of the following general standards:</p> <p>(1) New Construction</p> <p>(a) New Primary Structures. A new primary structure shall be visually compatible with the historic district, and with each historic resource located within 200 feet of the new structure, with respect to the following factors:</p> <ol style="list-style-type: none"> 1. Its size as indicated by its <i>height</i>, number of stories above grade, <i>gross volume, bulk</i>, and <i>street facade area</i>. 2. Its relationship to the <i>lot</i> on which it is located, as indicated by its <i>lot coverage</i> and setbacks, and the size of its front, side and rear yards. 3. Its overall form as indicated by its shape, <i>massing</i>, ratio of width to <i>height</i>, symmetry or asymmetry, and roof shape. 4. The articulation of its <i>street façade</i> and other <i>visible facades</i>, including visual patterns created by building planes, wall recesses, wall protrusions, window and door openings, and <i>architectural features</i>. 5. The <i>character</i> of its roof, including roof shape, style, pitch and surface materials, as well as roof features such as dormers, skylights, chimneys, rooftop decks, green roofs, and attached appurtenances. 6. Its exterior wall and foundation surfaces, including surface materials, textures, detailing and trim. 7. The <i>character</i> of its doors, windows, and related features such as storm doors, storm windows, trim and shutters. Relevant considerations may include size, shape, style, proportion, materials and placement, as well as the patterns created by door and window openings on <i>visible facades</i>. 8. The nature, size, appearance and placement of exterior <i>architectural features</i> and appurtenances such as entryways, porches, decks, balconies, railings, stairways, rescue platforms, fire escapes, accessibility features, <i>signs</i>, awnings, lighting fixtures, <i>HVAC equipment</i>, electrical equipment, elevator equipment, solar equipment, telecommunications equipment and building mechanicals. 9. Its sensitivity to the site and surrounding <i>landscape</i>. Relevant considerations may include the nature, size, appearance and location of its parking accommodations, refuse storage facilities, <i>landscape features</i> and drainage systems, as well as its sensitivity to distinctive <i>natural features</i>, archaeological features, <i>historically representative landscape features</i>, and open spaces that materially contribute to the <i>character</i> of the <i>historic district</i>. 10. Its relationship to each <i>block face</i> of which it is part, including its effect on the collective visual pattern formed by the sizes of, shapes of, directional expression of, and distances between existing <i>structures</i> represented in the <i>block face</i>.