

MPA

MILWAUKEE
PRESERVATION
ALLIANCE

PO Box 510642

Milwaukee, WI 53203

milwaukeepreservationalliance.org

March 27, 2012

Allyson Nemec, Chair
Historic Preservation Commission
City Hall
200 E. Wells St.
Milwaukee, WI 53202

Board Members

Dawn McCarthy
President

Megan Daniels
Secretary

Geoff Grohowski
Treasurer

Ali Kopyt
Board Member

Joe Bova
Board Member

Carlen Hatala
City of
Milwaukee
Ex-officio

Genell Scheurell
National Trust
for Historic
Preservation
Ex-officio

Recent Past
Presidents
Donna Schlieman
Denise Hice
Paul Demcak

Dear Chairwomen Nemec and Members of the Historic Preservation Commission

One year ago Milwaukee Preservation Alliance, along with a number of community stakeholders sent a letter to the Mayor stating our strong support for an open and transparent review of one of Milwaukee's most important economic development tools, our historic preservation ordinance. We encouraged the review of Milwaukee's entire approach to historic preservation by a Task Force to be convened by Mayor Barrett and/or Common Council President Hines and comprised of local preservationists, developers, historic property owners, other Milwaukee residents, and government officials as well as national preservation experts.

Less than two weeks ago a summary of 12 revisions was released to the general public for the first time.

At this time MPA respectfully requests that the HPC recommend to the Common Council that such an important ordinance be more fully reviewed, clarified, and discussed and that the Common Council allow more time so that the community may arrive at some consensus towards these numerous and complex recommendations.

MPA believes the first clarification to be made is the process of how the recommendations were determined, how the work group was formed, who participated, and do the recommendations represent a consensus of the group. MPA also asks for an explanation of how each revision addresses and resolves current problems.

Ultimately our hope is that our elected representatives do not agree to vote on the revision unless the public is satisfied that the new ordinance is better than the current one.

This letter is the result of MPA's initial response to the recommendations. With more information and understanding our position on each item is open to change.

1) Fee to Nominate: Establish a \$25 fee to nominate a structure or district.

MPA does not oppose a \$25 fee but has concerns and questions. We are concerned that a fee may discourage nominations. We believe that protecting buildings, sites, and districts that are judged to be significant to the history of the City of Milwaukee is a community interest and benefit and therefore designations should not be discouraged but rather encouraged.

MPA has the following questions:

- May the fee be waived and if so under what circumstances?
- Will the fee be refunded if the nomination fails?

MPA

MILWAUKEE
PRESERVATION
ALLIANCE

PO Box 510642

Milwaukee, WI 53203

milwaukeepreservationalliance.org

- Will the \$25 fee cover costs? Because that is the stated reason for the fee we ask if the fee, to truly cover costs, will be raised and become prohibitive for historically significant buildings and neighborhoods of modest means.
- Does the fee streamline the process and make HPC more customer friendly?

2) Demolition by Neglect: Define demolition by neglect and reference section 275-32 of the code regarding standards for upkeep.

The practice of demolition by neglect is detrimental to the stability and the successful future of the City of Milwaukee. MPA welcomes and supports this addition to the ordinance.

Our concern is that Milwaukee already has a demolition by neglect ordinance.

- How is the ordinance currently being enforced?
- Has the ordinance been successful in preventing the practice of demolition by neglect?
- Does the ordinance need to be stronger, with a higher penalty, for historic districts?

3) Restrictions on who can Nominate for Historic Status: Restrict nomination of a property or district to the property owner, common council member or by petition of at least 25 city residents

MPA has not determined a position on restrictions on who can nominate. MPA questions this addition to the ordinance. Our concern is similar to our concern about establishing a fee. This recommendation seems to be a hurdle for designations and therefore contrary to the purpose of the HP ordinance.

4) Timeline Improvement: Remove the 30-day delay after initial review:

MPA can support improvement in the process. MPA believes a public hearing is important and should require notice as all other city hearings require.

5) Voice of the Owner: Require that the commission attempt to obtain a written statement of the owner's preference in the designation of a historic property. If the owner of a site or structure, or 35% or more of the owners included in the proposed district files written objections to the designation, the designation will not become effective except by the favorable vote of at least two-thirds of HPC, and if appealed, the favorable vote of at least two-thirds of the Common Council.

