

## **Demolition Process Considerations**

Prepared for Plan Commission Work Session March 14, 2024

# Introduction & Background

#### Introduction

The Plan Commission is scheduled to discuss possible changes to the Demolition review process at their March 14, 2024 meeting. The following presentation provides background information and some suggested framing questions to guide this discussion.

The City's Demolition review process has been modified over the last several decades. The most recent significant change was approved in 2021 and includes the demolition regulations that are currently in place. Aside from a few exceptions as noted in the Zoning Code [MGO 28.1858(b)], the demolition of all principal structures requires Plan Commission consideration after receiving an advisory recommendation from the Landmarks Commission on a building's historic value.

#### A Potential Revised Demolition Process - Summary

In response to some Alders requesting staff explore ideas to simplify the demolition process, staff have provided a framework for a revised demolition process for discussion purposes. The following is intended to be similar to the current practice in many ways. The Landmarks Commission would continue to provide an advisory recommendation on ALL demolition requests. However, unlike today's process, demolitions that are found NOT to have historic value by the Landmarks Commission would continue under an administrative review process. Demolitions proposed for buildings that ARE found to have historic value would continue to be reviewed by the Plan Commission.

#### **Typical Landmarks Commission Recommendations - Reference**

Historic value considerations have arguably been the most significant discussion point for the Plan Commission on demolitions reviewed under the current Demolition standards.

As the role of the Landmarks Commission would remain important, staff provides the following summary of the typical types of advisory recommendations from the Landmarks Commission. A "stoplight" analogy is often used to summarize such recommendations:

- **A.** "Red Light" Recommendation. The Landmarks Commission finds that a building/site has historic value and significance.
- **B.** "Yellow Light" Recommendation. This is the Landmarks Commission's "middle-of-the road" recommendation. Such a recommendation may be provided when a building itself is not historically significant, but is believed to have some historic value related to the surrounding context. In some cases, Landmarks refers to such possible demolitions as a "regrettable loss."
- **C.** "Green Light" Recommendation. This is the Landmarks Commission finding that a building has no known historic value or significance.

### Recent Demolition Statistics

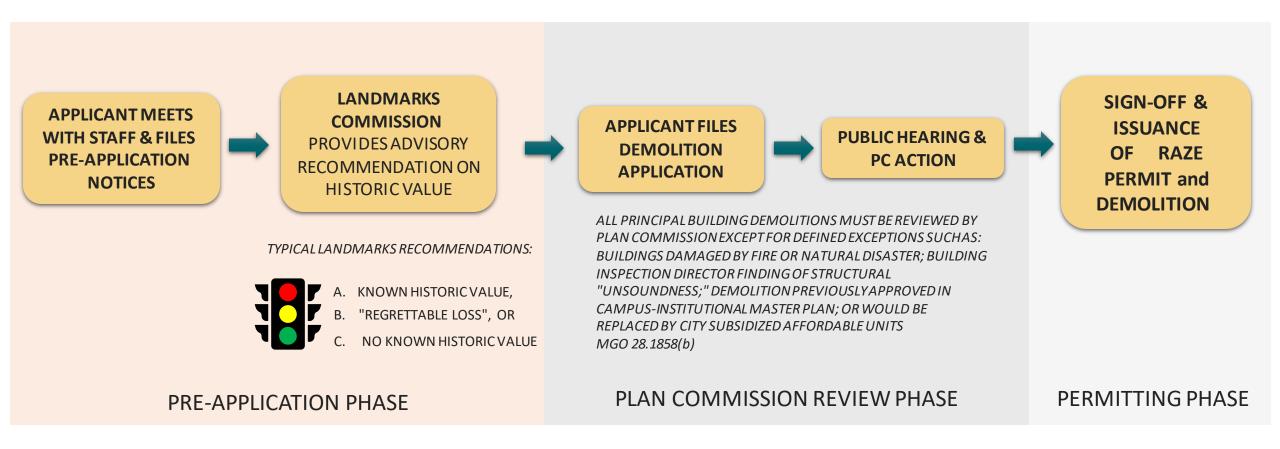
#### Since Adoption of the Current Demolition Standards in 2021 through 2023:

