

Preservation 101

for Commissions and Review Boards of Certified Local Governments

Louisville Metro Historic Landmarks
and Preservation Districts
Commission
November 15, 2018

Vicki Birenberg, AICP



Louisville Metro is a Certified Local Government



Early Preservation in the U. S.



<http://www.mountvernon.org/the-estate-gardens/the-mansion/ten-facts-about-the-mansion/>

Federal Government and Historic Preservation – Early Efforts

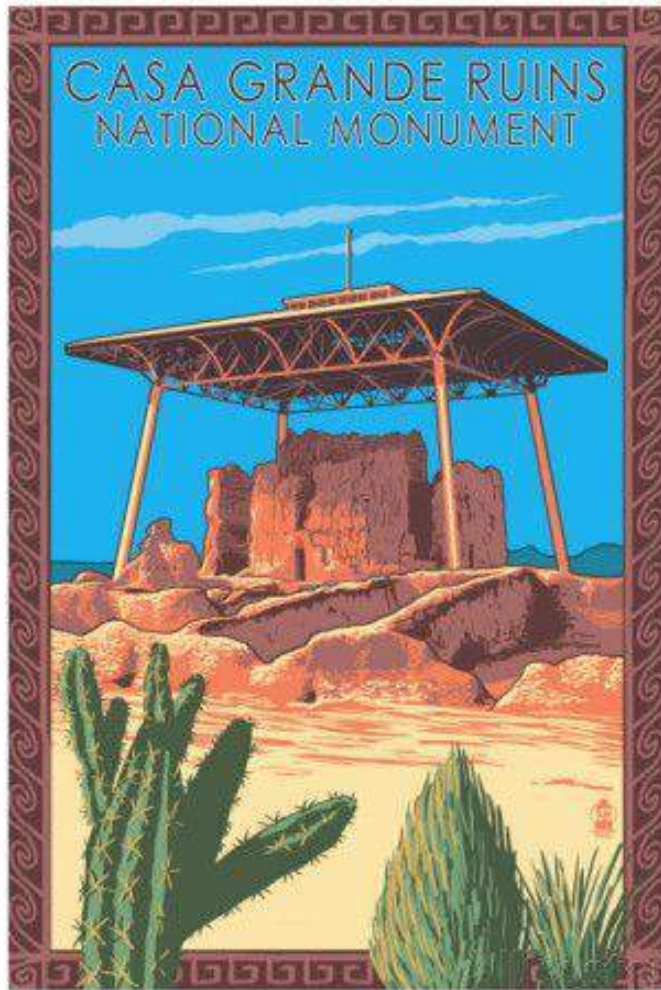


Image: Lantern Press

- Late 1800s – Natural features; Civil War battlefield sites; Native American sites in the Southwest
- Yellowstone – 1872
- Casa Grande Ruins - 1889

1906 – Antiquities Act

- Gave the President authority to designate historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest situated on federal lands



1916 – The National Park Service



- The administrative agency for national parks
- The goal was to establish an entity to handle sites too large for private protection or preservation, such as the Jamestown and Yorktown in Virginia
- Today is still the sponsoring agency for most federal preservation programs

