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House Committee on Local Government

Testimony from Dennis J Brown

President, Lawrence Preservation Alliance (LPA)

HB2118

I am in my seventh year as LPA president, and have attended monthly meetings of our Historic Resources Commission (HRC), for eight, missing two in that time, so I have seen a lot of agenda items. Lawrence is a Certified Local Government (CLG), which allows us to do our reviews locally. I do think the "line of sight language" regarding environs could be strengthened to a "building to building" definition, as I have seen items come before HRC because the corner of a lot barely eclipses the 500' radius. But as I try to think of items coming before HRC that have been flat stopped by the process, I am struggling to remember any. There may be some delay and inconvenience, but also improvements to projects without compromising the applicant's goals do occur.

Discussion of recent major developments in Lawrence near downtown might be instructive in how the current law is working. Early in 2012 a proposed major infill on a vacant lot one block east of the center of downtown began going through historic review. Just to the west was our downtown historic district, obviously commercial. Directly to the east of the site was a residential historic district. The project was a Marriot extended stay hotel, and was drawn at 7 stories in front facing the commercial area, and 6 in the back facing the residential. The back of the building was to come directly to the edge of the alley, 60' high and only the alley's width (13'6") away from the residences' back yards. LPA analysis concluded that height and mass were acceptable for the most part as it related to the commercial district, but would encroach upon and damage the residential district.

We identified nine specific ways that this damage would occur. Other than height and mass, there were traffic pattern and life safety issues as well. We strongly addressed those in the review process. The developer worked with the HRC to make enough changes to gain approval. By May, all of LPA's issues had been favorably addressed. Although there were neighbors who wanted to stop the project entirely who were upset with us, we testified that the project, while not ideal, could no longer be said to damage the residential district. The revised project now stands shovel-ready. A few months later another, larger, apartment project one block north by the same developer won easy approval with virtually no testimony by LPA, because the residential housing nearby was further away than in the first instance.

At about the same time, LPA was contacted by the longtime owner of one of the city's most historic structures, the Turnhalle (1869), a community building originally used by this city's German-American founders. He had let the building go beyond his ability to bring it back, and was hoping LPA could buy it and determine a process of extensive rehab. Turnhalle is just one block to the east of the back edge of the proposed Marriot. We jumped at the chance to buy it, and are going through an extensive cataloguing of repairs needed to make the building functional again. We see ourselves as interim owners, and when we can resolve the structure's questions and perform emergency repairs, we plan to sell it to the right buyer who can undertake what may be a million dollar rehab. As it is zoned commercial, we hope whoever is running Turnhalle two years from now is enjoying customer visits from residents of the new hotel.

New high-rise infill, major historic rehab, and environs review is working within this microcosm near downtown Lawrence.

Environs review isn't easy, but most democratic processes aren't. If democracy is fast and easy, I would submit that someone likely is getting screwed. Environs review, though it may need adjustments, is good for Kansas.

HB2089

This bill is very problematic, and unintended consequences could really harm historic resources in Kansas. It would allow cities, or counties, to opt out of state preservation law due to economic development considerations. But under current law, the juxtaposition of development projects affecting historic resources and economic development is already covered in the feasible and prudent alternative hearing process. Usually economic factors are weighed heavily by governing bodies in those hearings.

If individual cities and counties are allowed to develop their own standards regarding projects that affect registered historic properties, what can we expect those watered-down standards to be? I hope the city of Chanute can resolve their current issues, but using this bill to solve them could cause major harm to historic resources in many other cities and towns across the state.

Then, to include in this opt-out bill that governments who opt out crying local control should still be able to access state grant pools is particularly offensive to me. If you want to opt out of state law and go your own way locally, then you should opt out of receiving state grant monies as well. Raise your money locally. I would say this for Heritage Trust Fund grants especially, but also for the State Historic Tax Credit program as well.

Sincerely
Dennis J Brown
President,