MPA strongly opposes:

- Decisions on whether to designate historic districts should be based on an objective determination of historical significance. The city should not delegate its historic designation authority to private residents.
- MPA takes very seriously the concerns of individual property owners within proposed historic districts. MPA understands that this recommendation is well-intended. However we believe this provision is an undemocratic and divisive approach.
- Will the designation change again and again as property owners change?
- This recommendation adds an administrative burden. The City Clerk's office is responsible to notify property owners and provide reasons for the designation and effects. This is in effect asking the City Clerk's office to form a legal opinion.
- MPA supports the concerns stated in the NTHP General Counsel letter dated March 26, 2012, including that this provision could prevent worthy resources from designation and open the door to de-designation of existing districts. There are other ways to address public participation concerns.

MPA

MILWAUKEE
PRESERVATION
ALLIANCE

PO Box 510642

Milwaukee, WI 53203

milwaukeepreservationalliance.org

6) New Construction Design Review: Require HPC to consider the DCD design review recommendations in its deliberations regarding issuance of a certificate of appropriateness for new construction.

MPA requests that this recommendation be more clearly explained and defined. MPA is unable to take a position without further explanation, review and discussion. Minimally the following should be addressed in detail:

- What constitutes a design team?
- What exactly is the process?

7) Timeline Improvement: Maximum time for delay in issuance of a demolition permit: Reduce the time HPC may defer a decision on a demolition permit from one year to 8 months.

MPA supports this recommendation as reasonable. MPA is firm that there be no less than 8 months. Often this time is an opportunity to step back and explore alternatives. Ultimately if you destroy something, you've destroyed it for all time.

8) Proof of Financing for Issuance of Demolition Permit: Allows HPC to require that an applicant for a COA to demolish a building for purpose of new development at the site provide evidence to DCD that financing is in place for the new building before the demo permit is issued.

MPA supports this recommendation as reasonable provided that there is clear definition of proof and that the financial agreement is iron clad. MPA recommends that the evidence be provided to HPC or the Common Council rather than DCD.

9) Consideration of Economic Hardship: Direct HPC to develop a procedure to consider the economic hardship to the owner caused by compliance with the COA.

MPA requests that this recommendation be more clearly explained and defined. Currently HPC has the ability to provide flexibility within the designation Guidelines and the COA. Additionally MPA submits that economic hardship is more appropriately addressed at ZND. Concerns and questions:

- How is proof of economic hardship defined?
- How is self-inflicted economic hardship defined and determined?

10) Council Ability to Consider a COA after 90 days from the date of introduction have passed: Allow the council to consider and direct issuance of any COA that has not been acted on within 90-days of introduction.

MPA requests that this recommendation be more clearly explained and defined.

- What exactly is the process?
- What will prevent the owner from contributing to the cause of the delay?
- Is there a due process issue if the COA moves from the HPC to the council, which may decide whether to grant a COA without requiring adherence to any standards?

11) De-listing of Historic Property or District: Establish a procedure for the removal of historic designation.

MPA strongly opposes for the same reasons and concerns stated in our response to #5. We also believe that the city has an obligation to the people who have maintained their historic homes. Property owners have a covenant with the city to maintain property the way that it should be and the city should have the same contract to maintain the integrity of an historic district.

12) Historic Plaque Program: Establish a plaque program for historic sites, structures, districts or points of interest.

MPA opposes. The Plaque Program is redundant of a current county program. The program

MPA

**MILWAUKEE
PRESERVATION
ALLIANCE**

PO Box 510642

Milwaukee, WI 53203

milwaukeepreservationalliance.org

does not offer improved customer service because it would be a source of confusion. This program may be used in lieu of local designation, which provides protection that the Plaque Program does not.

Ultimately MPA feels that these recommendations need more review. The City of Milwaukee ordinance has been in place with little problem or controversy for 30 years. Any changes should be analyzed for, and measured by, long-term benefit to the community and future generations.

Sincerely,



Dawn McCarthy

President

Milwaukee Preservation Alliance