Historic Preservation Laws at the Local Level



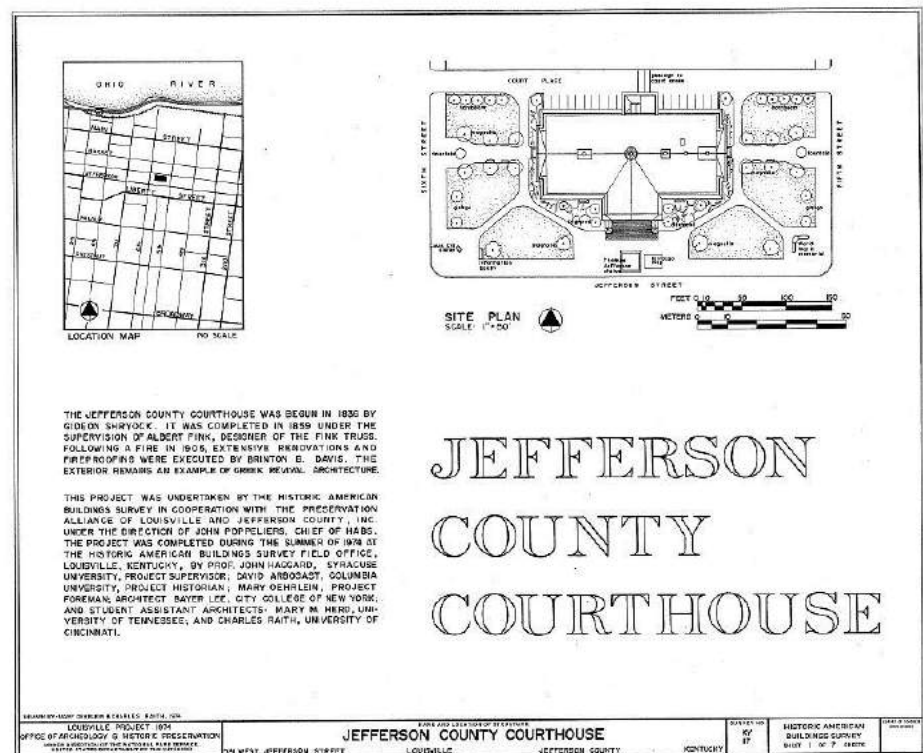
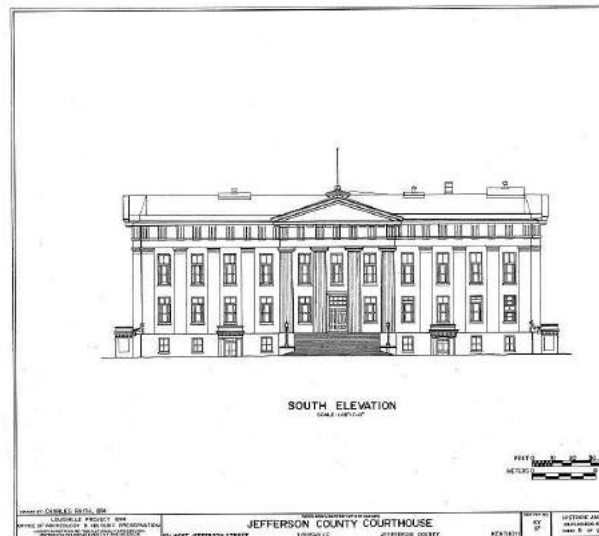
Charleston - 1931



New Orleans - 1936

Photos: <http://www.shorpy.com/digital-images>

1935 – Historic Sites Act



1949 – The National Trust for Historic Preservation



National Trust *for*
Historic Preservation
Save the past. Enrich the future.™

Mid-20th Century: The Interstate Highway System



The Santa Monica Freeway under construction at La Cienega and Venice boulevards, 1964. Courtesy of the Los Angeles Times Photographic Archive. Department of Special Collections, Charles E. Young Research Library, UCLA.

