

Date: November 2, 2020
To: LORC members and staff
From: David Mollenhoff
Subject: Comments for November 5 LORC Meeting

I am speaking to you as an individual, and not as Chair of the Madison Alliance for Historic Preservation. That is because the Alliance has not been able to meet in advance of this LORC meeting. I have spent 50 years working in the field of historic preservation, beginning in the 1960s and 70s to revitalize the Marquette Neighborhood, in the 1970s and 1980s writing a history of Madison, in the 1980s serving on the Landmarks Commission, and most recently as Chair of the Alliance (2013 to present).

I am delighted that LORC is resuming its meeting schedule, and that you have earmarked meetings on January 14 and 23 to review the draft ordinance proposed by the Alliance. You will recall that on March 6, prior to your last meeting, the Alliance gave you following documents:

- Historic Districts—A Way Forward (cover letter)
- How to Update Historic District Ordinances (Attachment #1)
- Chapter 41 Reorganization: Current vs. Proposed (Attachment #2)
- Draft ordinance language (Chapter 41, MGO) to implement the Alliance framework

We recently re-submitted these documents, and I hope that you have taken the time to become reacquainted with them. They pose some fundamental issues that you need to consider, but they also offer you a “win-win” solution.

On June 25, 2019, LORC directed staff to prepare a draft ordinance based on the assumption that a “one-size-fits-all” generic ordinance would best serve Madison’s needs. That assumption originated from a flawed consultant’s report that didn’t even address the central issue of new construction, and argued that all properties in historic districts should be maintained as if they were landmarks properties receiving federal preservation tax credits (they are not).

On July 30, 2019, staff provided LORC with a preliminary draft ordinance that improved upon the consultant’s report, but still embodied the flawed “one-size-fits-all” concept. LORC spent most of the following 12 meetings discussing the details of that ordinance draft:

July 30, 2019
August 20, 2019
August 29, 2019
September 18, 2019
October 30, 2019
November 18, 2019
December 10, 2019
December 17, 2019
January 14, 2020
January 23, 2020
February 12, 2020
March 10, 2020

Recently, on October 26, the staff provided LORC with the updated draft proposal that you have before you. That draft addresses details discussed at the 12 prior LORC meetings. But it still reflects the fundamentally flawed assumption that all historic districts, and all properties within historic districts, are the same.

The staff proposal, if enacted, would in one fell swoop repeal all 5 of Madison's current historic district ordinances – which have been in place for decades – and replace them with a single, monolithic, “one-size-fits-all” ordinance covering all properties in all current and future historic districts. That approach is fraught with peril.

The Alliance has offered you a common sense alternative, which would provide a clear and consistent framework for all historic district ordinances, but allow for district-specific flexibility where needed. Let me highlight a few key points:

1. The Alliance framework spells out key “preservation principles” (a term suggested by Alder Rummel) and a common set of definitions for all district ordinances. That will promote consistency and clarity across historic districts. But, unlike the staff proposal, the Alliance proposal would allow district-specific refinements as needed. The Alliance framework is also clearer than the staff proposal, particularly on the central issue of new construction in historic districts.

2. Every historic district is different: for example, Mansion Hill is very different from the Marquette Bungalows. There are also important differences *within* districts: for example, the Williamson Street commercial corridor is very different from the single-family residential portions of the Third Lake Ridge District. Each district has its own distinct preservation goals, building styles and development patterns. Historic preservation standards should reflect these differences, where necessary and appropriate. The Alliance proposal allows this. The staff proposal does not.

3. The staff proposal would in one fell swoop repeal all of Madison's current historic district ordinances, and replace them with a monolithic set of legal standards applicable to all properties in all current and future historic districts. The Alliance proposal would create a clear and consistent framework for all historic districts, but would use a district-specific process to establish final standards for each district (as contemplated by current law). That would ensure a more focused public review process.

On August 28, Jim Matson sent you “hypothetical” district-specific ordinances for all five of Madison's current historic districts, to show how the Alliance framework can work. I urge you look at them. The Alliance will be reviewing these “hypothetical” drafts at its next meeting, and will look forward to discussing them with you.

Although LORC has scheduled two meetings (January 14 and 23, 2021) to discuss our draft ordinance, I wonder if these two meetings will be sufficient to review our work, especially in light of the fact that by January 14 you will have spent most of your last 16 meetings focused on the details of the generic ordinance. We have given careful thought to our draft and would like to be able to explain it to you fully and carefully.

One final point is in order: The list of “parking lot issues” that staff included in your November 5 packet includes none of the fundamental issues noted above. At some point LORC will need to address them.

Thank you.