- 92 Demolition applications reviewed by Plan Commission -88 applications approved.
- 11% of applications found by the Landmarks Commission to be historically significant. (Type A or "Red" Recommendation)
- 12% of applications found by the Landmarks Commission to not be historically significant structures, but have historic value. (Type B or "Yellow" Recommendation)
- 77% of applications found by the Landmarks Commission to have "No Known Historic Value" (Type C or "Green" Recommendation)

# Key Demolition Process Modifications

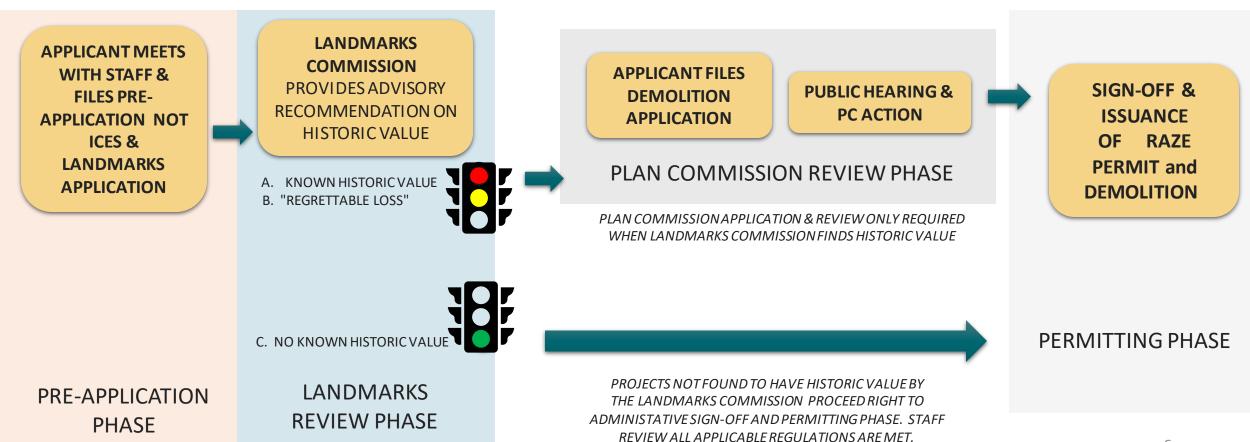
- 1983 Zoning Code amended to include process that both demolition and the alternative use require Plan Commission review and approval prior to proceeding.
- 2009 Demolition Sub Committee Amendments Process Changes, "Demolition" is defined Legislative File 12392.
- 2013 Current Zoning Code takes effect, largely carries forward the 2009 "Demo Sub Committee" changes.
- **September 2021- Demolition Amendment** Removes Plan Commission's approval of future use, additional standards created. <u>Legislative File 67074</u>.

# **Existing Demolition Workflow**



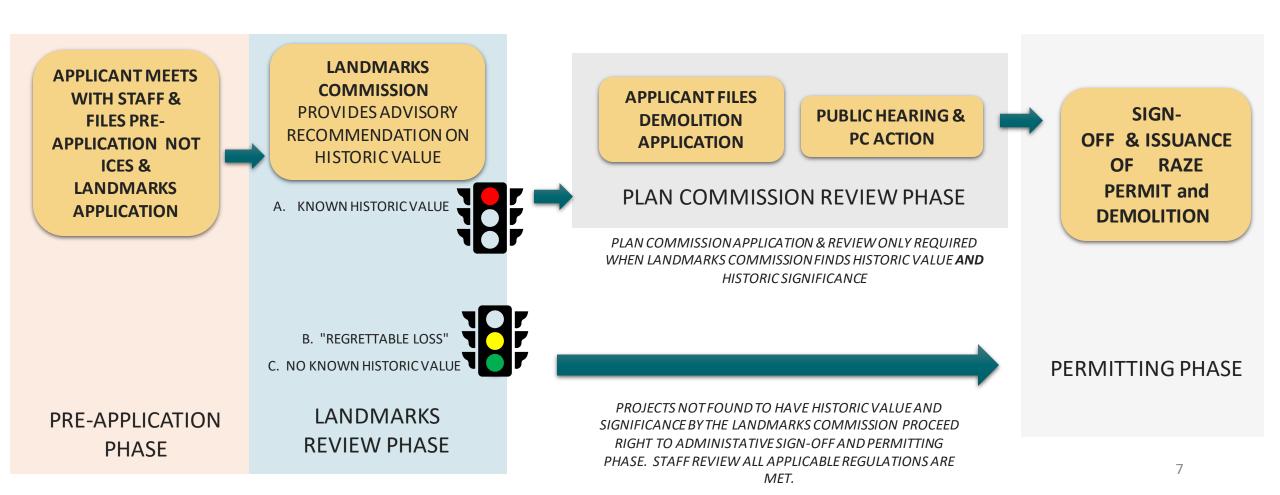
### A Possible Revised Demolition Workflow