Mid-20th Century: Urban Renewal



Pruett-Igoe Apartments in St. Louis

Early 1960s – the Loss of New York City's Penn Station

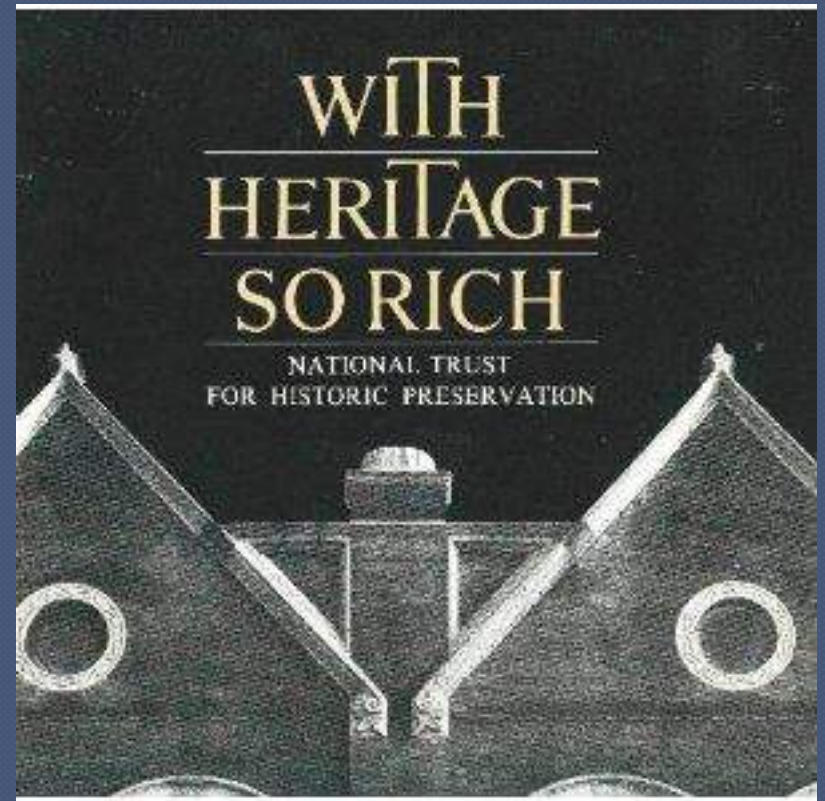


Madison Square Garden

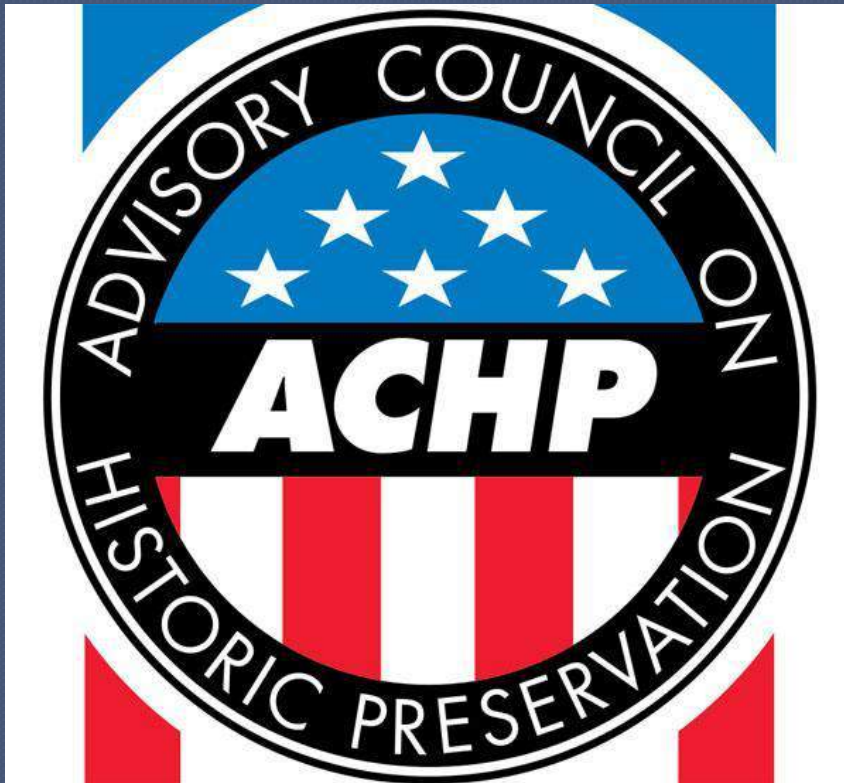


By Rich Mitchell from New York, NY - Madison Square Garden, February 2013, CC BY 2.0,
<https://commons.wikimedia.org/w/index.php?curid=45905147>

1966 – With Heritage So Rich



The National Historic Preservation Act of 1966



- National Register of Historic Places
- Advisory Council on Historic Preservation
- Section 106
- State Historic Preservation Offices
- Amendments established the Historic Preservation Fund, Certified Local Governments, Tribal Historic Preservation Officers, and federal tax incentives for historic preservation activity

Historic Preservation Organizational Framework



Each level
partners with
non-profit
preservation
advocacy
organizations
for greater
impact.

