

Ad Hoc Ordinance Review Committee
Meeting of January 23, 2020
Agenda item #1, Legistar 57170

Document #10 of Legistar 57170 lists the myriad number of meetings that the public could attend on the historic district ordinance.

Yes, there have been a number of meetings. But not one of these meetings provided an opportunity for discussion about what characteristics of a district are worthy of preservation. If the LORC path continues to be one of preserving each individual home as a museum (even more stringently regulated than landmarks), then characteristics residents think worthy of preservation is of no consequence. If the LORC path becomes one of preserving the character of a district, then residents should get a chance to weigh in on what characteristics are worthy of preservation.

The museum-character dichotomy can be illustrated by looking at second story porches in the Third Lake Ridge. Many homes have added second story porches over the ground floor porch. A second floor porch may not be historical to a particular home, but it is a historically appropriate feature. Yet the 7.30.2019 draft ordinance prohibits such additions: "New additions on the front of the principal structure are prohibited, except for restoring or reconstructing missing historic features that can be documented." Should second story porches be prohibited? I think not – the character of the district is not harmed. But this is the type of issue residents should have the right to discuss and, hopefully, reach a broad consensus.

The phrase "good preservation practice is good preservation practice" was used by the constant and staff used to explain why district-specific standards are not needed. That may well be true if one is looking to preserve an individual building in pristine condition, such as a landmark.

Historic districts, however, are intended to preserve the character of the district. For example, MGO 41.18(2) addresses demolition of structures. In a historic district, what is reviewed is whether the structure "contributes to the distinctive architectural or historic character of the historic district as a whole and therefore should be preserved for the benefit of the people of the City and the State." Or, as the chair of the Landmarks Commission once said: "... historic districts are not museums."

<https://madison.legistar.com/View.ashx?M=F&ID=3873950&GUID=AFAC862A-80D4-4BEC-9963-38CF8A0BEB96>

Even the State Historical Society does not expect structures to remain stagnant: "The good news is that historic preservation "best practices" recognize that buildings must evolve with the people who use them and with their changing needs."

<https://www.wisconsinhistory.org/Records/Article/CS4227>

The input of historic district residents is critical to defining the criteria needed to preserve the district's character.

"A preservation ordinance should reflect the preservation needs and goals of its community: ... A committee or task force of representatives will need to determine the preservation goals and objectives of the community and set priorities. Public input and support is important so that the concerns and issues of citizens are recognized and addressed."

<https://www.wisconsinhistory.org/Records/Article/CS107>

In the past, residents were involved in developing a district's criteria. This draft ordinance, however, did not have such participation. Yes, there were three meetings for each district. I attended the first and third meetings for Third Lake Ridge. The first was a discussion of what is/isn't working. The second meeting was primarily "historic preservation 101," as labeled by the consultant. The discussion period of the second meeting, as reflected by the minutes, seems to have primarily focused on the presentation. The third set of meetings was primarily a defense of the consultant's proposal. And it is worth noting that the third set of meetings occurred right before the holidays. The consultant's draft was available of 11.20.2018, and the first meeting was 11.26.2018. (Only one district meeting was after the holidays.)

One of the consultants provided a summary of comments/questions from the TLR round 3 meeting on December 10. (Legistar 54447, document #4, page 49.) Comments made at the meeting are mostly reflected as questions. But there were comments made, such as one set of standards for all historic districts was not viable. And it is questionable the extent to which resident policy goals were incorporated into the consultant's final draft (as opposed correction of blatant overreach/errors, such as prohibiting window ACs in front windows).

The lasting take-aways I have from that meeting are as follows:

- A resident was upset about the restrictions on new windows. She had a new baby and was concerned about the lead paint. Public Health had told this resident that the only way to be entirely safe was to replace the windows. Ms. Lehrke disagreed with the resident and told her there were ways to handle lead paint. This discussion went on for several minutes and, in my opinion, was not resolved. Rather, what I heard was the resident's concerns being dismissed.
- There were a number of concerns expressed about not differentiating districts. One of my comments was that commercial (Williamson) needed to be differentiated. I asked Ms. Lehrke for her professional opinion of the new building at Williamson/Blount. She was unable to give an opinion. When asked, she said that she had not walked down Williamson. How can a consultant say that different standards are not needed for commercial when the consultant has not even taken the time to walk down the street and closely observe the existing conditions?
- I asked Ms. Lehrke about NPS standards versus guidelines. There was a bit of discussion, but when I asked what other municipalities, to her knowledge, have adopted the NPS guidelines as an ordinance, her answer was that she was not aware of any. (A number of municipalities have adopted NPS standards, or some variation of those standards, but Ms. Lehrke could not identify one that has adopted the guidelines. Yet this is what is being proposed for Madison's ordinance.)
- There was a discussion regarding additions and how additions needed to be differentiated from the original structure. (Point B.1. on page 20.) Some residents did not like this requirement. Ms. Lehrke explained how there can be subtle differences to differentiate the addition, like (as I recall) narrower mortar joints or thinner trim. Is the goal to have additions that only a professional can distinguish from the original, or is it the goal that anyone looking at the structure should be able to tell the new from the old?

Public participation is necessary to help define characteristics worthy of preservation and to obtain support of the revised ordinance. Without such support, residents may look to decertify the historic district status.

Respectfully Submitted,
Linda Lehnertz