

14:21:10

OCA PAD INITIATION - PROJECT HEADER INFORMATION

09/22/87

Active

Project #: D-48-807  
Center #: T5154-OA0

Cost share #:  
Center shr #:

Rev #: 0  
OCA file #:  
Work type : RES  
Document : CONT  
Contract entity: GTRC

Contract #: CONT DTD 870909  
Prime #: 1B02L22P0801QB1A0

Mod #:

Subprojects ? : N  
Main project #:

Project unit: ARCH CO Unit code: 02.010.164  
Project director(s): ELLIOTT M L P ARCH CO

Sponsor/division names: ATLANTA PRESERVATION / ATLANTA, GA  
Sponsor/division codes: 500 / 079

Award period: 870701 to <sup>4/30/98</sup> ~~880331~~ (performance) 880530 (reports)

Sponsor amount	New this change	Total to date
Contract value		23,450.00
Funded	0	23,450.00
Cost sharing amount		

Does subcontracting plan apply ? : N

Title: USING CONSENSUS BUILDING TECHNIQUES TO ASSIST IN DEV OF HISTORIC...

PROJECT ADMINISTRATION DATA

OCA contact: Ina R. Lashley 894-4820

Sponsor technical contact

Sponsor issuing office

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EILEEN B SEGREST, EX  
(404)522-4345  
THE ATLANTA PRESERVATION CENTER, INC  
84 PEACHTREE ST., N.W., SUITE 401  
ATLANTA, GA 30303



Security class (U,C,S,TS): U  
Defense priority rating: NA  
Equipment title vests with Sponsor  
NONE PROPOSED

ONR resident rep. is ACO (Y/N): N  
NA supplemental sheet  
GIT

Administrative comments -

ACTUAL PERFORMANCE PERIOD SUBJECT TO FINAL APPROVAL OF PRIME SPONSOR.  
SEE BUDGET FOR SPECIAL SCHEDULE OF PAYMENTS. THIS IS A FIXED PRICE CONTRACT.

SPONSORED PROJECT TERMINATION/CLOSEOUT SHEET

Date 9/16/88

Project No. D-48-807/T5154-OAO School/Lab Arch.

Includes Subproject No. (s) N/A

Project Director(s) M. L. P. Elliott GTRC/GKK

Sponsor Atlanta Preservation Center

Title Using Concensus Building Techniques to Assist in Dev. of Historic

Effective Completion Date: 6/30/88 (Performance) 8/14/88 (Reports)

Grant/Contract Closeout Actions Remaining:

- None
- Final Invoice or Copy of Last Invoice Serving as Final
- Release and Assignment
- Final Report of Inventions and/or Subcontract:  
Patent and Subcontract Questionnaire sent to Project Director
- Govt. Property Inventory & Related Certificate
- Classified Material Certificate
- Other \_\_\_\_\_

Continues Project No. \_\_\_\_\_ Continued by Project No. \_\_\_\_\_

COPIES TO:

Project Director  
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 Contract Support Division

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~~Library~~  
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PROGRESS REPORT

Atlanta Historic Preservation Project

1. Report Period: July 1 through September 15, 1987

2. Estimate of Percent Completed: 15%

3. Description of Significant Activities:

During this period, the project was initiated. Contractual activities were completed with the signing of the contract between the Atlanta Preservation Center and the Georgia Institute of Technology on September 10, 1987.

Project activities commenced in July with the mediation team conducting interviews with the Mayor, five members of the City Council, and members of the Atlanta business and preservation communities. Subsequently, over thirty community leaders have been interviewed as part of the process leading up to the first consensus-building meeting.

The pre-negotiation process has focused on defining the major issues, identifying the major stakeholders, formulating the consensus-building process, establishing liaison with and among various constituencies, and planning for the first meeting. Currently, the first meeting is scheduled for September 30, 1987. Pre-negotiation activities require a significant effort and form the foundation for the remainder of the project.

4. Invoice Amount: An invoice for \$5000 will be submitted separately.

PROGRESS REPORT - November 1987

Atlanta Historic Preservation Project

1. Report Period: September 16 through October 31, 1987

2. Estimate of Percent Completed: 25%

3. Description of Significant Activities:

During this period, the first two meetings of the Policy Steering Committee were held.

The first meeting was held on September 30, 1987 at the Atlanta Ritz-Carlton Hotel. The meeting was attended by fifteen of the seventeen members of the Committee. The other two members, who had unavoidable out-of-town conflicts, were contacted beforehand to discuss the agenda and their expectations of the project. A list of the Policy Steering Committee members is attached. Observers of the meeting represented the Atlanta Historic Preservation Task Force, the Mayor's office, the National Trust for Historic Preservation and the press. The first meeting accomplished two objectives. A statement of the major issues emanating from pre-negotiation interviews was summarized and presented for the response of Committee members. Secondly, each member had an opportunity to discuss their viewpoints and major objectives for the negotiation process.

The second meeting was held on October 29, 1987 at the Marquis 1 Tower Executive Conference Center. This meeting was attended by fifteen members of the Committee. Observers included representatives of the Atlanta Historic Preservation Task Force, the State Historic Preservation Office, the Georgia Trust for Historic Preservation, the National Trust for Historic Preservation, the Mayor's office, the City Attorney's office, the Atlanta Planning Advisory Board and the press. The meeting was divided into two sessions. The first hour included presentations by Gail Timmis, Executive Director of the Urban Design Commission, and Tom Weyandt, Commissioner of the Community Development Department. Their presentations included an assessment of the existing ordinances and policies related to historic preservation and community development. Mr. Robert Freilich, distinguished professor of law at the University of Missouri and a national expert in preservation, land use

and growth management law, led the second session. He made a presentation on the current state of preservation law, addressing the issues of property rights, takings and compensation alternatives. He also discussed options available to developing communities for balancing development with preservation and some of the tools to achieve this objective. He will produce a paper which discusses these issues in greater detail as part of his agreement to be a part of the negotiation process.

4. Invoice Amount: The contract calls for 25 percent of the total contract to be paid upon receipt of a November 1 invoice. As an invoice was previously submitted for \$5000, a total of \$863 represents the remaining portion of the first 25 percent. That amount will be invoiced under separate cover.
5. Future Activities: The next two meetings are scheduled for December 2, 1987 and January 7, 1988. Mr. Richard Roddewig will make a presentation concerning economic issues, including incentives and compensation, at the December 2 meeting. Plans for the January 7 meeting will be finalized based on the activities of the next meeting.
6. Modifications to Previous Report(s): The first Progress Report dated September 15 indicated percentage of work complete to be 15 percent. The actual percentage complete should have been listed as 21 percent.

Submitted to:

Eileen Segrest  
Atlanta Preservation Center  
401 The Flatiron Building  
84 Peachtree Street NW  
Atlanta, GA 30303

Constance Beaumont  
National Trust for Historic  
Preservation  
1785 Massachusetts Ave. NW  
Washington, D.C. 20036

William Kennedy  
City of Atlanta  
Bureau of Planning, Suite 1003  
68 Mitchell Street  
Atlanta, GA 30335

## PROGRESS REPORT - JANUARY 1988

### Atlanta Historic Preservation Project

1. Report Period: November 1 through December 31, 1987
2. Estimate of Percent Completed: 50%
3. Description of Significant Activities:

During this period, the third meeting of the Policy Steering Committee was held.

The meeting was held at the Georgia Railroad Depot on December 2, 1987. Fifteen of the seventeen members of the steering committee attended. Mr. Richard Roddewig, an expert on the economics of historic preservation, led a discussion of various incentives that can be used to compensate owners who are unfairly burdened by historic properties, counter economic forces against preservation and provide a process for the systematic restoration of historic buildings:

Additionally, the mediation team is working with steering committee members to forge an interim development review process. This process would be followed when demolition requests for historic properties are filed by developers with the City. The details of such a review process should be worked out, if possible, during January.
4. Invoice Amount: The contract calls for 25 percent of the total contract amount to be paid upon receipt of a January 1 invoice for the period defined above. The invoice, for \$5863, will be sent under separate cover. Invoices totaling \$5863 have been previously submitted, representing 25 percent of the contract completed through October 31, 1987.
5. Future Activities: The next three meetings are scheduled for January 7, January 27 and February 16, 1988. Mr. Frederick Williamson, the State Historic Preservation Officer of Rhode Island, will be leading a discussion at the January 7 meeting concerning National Register criteria and designation of historic structures. Plans for subsequent meetings will be finalized based on the activities of the next meeting.

6. Modifications to Previous Report(s): None

Submitted to:

Eileen Segrest  
Atlanta Preservation Center  
401 The Flatiron Building  
84 Peachtree Street NW  
Atlanta, GA 30303

Constance Beaumont  
National Trust for Historic  
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1785 Massachusetts Ave. NW  
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PROGRESS REPORT - MARCH 1988

Atlanta Historic Preservation Project

1. Report Period: January 1 through February 29, 1987

2. Estimate of Percent Completed: 75%

3. Description of Significant Activities:

During this period, the fourth, fifth and sixth meetings of the Policy Steering Committee were held.

The fourth meeting was held at the offices of Central Atlanta Progress on January 7. Eleven members of the steering committee attended on a day of inclement weather. Mr. Frederick Williamson, the State Historic Preservation Officer of Rhode Island, made a presentation and led a discussion concerning National Register criteria and designation of historic structures. Tom Weyandt provided an update of the initiative to provide incentives for historic housing within housing enterprise zones in Atlanta. Greg Paxton of the Georgia Trust for Historic Preservation and Randy Roark, a faculty member of the College of Architecture at Georgia Tech, also made brief presentations on the current state of preservation in Atlanta.