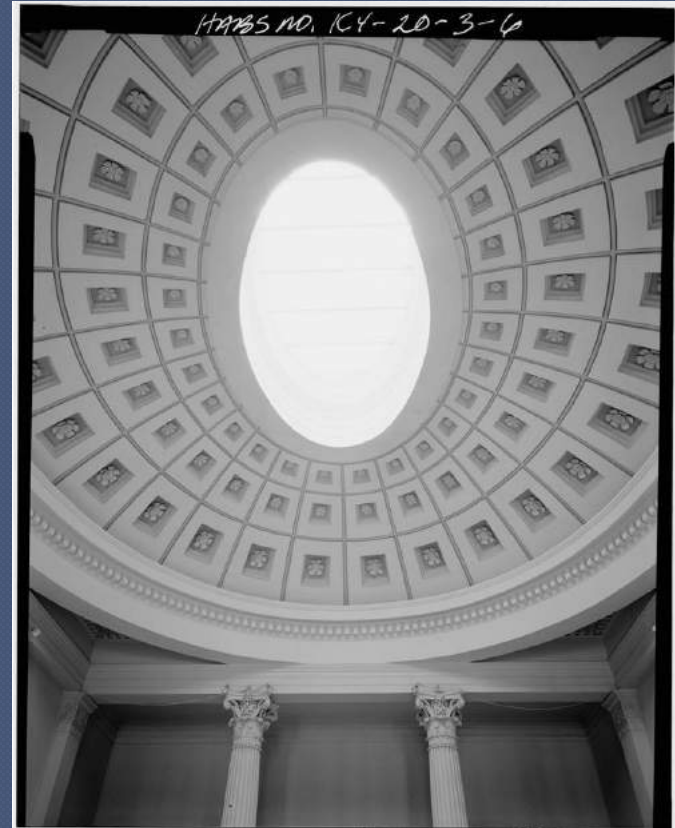
Key Points of the National Historic Preservation Act

- Historic preservation as a national policy
- Federal programs would rely on voluntary cooperation of property owners
- Encouraged the development of local preservation laws
- Recognized more than individual structures



Historic Preservation Systematic Framework

- What is the historic context?
- Identification
- Evaluation
- Designation/Registration
- Protection/Treatment



HABS/HAER: Library of Congress

Identification



- Each state must conduct a comprehensive survey and maintain an inventory of historic resources

Survey and Inventory

- 50 Years of age and older
- Records location, appearance, date of construction, style, materials, character - defining features
- Aids in planning



Prehistoric and Historic Archaeology



- Over 23,000 sites have been recorded in Kentucky
- Coordinated with the Department of Anthropology at UK and the Kentucky Archaeological Survey (KAS)

Evaluation



Photo: Nyttend

- What is the significance of the resource?

Designation/Registration



- ◉ National Register nomination process
- ◉ Local designation via the process outlined in the preservation or zoning ordinance

National Register of Historic Places

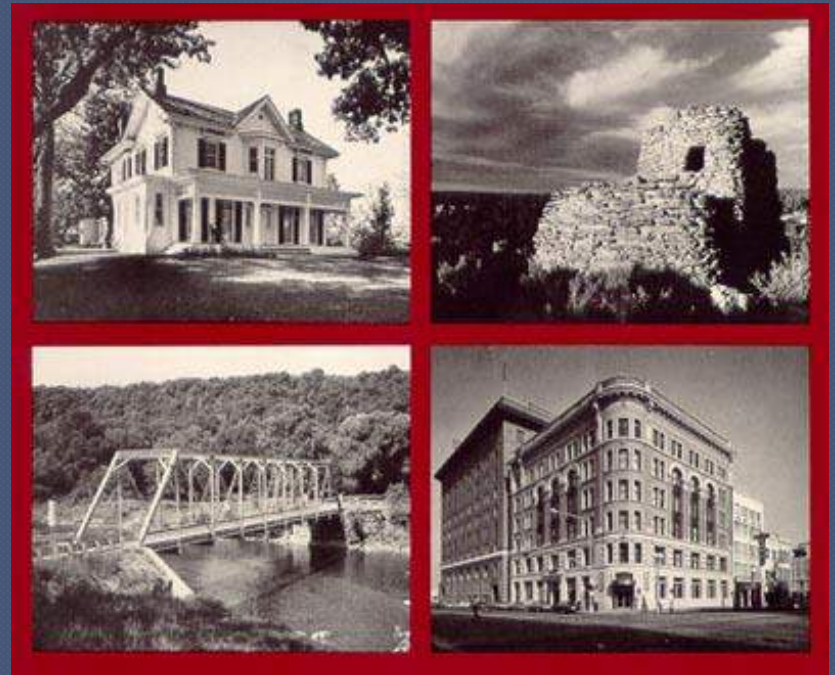
◉ It Does:



