



Councilman Brandon Coan  
Metro Council District 8  
601 W. Jefferson Street  
Louisville, KY 40202

March 5, 2019

Dear Councilman Coan,

On behalf of more than 2,100 member companies of the Building Industry Association of Greater Louisville (BIA), I am writing to provide our comments on the proposed changes to the Landmarks Ordinance after our initial review of the language. We appreciate the opportunity to share our industry's feedback.

While we recognize the value that Louisville's historic structures and neighborhoods provide all of us, we agree that changes need to be made to the current Landmarks Ordinance. We have seen the "weaponization" of this ordinance happen all too often, where it is used reactively as a means to delay or stop development, which is not the intent of the ordinance. The BIA supports many of the changes proposed in this revised Landmarks Ordinance that will only improve the landmarking process. However, we remain concerned about several provisions. Below, please find our specific comments on the revised Landmarks Ordinance as currently proposed.

1. We are concerned that the draft language strikes the word "property" and replaces it with "site." The use of the word "site" is overly broad and does not allow for flexibility. The definition of "site" should be consistent with "Development Site" in the Land Development Code.
2. Economic feasibility and hardship must be addressed early on in the process of landmarking, versus after a property is designated as a landmark, as consequences of a landmark designation may be economically impractical and could halt a project in its tracks.
3. We remain concerned that if a property is designated as a local landmark and the property structure is not allowed to be torn down or altered, that the financial burden of maintenance, repairs, and upkeep falls upon a property owner who can no longer utilize the property for a new intended use.
4. We question why a "parking area" is included in the definition of an "accessory structure." Parking areas should not be designated as historic.
5. We appreciate the Commission's new definition of an "individual landmark" which attempts to set a "higher bar" for defining what falls into a historic landmark classification.
6. We question why tenants could be members of the Architectural Review Committee as they have no financial interest in the outcome of these decisions.
7. On page 11, Section 32.260 item (B), the draft ordinance would allow for a resolution to be adopted by Metro Council to initiate the landmark designation process. We believe that circumvents the citizen petition process of requiring a minimum of 200 signatures of citizens of Metro Louisville and could put significant political pressure on the Landmarks Commission. Additionally, this provision would allow a constituent a much easier pathway to initiate the designation process by not requiring the gathering of needed signatures for an appeal for

designation. We would consider supporting a Council option to study the creation of a landmark district.

8. We feel strongly that the minimum threshold of 200 signatures is far too low and believe the requirement that over 50% of the petitioners live or own property near the proposed Individual Landmark should be retained. We ask that Metro Council consider imposing a higher threshold. For example, one option that could be considered is that 50% of the required number of verified signatures and addresses should be residents or property owners within a one-mile radius surrounding the proposed individual landmark. We feel that, if the threshold is based on residents, not property owners, the threshold should be much higher, at least 500 signatures. Additionally, we suggest that the property owners' signatures be verified by the petitioner. This information is publicly available at [www.lojic.org](http://www.lojic.org).
9. We believe that the one year comment and correction period of the technical review process is too long and burdensome to the property owner. A reasonable but definite timeframe is needed so that the application does not get bogged down in the process.
10. We support the new "criteria" language that will be used when considering a landmark designation.
11. We hope that Metro Government will continue to explore ways to fund and/or incentivize the repair and stabilization of historically significant properties. For example, can METCO loans be used for repairs? Can economic incentives be offered to help with these costs, such as tax rebates or deferrals? Can a revolving fund be set up by Metro Government, with loans to be repaid upon sale or completion of a project? Once a property is designated historically significant, a huge burden falls upon the property owner to maintain it properly and avoid "demo by neglect." We believe there needs to be increased incentives to provide assistance to property owners.
12. The wording in 32.260 (F) doesn't make complete sense. This needs to be examined. Additionally, references to "site" should be removed from this section.
13. Council review should not be limited to the clearly erroneous standard. In addition, Council review should refer to criteria in 32.260 (O), not (J). Council should have the ability to review a landmark record with a freer hand, similar to the role the Council plays in development plan cases.
14. In 32.260(O), the word "area" should be removed.
15. We would encourage you to check all cross references.

Again, thank you for the opportunity to participate in this process and share our industry's views on this important issue for our city. We look forward to continuing to work together to improve our Landmarks Ordinance.

Sincerely,



Juva Barber  
Executive Vice President

cc: Councilman Kevin Kramer  
Councilwoman Keisha Dorsey  
Councilman Bill Hollander  
Councilman James Peden