

DATE: December 8, 2020

TO: Ad Hoc Landmarks Ordinance Review Committee (“LORC”)

FROM: James Matson

SUBJECT: **Historic Districts – A Way Forward for LORC**

I am a member of the Madison Alliance for Historic Preservation (“Alliance”), but am submitting this statement on my own behalf.

Over the past 2 years, the Alliance has repeatedly expressed its concerns about the future of Madison’s historic districts, and about the direction of the current LORC II process. LORC unfortunately started off on the wrong foot, based on a deeply flawed consultant’s report; but there is still time for LORC to adjust its course and achieve a timely “win-win” solution.

When the Madison Common Council unanimously approved a new ordinance to strengthen Madison’s historic preservation program, in 2015, everyone recognized the need to update and improve the city’s current historic district ordinances. But few imagined that the city would **completely throw out** all 5 of its current historic district ordinances, which have been in place for decades, in favor of an unproven “one-size-fits-none” set of standards that would be indiscriminately applied to all current and future historic districts. Yet that is exactly what LORC is now proposing.

The current LORC proposal would apply exactly the same construction, remodeling and maintenance standards to *every single property in every current and future historic district*, with no district-specific flexibility or nuance. The Williamson Street commercial corridor would be treated just like Mansion Hill, and University Heights would be treated just like the Marquette Bungalows district. Non-historic buildings and features would be treated just like historic buildings and features. Single-family residences would be treated just like large commercial developments. The same stylistic requirements would apply to radically different structures, in radically different settings. That is a recipe for trouble.

If we want to promote new development and increased density in Madison, while *also* preserving the character of our historic districts, we must have a clear and nuanced approach. But the current LORC proposal rejects district-specific clarity and nuance in favor of vague general standards (or, in some cases, overly specific general standards) that will lead to more high profile “train wrecks” and interpretation problems, not fewer. This is NOT a “state of the art” approach to historic preservation, but quite the reverse (as we have confirmed in conversations with the National Trust for Historic Preservation).

The Alliance has offered a “win-win” approach that avoids these dilemmas. The Alliance proposal would update and streamline Madison’s 5 current historic district ordinances based on a clear standardized template, while maintaining needed district-specific flexibility:

- The Alliance proposal spells out clear, consistent and workable “preservation principles” for all historic districts (much clearer than the current ordinance).
- Each historic district would still have its own district ordinance, as contemplated by current law. District ordinances would implement the core “preservation principles,” but could include refinements needed to achieve a good “fit” for each district.
- District property owners could find everything they need, in one place, just by looking at their own district ordinance. They would also get clear practical guidance that makes sense for their district.

To put this process in motion, LORC need only approve the standardized ordinance template that the Alliance has already provided (LORC can make any adjustments that it deems necessary). This can be done before the next aldermanic elections in April, 2021. The new template would spell out clear parameters for historic district ordinances, including new and updated ordinances. It would provide much clearer overall direction, without putting the City in an overly rigid legal “straightjacket.”

Once the Common Council adopts the LORC-approved template, the city Preservation Planner can use it to propose updates to Madison’s 5 historic district ordinances (no further action is required of LORC). We believe that this can be accomplished relatively quickly; and we have offered draft updates that the Preservation Planner can use as a convenient starting point (the Preservation Planner is free to make any changes that she deems necessary).

Among other things, the Preservation Planner can design district updates to ensure that historic district ordinances, neighborhood plans and zoning ordinances work in harmony to achieve historic preservation goals, while accommodating sensitive development in historic districts.

The City would adopt historic district ordinance updates by the normal process contemplated by current law, with review by the Landmarks Commission and City Plan Commission, and final approval by the Common Council. That process ensures careful review and an opportunity for public and district stakeholder input.

The Alliance has offered you a common sense approach to a complex challenge. This approach can be implemented quickly, and with little risk. I urge you to take advantage of it. If we get the framework right, substantive ordinance details can be worked out with far less difficulty.