- Identify Significance
- Provide consideration for planning and review for federal projects
- Provide eligibility for grants/incentives

National Register Criteria

- Criterion A – “Event”
- Criterion B – “Person”
- Criterion C –
“Design/Construction”
- Criterion D –
“Information Potential”



National Register Designation Does Not:

- ◉ Restrict the rights of property owners
- ◉ Lead to automatic local designation
- ◉ Stop federal, state, or private projects
- ◉ Provide for review of state, local or private projects
- ◉ Guarantee the availability of grant funds



Photo: TEDD LiGGETT

Protection/Treatment

- Federal/State – Section 106 Review Tax Credit Reviews
- Local – COA process/design review for designated landmarks and historic districts.



Photo: Censusdata

Kentucky Planning and Zoning Statutes

- ◉ KRS 100.127 (3)
 - The establishment of historic district review boards
- ◉ KRS 100.183 (5)
 - Inclusion of historic preservation in the Comprehensive Plan
- ◉ KRS 100.201 (1), (2)
 - Land use regulation may be employed to protect historic districts
- ◉ KRS 100.203 (1) e
 - Urban –county governments may regulate historic districts



Photo: W. Marsh

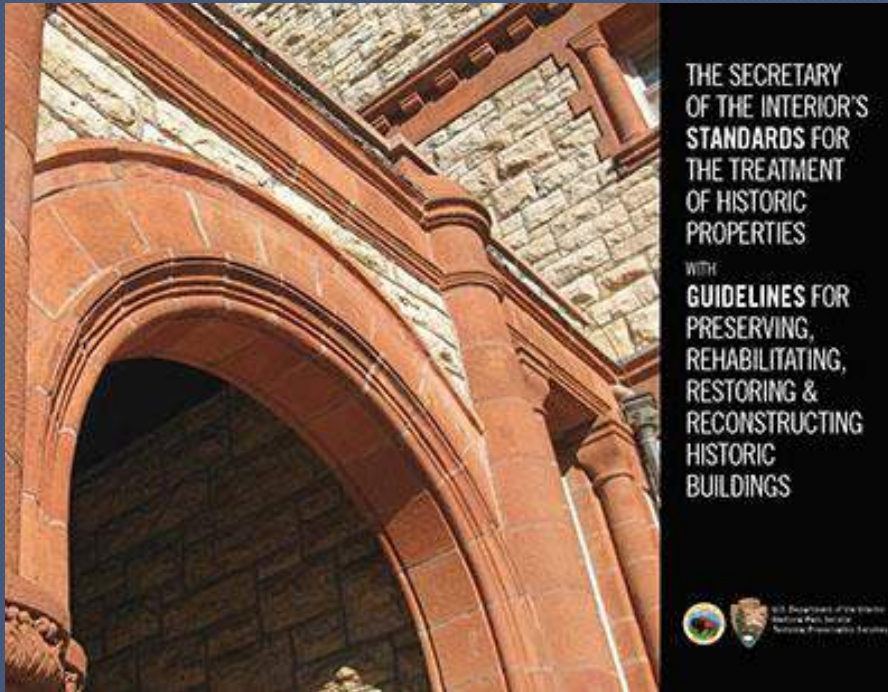
Kentucky Enabling Legislation for Local Protection of Historic Resources



Photo: Nyttend

- **KRS 82.026**
Allows the establishment of local preservation commissions
- **KRS 82.660-82.670**
 - Allows the creation of overlay districts for preservation or conservation
- **KRS 67.083**
 - Allows counties to enact historic preservation ordinances/regulations

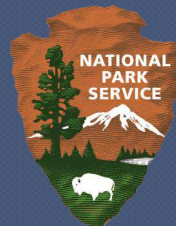
Secretary of the Interior's Standards for the Treatment of Historic Properties



Four Treatments:

- Preservation
- Rehabilitation
- Restoration
- Reconstruction

The Standards for Rehabilitation are the most widely used.