The fifth meeting was held January 27 at the Atlanta Historical Society. Eleven members of the policy steering committee were in attendance. The primary focus of the meeting was the structure and content of the historic preservation program for Atlanta. This meeting represented a significant transition from the factfinding orientation which characterized the first four meetings to actually discussing the specific components of a comprehensive historic preservation plan. Areas of consensus and areas of disagreement were identified and discussed.

The sixth meeting was held on February 16 at the High Museum of Art. Based on the request emanating from the fourth meeting that more information be provided on the developers perspective relative to historic preservation, Warren Snipes, Vice President of Portman associates, made a presentation on the economic considerations of rehabilitating the Farlinger Building in Atlanta. The Farlinger Building is a National Register Property under

development pressure. Upon completion of Mr. Snipes presentation, a model presenting the technical and political decisions involved with a landmark ordinance was presented for discussion. Three task groups were established for more detailed examination of three aspects of the comprehensive program: identification, nomination and designation of historic properties; economic incentives; and administration of the program.

4. Invoice Amount: The contract calls for 25 percent of the total contract amount to be paid upon receipt of a March 1 invoice for the period defined above. The invoice, for \$5863, will be sent under separate cover. Invoices totaling \$11,726 have been previously submitted, representing 50 percent of the contract completed through December 31, 1987.
5. Future Activities: The seventh and eighth meetings are scheduled for March 4 and March 31, 1988. While the last scheduled meeting is March 31, it is anticipated that at least one more meeting of the steering committee will be needed.
6. Modifications to Previous Report(s): None

Submitted to:

Eileen Segrest  
Atlanta Preservation Center  
401 The Flatiron Building  
84 Peachtree Street NW  
Atlanta, GA 30303

Constance Beaumont  
National Trust for Historic  
Preservation  
1785 Massachusetts Ave. NW  
Washington, D.C. 20036

William Kennedy  
City of Atlanta  
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68 Mitchell Street  
Atlanta, GA 30335

D-10-2-1

ATLANTA COMPREHENSIVE HISTORIC PRESERVATION PROGRAM

Established by the  
Historic Preservation Policy Steering Committee

August 8, 1988

Prepared with the Assistance of the

Southeast Negotiation Network  
Georgia Institute of Technology

and

Institute for Environmental Negotiation  
University of Virginia

Atlanta Historic Preservation Program

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## I. EXECUTIVE SUMMARY

In the Spring of 1986, several historic structures were demolished in Atlanta, controversy developed over a proposal to designate additional historic sites and districts, and newspapers publicized the confrontations between developers, preservationists, and city government officials. In Atlanta's booming development climate, these confrontations seemed likely to continue.

Instead of allowing this climate to prevail, government, business, and preservation leaders decided that a more effective historic preservation program was needed. Furthermore, these community leaders chose the use of mediated negotiation to develop this important public policy. In September 1987 the Atlanta Historic Preservation Policy Steering Committee was convened to develop a comprehensive historic preservation program through negotiation. Mayor Andrew Young, several members of the Atlanta City Council, the Commissioner of Community Development, the Executive Directors of Central Atlanta Progress and the Atlanta Preservation Center, and other civic, business and government leaders served on the Steering Committee.

In their early sessions, Steering Committee members were joined by experts from around the country who offered their perspectives on preservation law, the economics of preservation, and the way various other cities are making preservation decisions. During the course of the process, the participants came to acknowledge certain fundamental principles that relate directly to development of the comprehensive historic preservation program:

- o the protection of historic districts and landmarks is a constitutionally authorized public purpose even at some cost and inconvenience to affected parties
- o to be effective, historic preservation programs need to be integrated with community planning and zoning decisions
- o consistency with criteria used for designation of historic buildings at the national level is desirable.

#### Key Points of Agreement

After nine months of often intense face-to-face negotiations, Steering Committee members reached agreement on ways to protect historic resources and integrate historic preservation into downtown planning that will have far reaching consequences for the future development of the City. Specifically, members were able to agree on:

- o the goals and objectives for historic preservation in Atlanta
- o the process that should be used to designate particular historic properties and districts for regulatory protection
- o mechanisms for dealing with the economic issues associated with preservation, including rehabilitation incentives, compensation and determinations of economic hardship
- o ways to integrate preservation programs with ongoing downtown planning and development decisions.

## GOALS

It is the consensus of the Steering Committee that historic preservation has an important role to play in making Atlanta a distinctive and vital international city. The Candler, Hurt and Atlanta Life Insurance Buildings represent decades of corporate leadership. The Martin Luther King-Sweet Auburn District captures the spirit of the civil rights movement and the emergence of the new south. Generations of Atlantans have made their homes in the historic neighborhoods located throughout the City. Preserving these properties, which are "uniquely Atlanta" builds community pride and makes Atlanta a special place for its citizens, businesses, and visitors.

In the view of the Steering Committee, the goals of Atlanta's historic preservation program should be:

- o to preserve and maintain sites and structures that serve as significant, visible reminders of the City's social and architectural history
- o to contribute to the economic development and vitality of the City
- o to preserve the character and livability of Atlanta's neighborhoods and strengthen civic pride through neighborhood conservation
- o to integrate historic preservation more fully into Atlanta's Comprehensive Planning process.

## PROCESS

One of the fundamental purposes of the negotiations was to agree upon a process for identifying and designating historic resources that would have the confidence and support of the entire community. That purpose has been achieved.

The essential elements of the process on which agreement has been reached include:

- o use of criteria established by the National Register of Historic Places to identify the inventory of historic resources in Atlanta
- o five categories of protection and administrative review to which sites and districts can be nominated, including a new landmark category
- o evaluations prepared by the Urban Design Commission and the Department of Community Development, with input from property owners, and neighborhood, business and civic organizations
- o designation decisions made by City Council and the Mayor
- o criteria for determining the appropriateness of requests by property owners to demolish or alter designated properties
- o a special review panel of qualified experts to decide cases where owners of designated historic properties assert economic hardship as well as guidelines to assist this panel in its determinations
- o a list of income-producing buildings and districts located in the downtown and midtown business district to be proposed for nomination to specified categories during the first

round of nominations, with the understanding that other buildings and districts throughout the City will also be considered for nomination either simultaneously or subsequently

- o an interim control ordinance that protects these first round buildings as well as the existing stock of Urban Conservation Sites until July 1, 1989.

The process endorsed by the Steering Committee is one that is firmly grounded in the guidelines established for historic preservation by the National Historic Preservation Act of 1966. It also includes features which are unique to Atlanta. Using the nationally accepted criteria to identify historic resources ensures consistency between Atlanta's program and those found elsewhere around the country. Once resources are identified, however, it is up to the community to decide which ones should be protected and to what extent. Before a particular building or district is designated, simultaneous evaluations are conducted by the Urban Design Commission and the Department of Community Development.

Historic buildings and areas have merit in their own right, and also serve City goals and policies related to housing, retail mix, and attractive streetscapes. One can also expect, however, that at times preservation will find itself in direct conflict with the City's goals and policies for a particular area. It is important to have opportunities within the designation process to weigh those conflicting public costs and benefits and the dual evaluation process by the Urban Design Commission and the Department of Community Development with a final decision by the Council and Mayor allows for this.

## INCENTIVES AND INSTITUTIONAL SUPPORT

An effective preservation program requires a combination of regulations and incentives. It is not enough just to put limits on the demolition of historic structures, steps must also be taken to actively encourage rehabilitation and re-use of these structures. A range of financial incentives available to help "close the gap" on historic rehabilitation projects which cannot otherwise be profitable is necessary. Specifically, the Steering Committee recommends the City adopt:

- o a tax abatement program allowing for a freeze on taxes for any income-producing building designated as a landmark or a contributing building in a landmark district for ten-years from the point of designation
- o a tax abatement program allowing for the abatement of taxes on the increased value resulting from rehabilitation of income-producing buildings designated as a landmark or a contributory building in a landmark district (similar to the formula for tax abatements used in housing enterprise zones)
- o a revolving loan fund for historic rehabilitations to be financed through public and private contributions with efforts to encourage banks to provide loans for rehabilitating historic properties
- o a program for seeking out endangered buildings and taking steps to encourage their preservation and rehabilitation, including offering financial incentives.

In addition, the City should encourage eligible corporations to take advantage of tax credits available for certified historic rehabilitation projects. The combination of more traditional financial incentives with a corporate investment and endangered buildings programs would make Atlanta's incentive package one of the most innovative of the country.

#### INTEGRATION WITH EXISTING PROGRAMS

Negotiations about historic preservation in Atlanta are not taking place in a vacuum and, in fact, great emphasis is placed on integrating the values of historic preservation into the City's planning and zoning strategies. Negotiations have specifically addressed concerns about retail activities, housing and animated streets in the central business districts, and maintaining the character, ambience and livability of Atlanta's historic neighborhoods.

Considerable time was spent during the negotiations to identify existing City programs that should be strengthened or expanded to encourage preservation. Specific recommendations included:

- o expanding the use of preservation easements
- o use of the revitalization program for neighborhood commercial areas to combine neighborhood preservation and revitalization
- o review of code enforcement procedures to be certain they reinforce preservation goals
- o assign new building inspectors to preservation related

inspection.

In adopting a process and an approach which integrates preservation into broader City goals and objectives, Atlanta will put itself in the vanguard of downtown planning in this country. What cities like Atlanta, Boston, and San Francisco are now recognizing is that to achieve the kind of mix, vitality and character desired in downtown areas, policies and decision processes must be established that allow growth and change without destroying the identity and fabric of their city.

\* \* \* \* \*

The Historic Preservation Policy Steering Committee believes Atlanta needs a comprehensive approach to historic preservation. A program for identifying and designating historic properties, and incentives encouraging historic preservation are essential to the success of the program. Further, other public actions in the areas of planning, zoning, and urban design should be carefully coordinated with the City's historic preservation goals and program.

