

Historic Preservation Plan Advisory Committee
Meeting of October 3, 2019
Agenda item #1, Legistar 57047

I am providing comments on several draft strategies as reflected in attachment #3 of Legistar 57047.

OBJECTIVE 1d Promote best practices in historic preservation within City-owned buildings and places

This objective should include a strategy under which the City is required to protect and preserve the non-building landmarks it owns.

Some examples:

1. Recently the Parks department created a document, with the input of the Ho-Chunk Nation, regarding proper maintenance of burial mounds in City parks. Since at least some of these burial mounds are City landmarks (Forest Hill Cemetery), should not the Landmarks Commission also have been involved in the process? Legistar 56971
2. Johnson Street is undergoing construction. The Yahara River Parkway is a landmark, including the Johnson Street bridge. At the time of the National Register application, this bridge retained "very good integrity." The old stone of the bridge has been visibly damaged by street reconstruction. Review of the project by the Landmarks Commission could well have limited damage to this historic resource by requiring protective measures to be taken.
3. Tenney Park is a landmark. Yet when lights were added to the tennis courts in 2012, Landmarks review was not sought. (Though in 2011 a culvert at the lagoon was approved by the Landmarks Commission.)
4. Most recently, Burr Jones expanded a playing field and added lights. This further encroached into the Yahara River Parkway. Yet, the Preservation Planner found that the space had already lost its historic character and the changes would not significantly change the appearance of the existing sports field. See document #3 of Legistar 54201. <https://madison.legistar.com/View.ashx?M=F&ID=7034585&GUID=205AE7E7-673E-479B-B772-71B3C5195816>

The Landmarks Commission could have protected and required restoration of the landmark, and should have had the opportunity to do so. Instead, the Preservation Planner approved the Certificate of Authority the day after the Landmarks Commission meeting under the reasons: (1) a compelling reason for beginning work before the next Landmarks Commission meeting (note: the Legistar record was created 6 weeks prior to the Landmarks meeting); and, (2) minor alterations to a site adjacent to a landmark (are the addition of high-powered paying field lights a "minor change of appearance?")

For example, a strategy could be:

"The City should serve as a model of historic preservation with respect to its buildings and places, and act to ensure that City projects, whether to a landmark or adjacent to a landmark, are reviewed in accordance with the historic preservation ordinance."

Objective 4d, strategy iii.

"Allow an expedited/simplified review process for tax credit projects.
Develop incentives that allow projects to be streamlined if following all the required historic preservation regulations."

Whether or not the City's project review should be streamlined depends upon whether the final ordinance is comparable to the National Park Service standards and interpretive guidelines. If, for example, the ordinance is a complete match to NPS standards/guidelines, then, at least arguably, there would not be any need for any City review. (In the past, no City review has been required for at least some projects approved for Wisconsin tax credits.) It would be better to change this language and allow the ordinance to define the extent of review required for projects approved for tax credits.

For example:

"Encourage an expedited/simplified review process for projects already approved for tax credit.

To the extent possible, the historic preservation ordinance should limit the review of projects that have been approved for tax credits.

Objective 4e, strategy ii.

"Review the boundaries of existing historic districts related to coterminous or overlapping National Register of Historic Places districts.
There should be consistency between local and national district boundaries. Map and explain the differences and steps required to provide consistency."

It is possible that this strategy meant to say that National Register status should be sought for all areas within a Madison historic district. But National Register standards differ and are less forgiving of a property's lack of integrity. Thus, it appears this strategy could be used to shrink down the Madison historic districts to only cover areas included on the National Register.

This strategy dates back to 2017, though the impetus for it is not clear. The goal of consistency is, at best, questionable. What is also disturbing about this strategy is that it does not appear the Committee was provided a map which shows the various districts and any overlap. (Such a map has been in existence for at least the past year.) It is difficult to make a decision if one does not have basic information.

Why is it problematic to not have complete overlap? Residents living in those districts are not confused – those of us who can get tax credits are aware of the program. Could it be a way to enforce higher standards (e.g., if only National Register properties are included in the Madison districts, then it could be argued that the tax credits offset higher standards)? Or could it be a way to open up areas of the isthmus to redevelopment (e.g., Williamson is not part of the National Register district, nor is First Settlement)?

The Council resolution authorizing the ordinance rewrite found, with respect to historic districts, that:

- the City of Madison has five local historic districts which constitute under 1% of the land in the city these local historic districts provide a physical connection to our past and help us understand who we are today and tell the story of Madison's unique historical development;
- much of Madison's architectural diversity and unique and quality construction are in our local historic districts;
- historic resources are finite and cannot be replaced, making them precious commodities; and,
- historic districts and landmarked buildings are important in many placemaking initiatives and support heritage tourism.

The Council has already determined that keeping the existing historic districts is important. Thus, the Historic Preservation Plan should not use language that can be interpreted as shrinking any Madison historic district unless a compelling argument can be made for that position.

This strategy could read:

"Review the boundaries of existing historic districts in relation to the boundaries of National Register of Historic Places districts.

Evaluate whether properties in City historic districts not currently listed on the National Register would likely be eligible to be listed as a National Register historic district, and seek such nomination to the extent reasonably possible."

Objective 4, Ordinance Revisions

"The Common Council created a committee of five alders- the Landmarks Ordinance Review Committee (LORC)- charged with revising the ordinance. Goals of the ordinance revision include: internal consistency, clarity, and alignment with current preservation practices. ... This process analyzed the historic resources in each district, examined successes and challenges, evaluated current ordinances, and proposed a new ordinance framework."

No, the goal of the current ordinance revision was, per the Council, to "consider amendments clarifying the substantive standards for the various historic districts." RES-14-00287. The goals of internal consistency and alignment with current preservation practices are goals of staff and/or the consultant.

The process did not analyze the historic resources in each district. For example, I asked the consultant at the December 2018 Third Lake Ridge meeting if she had ever walked Williamson (to determine whether commercial standards should differ). She had not. While a person might be able to dawdle while driving on residential streets and get a semi-adequate view of historic resources, that is not possible on a busy commuter street.

Successes and challenges were examined? That was not done, or at least not done within the public purview. There was no discussion of Third Lake Ridge successes and challenges at the neighborhood meetings, and Legistar ordinance materials do not contain such documentation.

Current ordinances were evaluated: a table comparing districts was created.

A new ordinance framework was proposed. The consultant proposed an ordinance that took National Park Service Historic Preservation Guidelines and put them into an ordinance. I asked what other municipalities, to the consultant's knowledge, had adopted the Guidelines as an ordinance and her answer was that she was not aware of any. This framework has continued, with a number of modifications. (A number of municipalities have adopted NPS standards, or some variation of those standards, but the consultant could not identify even a single municipality that has adopted the guidelines -- guidelines which are used to help determine whether the standards are met.)

A simpler statement would be more accurate.

"The Common Council created a committee of five alders- the Landmarks Ordinance Review Committee (LORC)- charged with updating the historic preservation ordinance. Phase 1, updating the procedural aspects, was completed in 2015. Phase 2, to clarify the substantive standards for the various historic districts, is currently ongoing."

Respectfully Submitted,
Linda Lehnertz