Federal/State Historic Preservation Incentives



The federal credit has leveraged nearly \$90 Billion in private investment to preserve and re-use over 43,000 historic properties since 1976.



Federal/State Historic Preservation Incentives



Louisville Cotton Mills





Federal/State Historic Preservation Incentives

Germantown Mill Lofts





Federal/State Historic Preservation Incentives



Bradford Mills





Federal/State Historic Preservation Incentives



Bradford Mills Lofts



Federal/State Historic Preservation Incentives



Report indicates
Kentucky's historic tax
credits will more than pay
for themselves

By STEVE KAUFMAN | August 11, 2016 6:00
am



K. Norman Berry Associates Architects



Photos: Weyland Ventures



W. Marsh

Historic Preservation Planning

A Map Made of Memory

Kentucky's State
Historic Preservation
Plan
2017-2021



Historic Preservation Planning

COMMUNITY FORM

GOAL 4 Promote and preserve the historic and archaeological resources that contribute to our authenticity.

Objectives

- a. Historic resources are inventoried and evaluated.
- b. Revitalization is supported within historic neighborhoods.
- c. Adaptive reuse of historic structures is promoted and incentivized.



Loebel House

Policies

Land Use & Development

1. Preserve buildings, sites, districts and landscapes that are recognized as having historic or architectural value and ensure that new land uses are compatible in height, massing, scale, architecture style and placement when located within the impact area of such resources.
2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.
3. Encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.

Programmatic

4. Develop a comprehensive program of financial and regulatory incentives to support preservation and rehabilitation of historic resources.
5. Survey and inventory historic and cultural resources to identify priority survey areas. Regularly evaluate and amend local ordinances, including the Landmarks Ordinance, and programs, as needed, to enhance protection of historic and cultural resources and ensure a clear, equitable, efficient and balanced process.

6. Promote Federal and State legislation that provides incentives and support for the rehabilitation and reuse of historic properties. Develop marketing and education materials to promote the value of historic preservation and to provide guidance on the available tools for the redevelopment of historic resources.
7. Develop standards and regulations for Special Districts to preserve sites that have designated natural and historic features and resources that are important to the community and ensure that new land uses do not have a negative impact when located next to such areas. Special Districts have previously been designated for the Floyd's Fork Corridor, the Jefferson Memorial

Forest and the Ohio River Corridor. Consider additional Special Districts for other areas of community wide importance including historic properties, areas supporting the Louisville International Airport, the Jefferson Riverport and others. Establish, through a public process, standards for development that are specific to each area. Encourage techniques such as clustering, buffers, building height limits and setback requirements to protect the special features and scenic character of these areas.

8. Set local standards to ensure compliance with current State and federal statutes and regulations to protect against destruction of or encroachment upon significant archaeological sites.