Once a comprehensive preservation program is in place, the City must improve the "marketing" of its historic properties and districts. The City, Central Atlanta Progress and the Atlanta Preservation Center should work together with other civic organizations to develop ways to feature these resources, seek potential clients to lease or purchase renovated historic structures, and make it easier for visitors to find and appreciate these attractions.

A successful preservation program requires more than the identification and protection of historic resources. The contribution of these buildings and districts to the attractiveness and economic vitality of the City of Atlanta must be recognized by community leaders.

The Historic Preservation Policy Steering Committee, as represented by the undersigned, believes the comprehensive historic preservation program developed through consensus building and summarized above will put Atlanta in the forefront of preservation policies and initiatives in the country, and encourages the City to adopt and initiate the program as quickly as possible.

*[Handwritten signatures and scribbles on lined paper]*

## II. OVERVIEW OF PROGRAM DEVELOPMENT PROCESS

In the fall of 1985, the Urban Design Commission sensed the need for a comprehensive historic preservation program for the City of Atlanta. In the spring of 1986, the need for a more systematic and consistent approach to dealing with historic preservation issues was highlighted by controversies concerning demolition permit requests for three apartment buildings proposed for historic designation. Events associated with the demolition of these buildings resulted in several legislative initiatives by City Council. Clearly, many parties felt existing guidelines for dealing with such issues were inadequate.

Realizing that the issues and opinions held were of a broad and complex nature, the three major interest groups convened a Task Force to consider how to resolve the differences. The three groups were the City, downtown property owners and developers, and preservation advocates. After considering the options, the use of mediated negotiations was selected as the preferred means of trying to resolve the issues. Consensus building among the three primary interest groups was viewed as the best approach to developing a lasting and politically acceptable agreement.

A mediation team comprised of the Southeast Negotiation Network (Georgia Institute of Technology) and the Institute for Environmental Negotiation (University of Virginia) was selected to design and facilitate the process. The mediation team commenced work in June 1987 with a series of interviews and factfinding activities. A seventeen member Policy Steering Committee was then established to deal with the task of developing, if possible, a comprehensive historic preservation program for the City which addressed the fundamental concerns of each of the three major interest groups. The Committee was composed of the Mayor, four members of City Council, Commissioner of Community Development and Chairman of the Urban Design Commission representing the viewpoints of city government, and five members each representing the downtown property owners and preservation advocates, including Central Atlanta Progress and Atlanta Preservation Center.

The first meeting of the Steering Committee was held in September 1987. The negotiation phase ended with the tenth meeting of the Committee in June 1988. During the course of these ten meetings, numerous meetings of task groups focusing on specific issues and caucuses of the major interest groups were convened. In addition, technical consultants were commissioned to assist the Committee on issues such as legal and economic considerations. Section XII lists the contributions of these consultants.

Many difficult issues were encountered during the course of the negotiations. The four major areas of discussion centered around the

process and implications of designating historic properties to receive protection, economic incentives associated with being designated as a historic property, issues concerning conditions for demolition of designated properties, and linkages with city planning and development programs. Chief among these issues was how to deal with the issue of potential economic hardship incurred by a property owner as a result of designation as a landmark.

At the last meeting of the Steering Committee, members signed the Executive Summary (Section I) outlining the principle agreements reached through consensus building. Also the Mayor signed an Administrative Order to restrict the demolition of specified properties for 45 days to allow the City Council adequate time to consider an interim development control ordinance. On August 1, 1988 the City Council adopted the Ordinance (Section XI) which provides the guidelines for protecting specified historic properties for the time necessary to consider fully and act on the comprehensive program. The Ordinance is in effect until July 1, 1989.

The results of the efforts of the Steering Committee and its technical advisors are described herein. These include the proposed components of the comprehensive program, the interim development control ordinance passed by City Council and the downtown/midtown income-producing properties to which the nomination process will first be applied. All resulted from the consensus building process conducted during the past year. The results of the process represent much hard work and at times grueling negotiations on complex issues with few precedents for guidance. The outcome of these efforts puts Atlanta at the forefront of attempts to balance the issues of growth and preservation. With adoption by City Council, this program will help assure the preservation of Atlanta's remaining historic resources while not stifling the City's economic growth.

### III. GOALS AND OBJECTIVES

It is the consensus of the Historic Preservation Steering Committee that historic preservation has an important role to play in making Atlanta a unique and vital city. The Candler, Hurt and Atlanta Life Insurance Buildings remind us of decades of corporate leadership. Generations of Atlantans have made their homes in the historic neighborhoods we prize. The Martin Luther King-Sweet Auburn District captures the spirit of the civil rights movement and the emergence of the new south. Preserving these things which are "uniquely Atlanta" builds community pride and makes Atlanta a special place for its citizens, businesses, and visitors. Historic preservation is an important area of public policy which Atlanta needs to address more comprehensively than it has in the past.

It is furthermore the consensus of the Historic Preservation Steering Committee that the City of Atlanta would be best served through development and implementation of a Comprehensive Historic

Preservation Program. The program developed by the Committee extends Atlanta's tradition of promoting the city's vitality through new development, while at the same time conserving historic resources that make an irreplaceable contribution to the liveability and quality of Atlanta. The program clarifies the city's intention to maintain and conserve its historically significant landmarks and districts, defines the interrelationship between this conservation goal and Atlanta's other development and planning policies, and outlines a comprehensive set of programs and policies that will govern historic preservation in the city of Atlanta.

In the view of the Steering Committee, the goals of Atlanta's historic preservation program should be:

- To preserve and maintain sites and structures that serve as significant visible reminders of the city's social and architectural history
- To contribute to the economic development and vitality of the City
- To preserve the character and livability of Atlanta's neighborhoods and strengthen civic pride through neighborhood conservation
- To integrate historic preservation more fully into Atlanta's city planning system.

The Steering Committee believes these goals can best be implemented through a comprehensive program that incorporates several elements. The City needs a program for identifying and designating historic landmarks and districts that has the confidence of the entire community. Also needed are a tax abatement program, an Endangered Buildings Program, a preservation revolving loan fund and other incentives to encourage the upkeep and rehabilitation of designated historic properties determined to be in the public interest to preserve. Finally, the City needs to be sure that the City's historic preservation goals and program are carefully coordinated with other public actions in the areas of planning, zoning, and urban design.

Once it has a comprehensive preservation program in place, Atlanta needs to do a better job of "marketing" its designated historic properties and districts. The City, the Chamber of Commerce, and the Atlanta Preservation Center should work together to develop ways to feature these resources, seek potential clients to lease or purchase renovated historic structures, and make it easier for visitors to find and appreciate these attractions. A successful preservation program requires more than the identification and protection of our historic resources. We must maximize the contribution these buildings and districts make to the attractiveness and economic vitality of the City of Atlanta.

In keeping with these basic goals and perspectives, the Historic Preservation Steering Committee recommends that the Comprehensive Historic Preservation Program consist of the following six elements:

- a process for identifying, nominating and designating historic properties and districts;
- categories of historic properties with particular regulations governing renovations or demolition of designated properties;
- availability of incentives and other benefits to historic properties and districts designated to each category;
- information, marketing and other programs to support preservation efforts;
- a system for integrating historic preservation into comprehensive planning; and
- an implementation plan which deals explicitly with changes required in the administrative structure for historic preservation, resource issues and transition issues.

If adopted, the Steering Committee believes this program would create a dynamic and workable historic preservation system for the city of Atlanta.

#### IV. IDENTIFICATION, NOMINATION AND DESIGNATION OF HISTORIC PROPERTIES

The following process shall be established to identify, nominate and designate historic properties and districts to specific categories of protection.

1. The Urban Design Commission (UDC) will develop an inventory of historic properties which are eligible to be listed on the National Register of Historic Places and therefore qualify to be nominated for designation.
2. Historic places on the inventory are eligible for nomination to one of five categories described in Section III. The nomination process is initiated by the UDC. The UDC then conducts a preliminary analysis of the proposed nomination. If the UDC decides to proceed with the nomination based on this analysis, the UDC and the Department of Community Development (in conjunction with other city agencies and input from neighborhood, civic and business organizations) will conduct an extensive evaluation of the proposed nomination. The decision to nominate rests with UDC, while the Department of Community Development provides an independent evaluation of the impact of the nomination on other City development policies.

3. The Atlanta City Council is responsible for assessing the nominations put forth by UDC and designating historic properties and districts into particular categories of protection. The zoning committee of Council will receive the nominations and evaluations of the UDC as well as the recommendations of the Department of Community Development. After appropriate committee review and public hearings, the full City Council will designate such properties and districts as it deems appropriate. City Council will designate properties to Landmark or Historic status and districts to Historic or Conservation status by amending a list of buildings or districts associated with each category of historic properties and districts. City Council shall designate districts to Landmark status by means of legislation which specifies the regulations and incentive programs that may be uniquely applied to the particular district.

#### A. Identification of Historic Resources

##### 1. Identification Process

The Urban Design Commission is responsible for identifying the inventory of historic properties in Atlanta that are National Register eligible. The Urban Design Commission staff will research the property(ies) to assess its qualifications. This work is accomplished in conjunction with staff from the State Historic Preservation Section, who must certify that a property meets the criteria for eligibility to the National Register of Historic Places. An ad hoc panel of independent experts and neighborhood and business representatives, constituted by the Urban Design Commission, will review survey and evaluation information and provide comment. The Urban Design Commission will then act on recommendations and identify those structures and districts which are considered to meet the identification criteria. These will be added to the City's inventory of historic properties.

Inclusion of a property on the inventory does not confer local protection or make available local economic incentives as described in the Comprehensive Historic Preservation Program, nor does it have any other legal standing. Qualification for protection and incentive programs requires further steps of nomination and designation.

Currently, surveys and evaluations are conducted every five years to update the identified inventory of historic structures for Atlanta. The capacity should be developed to initiate the identification process on an ongoing basis.