FOR DISCUSSION PURPOSES



### A Possible Revised Demolition Workflow

FOR DISCUSSION PURPOSES – ALTERNATE THRESHOLD FOR ADMINISTRATIVE REVIEW



# Other Process Considerations: Landmarks Commission Review

# LANDMARKS COMMISSION PROVIDES ADVISORY RECOMMENDATION ON HISTORIC VALUE



LANDMARKS REVIEW PHASE

#### **Suggested Modifications to Landmarks Review Phase:**

- Create Applicant-Initiated Submittal Landmarks Commission Review is currently initiated by Staff after applicant submits online notice.
- Clarify / Standardize Submittal Requirements
- In addition to primary recommendation, note that Landmarks Commission can also advise on the appropriateness of any "Creative Mitigation" measures such as Saving/Salvaging Materials, Documentation, etc.

# Other Process Considerations: Approval Standards – Existing

- 1. The applicant has included information related to any efforts to relocate the building, including but not limited to assessing the costs of relocation, the impact of relocation on city terrace trees, and the structural soundness of the building.
- 2. The applicant has received a Certificate of Appropriateness from the Landmarks Commission under MGO Secs. 41.09(1)(c) and 41.12(3), if applicable.
- 3. The applicant has received an approved reuse and recycling plan from the City Recycling Coordinator.
- 4. The Plan Commission has received and considered the report of the City's historic preservation planner regarding the historic value of the property as well as any report that may be submitted by the Landmarks Commission.
- 5. The Plan Commission has received and considered the report of the City Forester regarding the impact a proposed building relocation could have on City terrace trees, if applicable.
- 6. The Plan Commission shall consider the condition of the building or buildings proposed for demolition or removal. In order to find this standard met, the Plan Commission may consider a report of the Madison Fire Department, Police Department, and/or Building Inspection Division regarding the proposed demolition, including whether any evidence of a potential fire hazard, unlawful use of the property, public nuisance, or other public health and safety concern supports demolition or removal.
- 7. The Plan Commission shall consider the factors and information specified in items 1—6 and find that the proposed demolition or removal is consistent with the statement of purpose of this section and with the health, prosperity, safety, and welfare of the City of Madison.

# Discussion on Approval Standards

- Existing Standards 1-6 include factors and information that must be considered. Standard 7 requires findings related to statement of purpose and health, prosperity, safety, and welfare of the City of Madison.
- Staff would suggest an additional standard that in order to approve a demolition, the Plan Commission would need to find that the benefits of a demolition outweigh interest in preserving historic resources.
- Some standards could become part of administrative sign-off and would not need to be considered by the Plan Commission.

# Framing Questions for Discussion

- 1. Is the Plan Commission open to creating a path for some demolition reviews to become administrative?
- 2. What should be the threshold for an Administrative Review?
  - "Green Light" (Type C) No Known Historic Value
  - "Green & Yellow Light" (Types C & B)
- 3. Should certain technical requirements (eg, Submit Re-Use and Recycling Plan) be listed as procedures, but not as a standards?
- 4. What other ideas/questions you have regarding the demolition process?



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