Community Form | 53

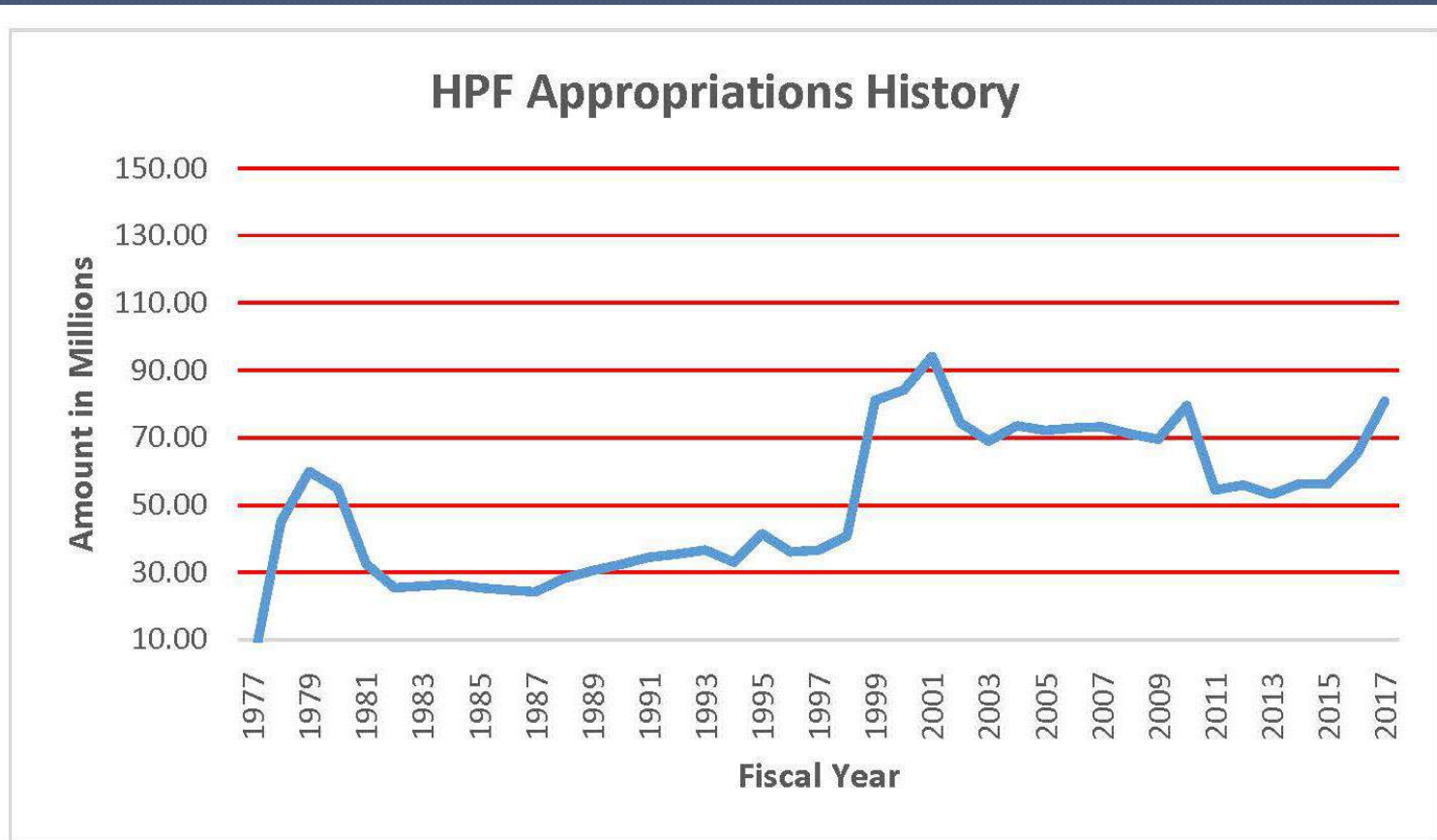
The NHPA established the Federal Historic Preservation Fund



Photo: Andrew Schmidt

- Funded with OCS revenue
- States receive an annual “block grant”, and must provide a 40% match
- An apportionment formula determines state allocations

HPF Appropriations to the States



*Excludes \$128 million in supplemental funding that was appropriated over the years for natural disaster relief and job creation.

Certified Local Government Program

- Enforce appropriate legislation
- Establish a qualified commission
- Establish and maintain an ongoing survey
- Formal role in National Register process
- Public Education and Outreach
- Periodic Evaluation