##### 2. Criteria for Identifying Historic Structures

National Register criteria are used to identify buildings or

districts within the City of Atlanta that have historic, architectural or cultural significance. These criteria require that properties be at least fifty years old and maintain integrity of character and style. National Register criteria specifically state that: "The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- a) are associated with events that have made a significant contribution to the broad patterns of our history; or,
- b) are associated with the lives of persons significant in our past; or,
- c) embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or,
- d) have yielded, or may be likely to yield, information important in prehistory or history."

#### B. Nomination Process

Any property or district which has been identified as meeting the eligibility criteria for the National Register of Historic Places may be nominated for inclusion in a historic preservation category. Nominations specify the category of protection to which the property(ies) would be designated and provide a technical evaluation of the nomination. The results of the evaluation are presented to the City Council at the time a formal nomination is made.

##### 1. Initiating the Process

The Urban Design Commission is responsible for nominating historic properties and districts to the City Council. The process of nominating a property for designation to a category of protection may be initiated by the property owner, the Urban Design Commission, a member of the City Council or the Department of Community Development. The Urban Design Commission may informally evaluate the technical merits of any proposal for nomination before initiating the nomination review process. Upon a decision by the Urban Design Commission to proceed with a nomination for a particular property or district, the Urban Design Commission will notify both the owner(s) of the property(ies) and the Department of Community Development as to the decision to proceed. This action initiates the nomination review process.

## 2. Interim Protection for Properties Being Nominated

Once a property has passed initial screening and UDC has notified the property owner(s) and the Department of Community Development of its intent to nominate, the property shall immediately have the protection afforded the category to which it is to be nominated. The period of this protection will not exceed 120 days. The 120 day period allows 45 days for evaluations by the UDC, with the remaining 75 days allowed for City Council deliberations, public involvement and action on proposed designations.

If a property owner believes designation will create an economic hardship, this should be identified during the course of nomination evaluations so the endangered buildings program can be utilized and the impact of economic or other incentives evaluated. If the property is nonetheless designated, the property owner can file for economic hardship with the UDC to be heard by the Economic Review Panel described in Section VII.

## 3. Evaluating the Proposed Nomination

The nomination review process consists of two parallel evaluations: one by the Urban Design Commission and another by the Department of Community Development. The Urban Design Commission's evaluation shall focus on the historical merit of the nomination. In evaluating historic merit, the Urban Design Commission staff shall document consistency with National Register criteria as well as any additional historical criteria (if any) specified for nomination to a particular category. Staff of the Urban Design Commission and Bureau of Planning shall further evaluate the urban design impacts of the proposed nomination.

The Department of Community Development's evaluation shall focus on broader planning, development and economic issues, involving other city agencies as appropriate. The review shall evaluate a proposed property or district for consistency with city goals and policies. In particular, the Department of Community Development, in conjunction with the Department of Finance and other appropriate agencies, shall evaluate the proposal for:

- consistency with the Comprehensive Development Plan (Bureau of Planning);
- impact on transportation, city planning and development goals (Bureau of Planning, Parks, etc.);
- the potential impacts of tax abatements and other financial incentives on the property owner, based on need, and the City (Department of Finance).

Linkage with the Endangered Buildings Program will be made for those properties in need of assistance or other support.

#### 4. Participation in the Nomination Process

Upon initiation of the nomination process, the property owner will be notified by UDC. The Department of Community Development will coordinate input from affected Neighborhood Planning Units and the appropriate civic and business organizations. These organizations shall be provided an opportunity to develop their own recommendation, which can be transmitted directly to City Council as well as UDC and the Department of Community Development.

In the case of individual properties, the Urban Design Commission will provide an opportunity for direct comment by the owner(s) of the property. At the discretion of the owner, comments by owner(s) may also be included in the evaluations submitted to City Council.

In the case of a district nomination, property owners of buildings within districts shall be notified before their property is forwarded for designation, including an explanation of afforded protection and available economic incentives.

#### 5. Submittal to City Council

A nomination may be initiated at any time through the UDC. Designations by City Council, however, will occur on a quarterly basis. Nominations are submitted to City Council by the Urban Design Commission. At least thirty days prior to submittal to City Council, the UDC must notify the property owner(s) and the Department of Community Development of its intent to nominate. Evaluations by the Department of Community Development, including those of affected neighborhood, civic and business organizations, are submitted independently to City Council.

City Council shall have 75 days to conduct public hearings, complete its deliberations concerning the requested nomination and act on the designation request. If approved, the property immediately has all the protections associated with the category to which it has been designated. The incentives afforded that category, if any, may also be available to the property owner. If a designation is not approved before the 120 interim control period expires or if City Council disapproves the nomination, the interim protection is terminated. As applies for disapproved re-zoning cases, a two-year waiting period shall be required for a building can be re-nominated for designation to the same category from which it was disapproved.

#### C. Designation Process

Nominations, along with the technical review of the Urban Design Commission, the evaluation of the Department of Community Development and the comments of the NPU, the owner(s) and other appropriate

groups, will be submitted to the City Council for designation. The City Council shall consider nominations for designation on a quarterly basis.

All nominations shall be submitted to the Zoning Committee of City Council for review. Although not all designations actions will require a zoning decision, many shall. Since Council may act to change the original designation classification from one requiring zoning to one not requiring zoning, and vice versa, this recommendation coordinates all activity in one Committee. Administering the program as such also improves coordination of public involvement.

The Zoning Committee may act on the nomination as submitted or may alter the proposed category for designation based on the nomination evaluations and supporting information. If altered, the reason(s) for modifying UDC's recommendation shall be noted. After review, the nomination will be forwarded to the Zoning Review Board. The Zoning Review Board shall hold public hearings and make recommendations back to the Zoning Committee of City Council.

## V. CATEGORIES AND PROTECTION OF HISTORIC PROPERTIES AND DISTRICTS

### A. Overview of Categories

Note: This section is, in part, the subject of a technical paper received after the final meeting of the Steering Committee. The paper shall provide more complete descriptions of how categories differ and the standards by which they can be determined. The new material will be incorporated during the Implementation Phase and made consistent with the intent of the Steering Committee.

Currently, five categories of designation have been proposed. For individual properties, designation could be made to either Landmark or Conservation Site status. For districts, designation could be made to one of three classifications: Landmark District, Historic District and Conservation District. Districts are geographically definable areas possessing a significant concentration of buildings and sites united historically by past events or aesthetically by planning or architectural character and which meet the conditions specified for each category.

### B. Landmark Sites

Landmarks are individual buildings, structures or sites of high historical, cultural or architectural significance and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Atlanta.

All properties designated as Landmarks are protected from inappropriate alteration and demolition unless specific hardship conditions -- public health and safety, or the inability to achieve a reasonable economic return -- are documented.

The designation of a building or site to landmark status shall apply to all exterior facades visible from the public right-of-way unless otherwise specified. Designation shall apply to interior spaces only when such spaces are designed or intended to be accessible to the public, contribute significantly to the architecture or historical value of the building, and are specifically identified, nominated and designated during the review process.

For all designated exteriors and interiors, demolitions and alterations shall require a certificate of appropriateness. This certificate will be issued by the Urban Design Commission. Decisions of the Urban Design Commission are appealable to the Superior Court.

Incentives will be conferred as described in the section on incentives.

### C. Historic Sites

Historic Sites are individual buildings or sites that contribute to the historic, architectural or cultural character of the community and whose demolition would constitute an important loss to the quality and character of Atlanta.

Certificates of appropriateness are not required for alterations or demolitions of Historic Sites. However, the Urban Design Commission may review all applications to demolish or significantly alter buildings designated as Historic Sites. Before issuance of permits, the applicant must submit plans and information as required to obtain a permit. All information required shall be filed with both the Director of the Bureau of Buildings with the application for the demolition permit, and the UDC. The UDC shall have 45 days following receipt of a full set of information to provide review and comments. All comments shall be transmitted to the applicant. The UDC shall act to assist the property owner to maintain the integrity of the property.

To demolish an Historic Site, a foundation permit must be obtained to indicate the imminent construction of a new building on the site. The applicant may obtain a Conditional Permit at the time of initial application. This Conditional Permit will become valid as soon as foundation permits for the new building have been issued.

#### D. Landmark Districts

**Note:** The following sections describing district regulations will be refined by the technical paper on standards and design review guidelines.

A Landmark District is a geographic district that

- consists of buildings and sites that individually are of landmark-status quality, as well as of buildings and sites that, while not of such historical, cultural or architectural significance as to be designated landmarks, nevertheless contribute to the overall visual setting of or characteristics of the overall district;
- has maintained a very high degree of integrity and has few intrusions which detract from the district's historical significance; and
- as a unified district, is of high historical, cultural or architectural significance in which the demolition, destruction or alteration of buildings, accessory structures and sites, as well as new construction that is inconsistent with the character of the district, would constitute an irreplaceable loss to the quality and character of Atlanta.

Designation to a Landmark District confers special zoning protection within the boundaries of the district. Consistent with the 1981 Atlanta Zoning Ordinance creating Historic and Cultural Conservation Districts, each Landmark District will have its own individual ordinance with specific zoning regulations, which include design and review standards. The regulations will be tailored to the specific requirements of each district, and will be developed during the nomination process and enacted at the point of designation. The Urban Design Commission has the authority to review and act on variances of district regulations.

General standards governing the determination of economic hardship and the issuance of certificates of appropriateness for demolition are described in the section on Certificate of Appropriateness. Standards for issuance of certificate of appropriateness for alterations will be consistent with those established for landmarks, except in as much as specific regulations developed for the district provide an alternative standard.

Transition zones may be designated in areas adjacent to these districts to ensure that zoning and development decisions are consistent with the scale and character of the district, but these zones must be nominated by the Urban Design Commission and designated by City Council.

Economic incentives may be made available to income-producing properties as discussed in the section on incentives.

#### E. Historic Districts

An Historic District is a geographic area that

- consists of buildings and sites that individually contribute significantly to the historic, architectural or cultural character of the community, as well as of buildings and sites that, while not individually of such historical, cultural or architectural significance, nevertheless contribute to the overall visual setting of or characteristics of the overall district;
- has maintained a reasonably high degree of integrity and has relatively few intrusions which detract from the district's historical significance; and
- as a unified district, is of high historical, cultural or architectural significance in which (1) demolition or destruction of contributory buildings, (2) major inappropriate alteration of contributory or non-contributory buildings and (3) new construction that is inconsistent with the character of the district, would constitute an irreplaceable loss to the quality and character of Atlanta

Designation to an Historic District confers overlay zoning protection within the boundaries of the district. The Urban Design Commission shall specify all contributory and non-contributory buildings at the time of nomination. Regulations and design review guidelines for Historic Districts will be uniformly applied to all such districts:

- a certificate of appropriateness for demolitions of all contributory buildings shall be required.
- a certificate of appropriateness for all major alterations of both contributory and non-contributory buildings shall be required. The general standards for issuance of a certificate of appropriateness for alterations, renovations and restorations would apply. The Urban Design Commission may also develop general design standards to further specify the appropriateness of alterations.
- a certificate of appropriateness for all new construction shall be required. In general, new construction should be consistent with the character of the district. Visual compatibility with existing structures and sites should be maintained.

Transition zones may be designated in areas adjacent to these districts to ensure that zoning and development decisions are consistent with the scale and character of the district, but these zones must be nominated by the Urban Design Commission and designated by City Council.

#### F. Conservation Districts

A Conservation District is a geographic area that consists of buildings and sites that contribute to the historic, architectural or cultural character of the community, or which may contribute if the integrity of style and character is maintained, but which contains a relatively high percentage of intrusions and hence lacks the integrity of a landmark or historic district.

No special zoning is conferred on these districts. Certificates of appropriateness are not required for activities related to Conservation Districts. The Urban Design Commission may review requests for all major alterations, demolitions and new construction in Conservation Districts. Review of the Urban Design Commission or its staff shall be based on information normally required by the Bureau of Buildings to issue a permit.

All information required for review shall be filed with both the Director of the Bureau of Buildings with the application for the demolition permit, and the UDC. The Urban Design Commission or its staff shall provide its review comments within 15 working days of receipt of the information. All recommendations and comments shall be transmitted directly to the applicant.

#### G. Designation-Eligible Historic Properties

The inventory of historic properties potentially eligible for the National Register will be catalogued with the Bureau of Buildings. The Bureau of Buildings will notify the Urban Design Commission upon receipt of permit requests for major external alteration or demolition of properties on the City's historic inventory. If the property owner wishes, the UDC shall review plans and provide comments to the applicant.

### **VI. CERTIFICATES OF APPROPRIATENESS FOR DEMOLITIONS AND ALTERATIONS**

#### A. Certificate of Appropriateness for Demolitions

For a designated Landmark, a building or structure in a Landmark District or a contributory building in a Historic District, a certificate of appropriateness must be issued by the Urban Design Commission before a demolition permit is issued by the Bureau of

Buildings. The applicant for the demolition permit shall provide the information required by the Urban Design Commission for its deliberations. This information shall be filed with the Director of the Bureau of Buildings in the application for the demolition permit and with the Urban Design Commission. The Commission must take action within 60 days of receipt of a completed application in which all necessary information is attached. The Urban Design Commission shall make the final determination concerning the request for demolition. Appeals of these decision will be made to the Superior Court.

A certificate of appropriateness for demolitions shall be issued by the Urban Design Commission to (1) alleviate a threat to public health and safety or (2) rectify a condition of unreasonable economic return:

1. To prove the existence of a **threat to public health and safety**, the applicant must demonstrate
  - through independent analyses and supporting information that a major and imminent threat to public safety problem exists. Alternatives for rectifying the problem must be presented and analyzed. The Bureau of Buildings shall evaluate evidence submitted by the applicant concerning the nature and imminence of the threat to public health and safety. And
  - that the costs associated with rectifying the threat to public health and safety would create a condition whereby the investments in the project are incapable of earning a reasonable economic return, as described in Section V, Determining Unreasonable Economic Return.
2. To prove the existence of a **condition of unreasonable economic return**, the applicant must demonstrate to an Economic Review Panel (as described in Section VII, Unreasonable Economic Return).
  - that the property is incapable of earning a reasonable economic return and that alternatives other than demolition do not alleviate this condition, and
  - that the owner seeks
    - to construct with reasonable promptness a new building as demonstrated through conditional approval of a foundation permit or
    - to terminate operation of a building that is operating at a sustained loss and for which the Urban Design Commission cannot generate a plan to stem the loss without demolishing the building.

After certification by the Urban Design Commission that the conditions described in either (1) or (2) have been met, the Urban Design Commission may, within 90 days, prepare a plan under which the landmark:

- is preserved in a manner to effectuate the purposes of the ordinance, and
- is capable of providing a reasonable economic return to the property owner(s). The plan may include complete or partial tax abatements, tax credits, authority for alteration or construction not inconsistent with the purposes of the ordinance and other actions allowable by law. The Endangered Properties Program described in Section VI-C is specifically designed to assist in development of these plans.

This plan will be reviewed by the Economic Review Panel to determine if the plan is capable of providing a reasonable economic return. If the Urban Design Commission does not produce a plan within 90 days, the Commission must issue a certificate of appropriateness for demolition. If the Urban Design Commission develops a plan which is judged by the Panel as capable of earning a reasonable return, the Urban Design Commission may deny the certificate of appropriateness for demolition.

If a plan is developed, but the plan is deemed by the Economic Review Panel as incapable of earning a reasonable return, the Urban Design Commission may, within 30 days, recommend to the Mayor that the city or a willing private buyer acquire a specified appropriate protective interest, including obtaining title or easements in the structure or parcel involved. If, within an additional 15 days, the City does not initiate eminent domain proceedings to obtain ownership of the appropriate protective interest and neither the City nor a private buyer has made a firm offer to enter into a contract with the owner to acquire such interest, the Urban Design Commission must issue a certificate of appropriateness for demolition. The Urban Design Commission must also issue a certificate of appropriateness if an offer is forthcoming but is not equal to or greater than the fair market value of the property immediately prior to designation adjusted for inflation between the time of designation and the time of application for a demolition permit.

The owner may reject any offer for purchase. However, the Urban Design Commission may deny a certificate of appropriateness if the owner rejects an offer which is equal to or greater than the fair market value of the property immediately prior to designation adjusted for inflation between the time of designation and the time of application for a demolition permit.

## B. Certificate of Appropriateness for Alteration

**Note:** The following are the standards used in the San Antonio ordinance. This section may be refined based on the paper by Nore' Winter.

In considering whether to recommend approval or disapproval of an application for a permit to alter, restore, rehabilitate, or add to a building, object, site or structure designated an historic landmark or located in an historic district, the Urban Design Commission shall be guided by the following general standards:

1. Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
2. The distinguishing original qualities or character of a building, structure, object, or site and its environment, shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
4. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible.
5. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
6. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
7. Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

A certificate of appropriateness for alterations shall be issued by the Urban Design Commission to alleviate a threat to public health and safety or to rectify a condition of economic infeasibility, as described in the section on Certificate of Appropriateness for Demolitions.

## VII. UNREASONABLE ECONOMIC RETURN

### A. Objectives of Unreasonable Economic Return Provision

This ordinance seeks to provide adequate protection for historic properties which the community deems worthy of lasting protection. The ordinance therefore requires a certificate appropriateness for demolition or alteration of Landmarks, buildings in Landmark Districts and contributory buildings in Historic Districts. It is recognized, however, that under some conditions preservation of historic properties provides an unreasonable economic return for which property owners should be granted relief.

The objective of this section is to provide guidance concerning the conditions under which a property owner who claims an unreasonable economic return should be granted permission to demolish a designated historic property, to alter a designated historic property in a manner inappropriate to historic preservation, or to be granted other forms of relief. The objectives of this determination should be:

- to sustain the viability of the historic preservation ordinance as a vehicle for protecting historic structures designated by City Council as worthy of lasting protection and
- to maintain fairness to property owners who cannot obtain a reasonable economic return from the property as a consequence of this preservation

### B. Process for Evaluating the Reasonableness of Economic Return

A property owner may apply to the Urban Design Commission for a certificate of appropriateness for demolition or alterations under conditions where the owner can demonstrate that the historic property is incapable of earning a reasonable economic return in the absence of such demolition or alteration. Evidence that an historic structure is incapable of earning a reasonable return shall be evaluated by an Economic Review Panel comprised of three redevelopment experts. The Panel will consist of one person selected by the Urban Design Commission, one person selected by the applicant and one person selected by the first two appointees. If the first two appointees cannot agree on a third person within 30 days of the initial application to the Urban Design Commission, the third appointee shall be selected by the Commissioner of the Department of Community

Development. Appointees must be real estate and redevelopment experts knowledgeable in real estate economics in general and more specifically in the economics of renovation, redevelopment and other aspects of rehabilitation.

After the Panel has completed its deliberations on the demolition request, the finding will be forwarded to the UDC for their action. If the Panel finds no economic hardship exists, the UDC may deny issuance of the Certificate of Appropriateness. The property owner, however, may appeal this decision to Superior Court. If the Panel finds that an economic hardship exists, the UDC may (1) engage in preparing a plan to save the building (as currently outlined in the program), (2) issue the Certificate of Appropriateness or (3) override the Panel by a supermajority vote (three-quarters majority of a quorum) and deny issuance of the Certificate of Appropriateness. The property owner can appeal the latter decision to Superior Court.