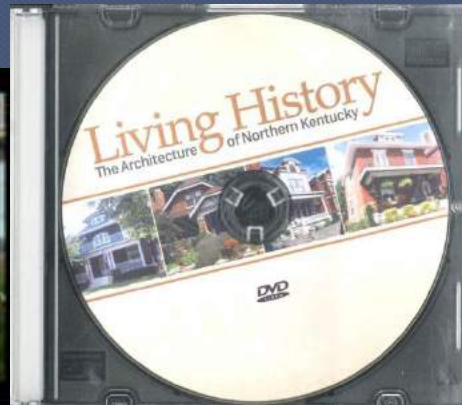


Photo: Censusdata

CLG Benefits



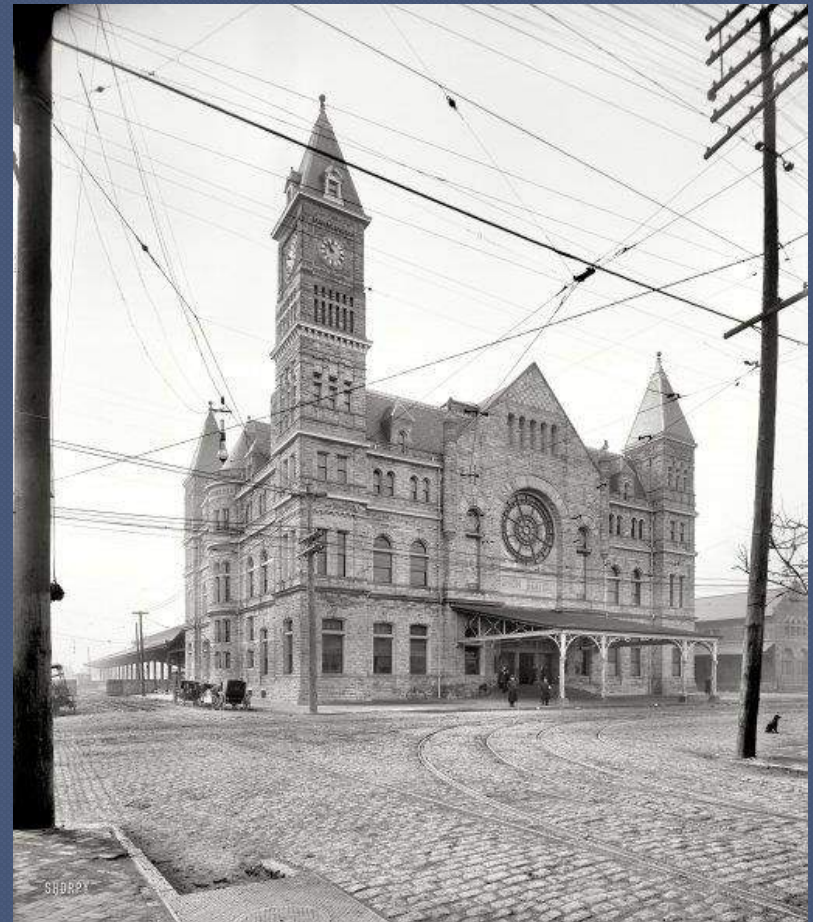
Close relationship with KHC, who provides support, assistance, and technical expertise for all local preservation issues.



CLGs in good standing may compete for small matching grants to complete preservation projects and initiatives in their communities.

Recommendations for an Effective Local Historic Preservation Program

- Comprehensive plan element for Historic Preservation
- Local preservation plan
- Include Minimum Maintenance language in your ordinance
- Ongoing Public Education
- Develop a user-friendly, informational website (make sure you tell the public you are a CLG!)
- Develop an annual work plan
- Partner with other organizations to achieve your objectives
- Develop local preservation incentives
- Celebrate Historic Preservation Month in May – Awards, etc.



Photos: <http://www.shorpy.com/digital-images>

The Important Role of Staff



- Can help educate and assist historic property owners on an ongoing basis.
- Can streamline processes and provide staff approvals for projects that meet the design guidelines.
- Can expand the use of the Federal/State Historic Rehab Tax Credits.
- Can focus on preservation planning and “fitting” preservation holistically into overall land-use planning goals and objectives, including disaster planning.
- Can conduct and update historic resources surveys and assist with the potential development of new overlay zones.
- Will have the expertise to develop staff reports to assist the ARCs with design review.
- Can help collaborate with other local history and preservation organizations.
- Will help ensure that Louisville Metro is meeting all of its CLG responsibilities.

Recommendations for Effective Historic Preservation Commission Meetings

- Have Chairman begin meetings with a reading of the Purpose and Intent of ordinance
- Show up prepared!
- Establish the significance of the property as part of the Findings of Fact
- Develop your motions with careful language and reference the design guidelines – no personal opinions!
- Move/vote to establish Findings of Fact before moving to approve or deny the COA
- Avoid all Ex-parte communication; unavoidable communication must be entered into the record
- Keep a careful, detailed and accurate record of each application and hearing
- Thank the public for their participation



ARCs: Decision-Making Mechanics



Considerations:

Significance

Integrity

Key features

Context

Sensitivity to Change

Nature of Proposal

Cumulative Effect

Design Guidelines

Join the National Alliance of Preservation Commissions!



Questions?



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Council

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