The use of the override is restricted to situations where the UDC can document that the Panel's finding "was based on an erroneous finding of a material fact, or that they acted in an arbitrary manner." If the UDC overrides the decision of the Economic Review Panel, they must document the information and conclusions on which the decision is based.

### C. Evidence of Unreasonable Economic Return

To demonstrate that an historic property is incapable of earning a reasonable economic return, an applicant shall submit to the Urban Design Commission and to the Economic Review Panel evidence relevant to the following issues:

1. The applicant's knowledge of the landmark designation at the time of acquisition, or whether the property was designated subsequent to acquisition.
2. The current level of economic return on the property as considered in relation to the following:
  - a. the amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased.
  - b. the annual gross and net income (if any) from the property for the previous three years; itemized operating and maintenance expenses for the previous three years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
  - c. remaining balance on any mortgage or other financing secured by the property and annual debt-service, if any, during the prior three years.

- d. real estate taxes for the previous four years and assessed value of the property according to the two most recent assessed valuations.
  - e. all appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
  - f. the fair market value of the property immediately prior to its designation and the fair market value of the property (in its protected status as a designated historic structure) at the time the application is filed.
  - g. form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or both.
  - h. any state or federal income tax returns on or relating to the property for the past two years.
3. Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years, including testimony and relevant documents regarding:
  - a. any real estate broker or firm engaged to sell or lease the property.
  - b. reasonableness of the price or rent sought by the applicant.
  - c. any advertisements placed for the sale or rent of the property.
4. The infeasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:
  - a. a report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
  - b. estimate of the cost of the proposed construction, alteration, demolition, or removal, and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the Urban Design Commission concerning the appropriateness of proposed alterations.
  - c. estimated market value of the property in the current condition; after completion of the proposed construction, alteration, demolition, or removal; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
  - d. in case of a proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
5. Economic incentives available to the applicant through federal, state, city or privately run programs.

The Urban Design Commission and the Owner may submit to the Economic Review Panel such additional evidence as they deem worthy of consideration.

## VIII. INCENTIVES AND OTHER PROGRAMS TO SUPPORT PRESERVATION

Regulatory protection alone is not sufficient to promote preservation. Programs that actively encourage the rehabilitation and re-use of historic structures, provide compensation when necessary and communicate the historic preservation objectives of the City are also needed. Four approaches are proposed to achieve these objectives: economic incentives; a revolving loan fund; notification and endangered properties programs; and a preservation marketing program.

### A. Economic Incentives

Economic incentives are designed to encourage owners and developers of historic structures to preserve and/or restore those buildings by making such activities economically viable and to compensate owners of historic structures that are unfairly burdened by regulations that prevent alteration or demolition. A series of incentives targeted for specific purposes is proposed.

Two major issues require consideration. One is the issue of what incentives the City is willing and able to provide either by itself or in conjunction with a program such as a revolving loan fund. The other issue relates to when an incentive would be available; at the time of being designated or at that the time of needed rehabilitation.

#### 1. Types of Incentives

##### a. Tax Abatements

Tax abatements are designed primarily to encourage property owners to preserve or restore significant historic properties. The steering committee has already initiated action to make tax abatements available for income producing historic residences in housing enterprise zones. In addition, tax abatements are suggested for income producing properties designated as Landmarks, or Historic Sites and for income producing properties in Landmark Districts and Historic Districts that are undergoing substantial renovation. The abatement shall apply to the entire value of the property and shall be in effect for a ten-year period, as currently exists for housing enterprise zones. Maintenance will be required, and City building codes enforced over the period of the abatement. Properties in Historic Sites and Historic Districts which apply for and accept a tax abatement would need to enter into a covenant to protect the historic property. Guidelines shall be developed for recapturing the total amount of the abatement if the property is subsequently demolished. It is further recommended that initiatives be taken to obtain school and county tax

freezes as well.

Another form of tax abatement available for properties undergoing substantial renovation would be a tax assessment freeze. This form of abatement would freeze the assessed value of a property at its value prior to the restoration for a fixed period of time. A second option is to base the tax assessment of an historic property on its actual historically protected use rather than on the value of the land if converted to an alternate use. A third option relates to the easement donation program. Since an easement restricts the use of the building, and, therefore, its value compared to allowable development, state law provides for an assessment freeze for buildings linked to the easement donation program.

#### b. Tax Credits

Federal tax credits can be realized by developers directly involved with a preservation projects and by equity investors. In the first case, tax credits based on rehabilitation costs can be used to improve the pro forma associated with restoration or renovation of historic property and, thereby, improve the economic viability of a particular preservation project. In the second case, investors can receive tax credits for investments in specific preservation projects. Under the new tax law, investment tax credits are most useful to profit-making corporations.

#### c. Mortgage Guarantees

The primary objective of such a program is to support the acquisition or restoration of historic properties by reducing associated costs. Two methods have been used successfully. First, increased public awareness about the cultural and economic benefits of preservation might provide an inducement for banks to commit to financing a fund made available to historic preservation projects. Second, the City could establish a mortgage guarantee program to enhance the willingness of commercial lenders to support historic preservation projects, and cut the cost of credit enhancement for rehabilitation developers.

#### d. Donation of Easements

The donation of easements on building facades currently can be used as a tax donation. If the City enacts a freeze in the tax assessment, as described under tax abatements, this program would contain added incentives and could be promoted as such to increase its usefulness.

### 2. Availability of Incentives

Incentives shall be available to property owners both at the time of designation and when the need is identified for major rehabilitation of a historic property.

a. Incentives Provided Upon Designation

At the time of designation, all tax-bearing properties categorized as Landmarks will be provided a freeze on the assessed value of the property used for tax purposes. This freeze will be in effect for ten-years from the time of designation. The provision of this incentive is dependent on legislation, perhaps the proposed constitutional amendment, which creates the capability to assess property at lower than highest and best use allowable by zoning.

b. Incentives Provided for Rehabilitation

All other incentives except the donations of easements (which can occur at any time) discussed in the previous section - tax abatements, tax credits, mortgage insurance - would apply only upon application and approval at the time of need. A Landmark in need of renovation either at the time of designation or thereafter shall be given high priority for available incentives and other support by the City.

Applications for rehabilitation incentives shall be made with the UDC for action by the City Council. The UDC, Department of Community Development and Department of Finance shall all make recommendations to the Finance Committee of City Council which will forward a recommendation to the full Council for action.

**Note:** Application and incentive re-capture guidelines need to be developed during the Implementation Phase.

B. Revolving Loan Fund

**Note:** This section will be refined by the technical papers written by Howard and Howell. Methods for establishing, funding and administering a fund will be recommended.

A revolving loan fund shall be developed to provide funds for preservation of historic properties. Possible sources of funds include corporate equity investments, Urban Development Action Grant (UDAG) repayments from other preservation projects, foundations, and private organizations and individuals who support historic preservation. The Steering Committee has suggested that a pool of \$20 million is needed to provide significant assistance, made available by a variety of public and private sources.

Financing from the Fund shall be utilized for a variety of purposes, including purchasing historic properties for re-sale, underwriting the interest rates for small rehabilitation loans, and providing equity capital to help secure commercial funding, paid back at below-market rates.

## C. Notification and Endangered Buildings Programs

### 1. Preservation Information Program

A preservation information program shall be instituted to provide increased awareness of the location of and protection afforded designated historic properties. This program shall target property owners, developers, business and civic associations, and other city agencies.

This program shall be comprised of the following four elements at a minimum. First, UDC and the Department of Community Development should work with prospective developers to identify historic properties and evaluate alternative development sites or plans if an historic property is involved. Second, the City should work through appropriate business organizations (eg. Chamber of Commerce, Central Atlanta Progress) to be sure that prospective developers are aware of the existing inventory of historic properties. Third, information indicating the historic status of a given property should be included in the tax records. Fourth, a brochure describing the details and implications of the comprehensive historic preservation program shall be published and distributed to property owners and developers.

### 2. Endangered Properties Program

An endangered buildings program is currently being developed by the Atlanta Preservation Center to provide assistance to owners of historic properties. This includes assessments of renovations and associated costs, linking private and public sector interests in historic preservation, and identifying potential sources of funding for preservation.

The City, through staff support from the Urban Design Commission, should actively link with this program as part of its role to promote preservation of the City's historic resources.

In developing the endangered buildings program several elements should be considered:

1. Program objectives. The primary objective of the program should be to proactively identify significant historic properties that are in need of economic assistance, and without which shall likely not be saved.
2. Required expertise. The program should engage, at the minimum, individuals with expertise in real estate, financing, historic rehabilitation, architecture and law.
3. Program interface. As envisioned, the endangered buildings program will most likely be engaged at the point a building becomes part of the historic inventory or early in the nomination process. Buildings which

are nominated for designation but have been abandoned or are in a state of disrepair are the primary candidates for assistance.

#### D. Preservation Marketing Program

Insofar as the Atlanta Preservation Center is actively involved in marketing the City's historic resources, it is recommended that the City financially support and help expand the Center's marketing activities, as well as the endangered buildings program and educational initiatives. The program should strengthen ties with the Chamber of Commerce, the Atlanta Convention and Visitors Bureau, the Atlanta Historical Society, and other civic and business organizations to expand their support of the City's historic resources.

Note: This section will be further refined during the Implementation Phase.

### IX. INTEGRATION OF HISTORIC PRESERVATION INTO CITY COMPREHENSIVE PLANNING OBJECTIVES AND AGENCY RESPONSIBILITIES

The Steering Committee strongly recommends a more integrated relationship between historic preservation and other city planning activities. The following recommendations shall be implemented into the Program.

#### A. Coordination with Comprehensive Planning Activities

In some situations, historic preservation and comprehensive planning objectives impinge on each other. In other cases, they complement each other. To improve the coordination of these objectives, the following are recommended:

1. Incorporate the provision of the Preservation Program into the City's comprehensive plan.
2. Build cooperative working relationships between the Urban Design Commission and the Department of Community Development in designating and protecting historic resources.
3. Examine the implications of existing zoning classifications and FAR's on preservation in neighborhoods, the central area and the Peachtree corridor.
4. Demonstrate and incorporate the linkages between CAS II objectives and the Preservation Program. Coordinate preservation objectives with the Peachtree corridor plan and design competition.

## B. Coordination with Existing Community Development Programs

The linkage between historic preservation and existing community development programs is largely underdeveloped. To strengthen this linkage, the following are suggested:

1. The UDC should work with Easements Atlanta to expand and market the facade easement program.
2. Examine the business improvement loan fund and housing rehabilitation program for application to preservation.
3. Apply tax abatement system of the housing enterprise zone program to historic multi-family structures.
4. When possible, locate city offices in historic buildings.

## C. Coordination and Modification of Agency Roles

### 1. Department of Community Development

The roles of the Bureaus within the Department of Community Development are identified in the previous sections. Primarily, their responsibilities involve evaluating buildings nominated for designation. The following summarizes staffing needs to meet Program objectives.

- a. Bureau of Planning. One additional planner and a graduate level college intern are projected as necessary to support the Program adequately.
- b. Bureau of Buildings. Two new building inspectors joined the staff during 1988 and should be utilized to evaluate existing building codes relative to rehabilitation of historic properties. These inspectors should also act to assure permit requirements and certificates of appropriateness for historic properties are being followed. Funds to support independent engineering analyses of historic structures in cases of public health and safety concerns should also be allocated.

### 2. Urban Design Commission

Two issues have been raised pertaining to the Commission. One relates to staffing needs given the provisions of the Program. The

other relates to the size and composition of the Commission.

- a. Staffing Needs. Although the Atlanta Preservation Center has primary responsibility for the Endangered Buildings Program, the Commission needs an additional staff member to support the City's involvement with that Program. Furthermore, this person shall provide assistance to property owners and the Economic Review Panel in cases of economic hardship. In addition, other suggested staff include modifying the half-time architect to full-time, adding a graduate level college intern and a half-time word processor for administrative support.
- b. Commission Size and Composition. With more clearly delineated responsibilities given the Urban Design Commission under the Program, the Commission should have broader representation. Furthermore, the Commission membership should be limited in size to less than the current sixteen. The experience of other Cities with Commissions having similar responsibilities to those suggested by the Program corroborate such changes. Therefore, an eleven member Commission is recommended. The composition of the eleven member Commission should include two architects, a historian, artist, landscape architect, real estate expert, neighborhood representative, planner, developer, lawyer and preservationist. Program guidelines shall stipulate that practicing, recognized members of the professions outlined shall fill those positions. If no appropriate professional is available, the position shall be left vacant until such time as an appropriate appointee is found.

The UDC shall be reconstituted in a timely manner to reflect the distribution of professionals currently proposed. If need be, the UDC may have more than eleven members during the transition period (perhaps twelve to eighteen months to allow rotation of existing members) to assure the proposed distribution of professionals. The responsibilities of the Commission other than for historic preservation are not altered by this change.

## X. IMPLEMENTATION PLAN

An important element of any negotiated agreement is assurance that the intent of the agreement will be carried out. To achieve this, an implementation plan is necessary to define what tasks need to be accomplished, who will accomplish them and when they need to be accomplished.

## A. Summary of Implementation Plan

### 1. Process

The Steering Committee has agreed to three elements of the plan which will guide its implementation.

- a. The Zoning Administrator and Executive Director of the Urban Design Commission will direct the implementation of the comprehensive program on a day-to-day basis.
- b. An Advisory Group comprised of members of the Steering Committee will serve to oversee the remaining tasks in the development of the comprehensive program and its implementation.
- c. A member of the mediation team and additional consultants will assist the City as needed. Each participating group will be asked for financial assistance to pay for these additional services.

### 2. Tasks

Several activities must be undertaken in preparation for and conjunction with submittal of the comprehensive program to the City Council.

- a. Meet with the City Attorney to establish logistics and appropriate procedures for implementation.
- b. Complete refinements to the negotiated text which summarizes the details of the Program.
- c. Meet with the Zoning Committee of Council in preparation for submittal to the full Council.
- d. Submit the Program to City Council for adoption as part of the amendments to the existing Comprehensive Development Plan.
- e. Prepare the ordinances/legislation required at the city, county and state levels to enact various elements of the plan. These include modifications to the existing HCC zoning ordinance, a landmarks ordinance, state enabling legislation for incentives, and ordinances for other potential tax incentives.
- f. Work to obtain passage of ordinances and enabling legislation as well as proposed increases in city staff allocated to supporting preservation activities. This includes transmitting the plan to Central Atlanta

Progress for inclusion into the Central Area Study II Plan; developing an outreach program to inform neighborhoods, businesses, developers, city agencies and other interested parties concerning the content of the program; working for inclusion of these historic preservation goals into the Peachtree Corridor Urban Design Competition; etc.

- g. Oversee the nomination/designation process to assure it is moving along at a timely pace as anticipated.
- h. Oversee the development of the marketing, endangered buildings, revolving loan and other preservation programs.

### 3. Responsibilities

The City staff previously mentioned and the Advisory Group will take responsibility for coordinating the above tasks. The City will take the lead role for tasks a,d and e. The Advisory Group will primarily provide assistance with tasks b,c,f,g and h. The Zoning Administrator will take responsibility for identifying and enlisting the assistance of the appropriate legal staff of the City for tasks a,d and e. The City will work closely with the Atlanta Preservation Center, the business community and other appropriate organizations in accomplishing task h.

### 4. Timeframe

Some tasks need to be finished before others can be started. Other tasks can be conducted simultaneously. While the completion dates of some tasks is difficult to predict, the Steering Committee has expectations that the program be adopted and implemented in a timely manner. This has been explicitly defined by establishing a one year sunset for the Interim Development Control Ordinance of July 1, 1989. Every element of the program, including those elements needing state enabling legislation, can and should be enacted by July 1, 1989.

The following identifies some of the timeframes for as many tasks as possible.

- June 88 - reach agreement on the major elements of the Program.
- July 88 - meet with zoning committee of City Council; complete refinements of the Program; present to City Council as part of CDP modifications; begin initial round of nomination process.

- August 88 - draft Landmarks ordinance; draft HCC zoning ordinance modifications; detail city staffing needs.
- September 88 - draft state enabling legislation for incentives; work on preservation support programs.
- October 88 - continue nomination/designation process; increase efforts to pass state legislation.
- April 89 - draft incentive ordinances based on state legislation; meet with City Council committees.
- May 89 - submit remaining ordinances to City Council.
- June 89 - all elements of the comprehensive historic preservation program in place.
- July 89 - Advisory Group meets to evaluate status of Program, remaining problems and achievement of program objectives; Advisory Group makes recommendations for modifications, if needed, and continued evaluation of the Program.

B. Issues Requiring Additional Attention

The major elements of the Comprehensive Program were resolved before or during the final meeting of the Steering Committee on June 29, 1988 as reflected in the signed Executive Summary and the remaining sections of this document. A few details of the program, however, were left for the Advisory Group to resolve during the implementation phase of the process. These issues are summarized below for action by City staff and the Advisory Group.

1. Develop a list of neighborhood districts to be put forth in the first round of nominations by UDC
2. Identify conditions under which nomination may be resubmitted if designation has been denied
3. Define district boundaries and transition zones.
4. Clarify the procedure, timetable and way of establishing a price for the City purchase option in hardship cases
5. Define "major alteration"
6. Clarify level of incentives/revolving loan funding to which the City will commit

7. Clarify the meaning of "incentives available at the time of designation"
8. Develop a marketing strategy for the City's preservation program and resources
9. Clarify how membership of the restructured UDC will be selected
10. Define the role of the Atlanta Preservation Center in the marketing and endangered buildings programs, and funding related to these programs
11. Emphasize the importance of implementing incentives to the acceptability of the over-all program
12. Define the process to identify qualified candidates to serve on economic hardship tribunals.

#### XI. INTERIM PROTECTION MEASURES

The Steering Committee recognized the need to protect historic resources while the City Council conducts deliberations on the entire comprehensive program. In response, the Mayor signed an Administrative Order on June 29, 1988 restricting the issuance of demolition permits for historic properties identified through the consensus building process (see list attached to Ordinance). This Administrative Order was in effect for 45 days to allow City Council adequate time to pass an interim development control ordinance. The Ordinance outlines specific guidelines governing demolition requests for proposed landmarks and historic sites as well as other identified historic properties. The termination date of the Ordinance, July 1, 1989, is intended to allow sufficient time to enact city and state legislation required to implement the comprehensive program, and to initiate other important elements of the program. City Council passed the Interim Ordinance on August 1, 1988.

A. Administrative Order

OFFICE OF THE MAYOR  
CITY OF ATLANTA

ADMINISTRATIVE ORDER NO 88- 1, 1988

BY THE MAYOR

DIRECTING THAT APPLICATIONS FOR PERMITS FOR ALTERATION OR DEMOLITION OF CERTAIN HISTORIC PROPERTIES NOT BE ACCEPTED UNTIL THE ADOPTION OF THE INTERIM DEVELOPMENT ORDINANCE

WHEREAS, The City of Atlanta has obtained funding from the National Trust for Historic Preservation, Inc., Critical Issues Grant Fund, for the purpose of developing a historic preservation plan and program for the City of Atlanta, and

WHEREAS, a Historic Preservation Steering Committee, representing the elected political leadership, the business community and the historic preservation community, was established and has met regularly since September, 1987, in an effort to develop a consensus plan for historic preservation, and

WHEREAS, the Historic Preservation Steering Committee at its meeting on June 29, 1988, agreed unanimously in its support of said "ATLANTA HISTORIC PRESERVATION PROGRAM, Executive Summary," and

WHEREAS, it is in the public interest that important historic buildings and districts not be altered or demolished prior to the time that Council is able to convene to establish those Interim Development Controls substantially specified in the ordinance attached hereto and incorporated herein, which will serve to temporarily protect the historic structures specified therein from alteration or demolition, and

WHEREAS, there is an urgent need substantially related to the public health, safety, and welfare under these unusual circumstances to protect these historic structures from alteration or demolition for the very brief period of time involved herein.

I, ANDREW YOUNG, AS MAYOR OF THE CITY OF ATLANTA, NOW HEREBY AUTHORIZE, ORDER, AND DIRECT AS FOLLOWS:

The Director of the Bureau of Buildings is hereby authorized, ordered, and directed to refuse to accept for review or consideration any applications for permits seeking the alteration or demolition of any property, structure, or district listed in Section 2 and Section 3 of the Interim development Controls Ordinance attached hereto and incorporated herein, until such time as said Interim development Controls Ordinance attached hereto, or one which serves the same purpose, is enacted into law, provided, however, that in no event shall this Administrative Order remain in effect for more than forty-five (45) days from its effective date.

This 29th day of June, 1988.

RECOMMENDED.

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

\_\_\_\_\_  
ANDREW YOUNG, MAYOR

ATTESTED.

\_\_\_\_\_  
CLERK OF COUNCIL

AN ORDINANCE  
BY: 

AN ORDINANCE TO ADOPT THE "ATLANTA HISTORIC PRESERVATION PROGRAM, EXECUTIVE SUMMARY" AS A GUIDE FOR THE DEVELOPMENT AND IMPLEMENTATION OF A HISTORIC PRESERVATION PLAN AND PROGRAM FOR THE CITY OF ATLANTA; TO ESTABLISH INTERIM DEVELOPMENT CONTROLS WHICH SHALL BE EFFECTIVE FROM THE DATE OF ADOPTION OF THIS ORDINANCE THROUGH JULY 1, 1989; TO DESIGNATE BUILDINGS AND DISTRICTS WHICH ARE SUBJECT TO SAID INTERIM DEVELOPMENT CONTROLS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has obtained funding from the National Trust for Historic Preservation, Inc., Critical Issues Grant Fund, for the purpose of developing a historic preservation plan and program for the City of Atlanta, and

WHEREAS, a Historic Preservation Steering Committee, representing the elected political leadership, the business community and the historic preservation community, was established and has met regularly since September, 1987, in an effort to develop a consensus plan for historic preservation, and

WHEREAS said Historic Preservation Steering Committee has developed a plan, a summary of which is entitled "ATLANTA HISTORIC PRESERVATION PROGRAM, Executive Summary, "and

WHEREAS all members of the Historic Preservation Steering Committee at the meeting on June 29, 1988, agreed to support said "ATLANTA HISTORIC PRESERVATION PROGRAM, Executive Summary," and

WHEREAS it is in the public interest and is the intent of the Council that important historic buildings and districts not be demolished during that time period during which the Council shall undertake its deliberations concerning the development and implementation of a comprehensive historic preservation plan and program and the adoption of legislation pursuant thereto

AN ORDINANCE  
BY: ZONING COMMITTEE  
JUNE 29, 1988  
PAGE 2

NOW THEREFORE BE AND IT IS HEREBY ORDAINED BY THE  
COUNCIL OF THE CITY OF ATLANTA, AS FOLLOWS:

SECTION 1. The Council hereby adopts the "ATLANTA HISTORIC PRESERVATION PROGRAM, Executive Summary," which is dated June 29, 1988, a copy of which is attached to this Ordinance, as a guide for the development and implementation of a comprehensive historic preservation plan and program for the City of Atlanta.

SECTION 2. The properties and districts listed on Attachment A to said Executive Summary, entitled "Properties to Receive Interim Landmarks Protection," shall be protected in the same manner as if they were Historic and Cultural Conservation District sites as is provided in Part 16, Chapter 20, Sections 16-20.001 through Section 16-20.011 of the Code of Ordinances of the City of Atlanta, which is also known as the 1982 Zoning Ordinance of the City of Atlanta, as amended.

SECTION 3. The properties and districts listed on Attachment B to said Executive Summary, entitled "Properties to Receive Interim Historic Site Protection," which includes all designated Urban Conservation District properties not currently proposed for Landmark Site designation, shall be protected as follows:

Historic Sites are individual buildings or sites that contribute to the historic, architectural or cultural character of the community and whose demolition would constitute an important loss to the quality and character of Atlanta.

Certificates of appropriateness are not required for alterations or demolitions of Historic Sites. However, the Urban Design Commission (UDC) may review all applications to demolish or significantly alter buildings designated as Historic Sites. Before issuance of permits, the applicant must submit plans and information as required to obtain a permit. All information required shall be filed with both the Director of the Bureau of Buildings with the application for the demolition permit, and the UDC. The UDC shall have 45 days following receipt of a full set of information to provide review and comments. All comments shall be transmitted to the applicant. The UDC shall act to assist the property owner to maintain the integrity of the property.

AN ORDINANCE

BY:

JUNE 29, 1988

PAGE 3

To demolish a Historic Site, a foundation permit must be obtained to indicate the imminent construction of a new building on the site. The applicant may obtain a Conditional Permit at the time of initial application. This Conditional Permit will become valid as soon as foundation permits for the new building have been issued.

SECTION 4. The purpose of this ordinance is to provide interim protection of designated historic resources within the City of Atlanta as are described in Sections 2 and 3 above. This ordinance shall become effective upon its adoption by the Council and approval by the Mayor and shall thereafter remain in force and effect until July 1, 1989, unless it is specifically repealed by subsequent action of the Council and Mayor.

SECTION 5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

COMMITTEE AMENDMENT FORM

Committee Zoning + Human Resources

Page Number(s) 1

Ordinance I.D.# 88-0-1106

Section(s) \_\_\_\_\_

Resolution I.D.# \_\_\_\_\_

Paragraph \_\_\_\_\_

Amendment: add the attachment entitled  
"Amendment # 1" to the introductory  
section of the ordinance as  
paragraph 6.

Amendment # 1

WHEREAS there is an urgent need substantially related to the public welfare under these unusual circumstances to temporarily protect these historic structures and districts from unnecessary and disorderly alteration or demolition for this temporary period of time.

COMMITTEE AMENDMENT FORM

Committee Zoning + Human Resources Page Number(s) 2 + 3

Ordinance I.D.# 88-0-1106 Section(s) Section 3

Resolution I.D.# \_\_\_\_\_ Paragraph entire section

Amendment: adopt the attached Section 3  
which is marked "Amendment # 2"  
in lieu of the Section 3 which was  
contained in the original ordinance.

## Amendment # 2

SECTION 3. That properties and districts listed on Attachment B to said Executive Summary, entitled, "Properties to receive Interim Historic Site Protection, "shall be referred to herein as Historic Sites", and shall be protected as follows:

An applicant for a permit to demolish or significantly alter any designated historic site shall submit on the same day to both the Bureau of Buildings and the Urban Design Commission (UDC) all applications, plans and information required by the Bureau of Buildings to obtain such a permit. Said applicant, at the same time and in the same manner, shall include with the application a site plan and drawings, including elevations, indicating the floor area and height of the proposed new building and the impact of the proposed building or alteration on the historic site.

The UDC shall have forty-five (45) days following receipt of the plans and information described in the preceding paragraph to review the application and provide to the applicant written comments advising the applicant about actions which could be taken to maintain the integrity of the Historic Site. A certificate of appropriateness is not required to demolish or alter a Historic Site. During the 45-day UDC review, the Bureau of Buildings shall process and review the application in accordance with its usual procedures, but shall issue no permit prior to the expiration of said 45-day period.

Immediately after the expiration of said 45 day UDC review period of an alteration or demolition permit application, and whether or not the UDC's comments are favorable, but providing that the application otherwise meets existing regulations generally applicable to such permits, the Director of the Bureau of Buildings shall issue to the applicant a written certificate stating that the demolition permit application is in order and a demolition permit will be issued when the applicant is issued a foundation permit for the building which is to be placed on the site, and further stating that the certificate shall remain in force for a period of 18 months or until the City of Atlanta enacts legislation designating the site as a Landmark Site as that term is defined in Section 2 above, whichever occurs sooner.  
~~whichever occurs sooner.~~

COMMITTEE AMENDMENT FORM

Committee Zoning + Human Resources Page Number(s) 3

Ordinance I.D.# 88-0-1106 Section(s) Section 5

Resolution I.D.# \_\_\_\_\_ Paragraph entire section

Amendment: adopt the attached Section 5  
which is marked amendment # 3  
in lieu of the Section 5 which was  
contained in the original ordinance.

# Amendment # 3

UDC  
Historic Site Protection  
Page 3

SECTION 5. To the extent that this Ordinance differs or conflicts with previously enacted Ordinances and regulations pertaining to the historic properties and districts specified herein, this Ordinance shall take precedence and govern.

ATTACHMENT A  
PROPERTIES TO RECEIVE INTERIM LANDMARKS PROTECTION

page #.

- 24 A.T. & T. Communications
- 52 Academy of Medicine
  
- 131 Bass Furniture Building
- 74 Belvedere
- 74 Biltmore Hotel
- 24 Bona Allen Building
- 17 Brookwood Station
- 25 Candler Building
- 54 Capital City Club
- 25 Carnegie Building
- 62 Castle, The
- 132 Cottingham Building
- 76 Cox-Carlton Hotel
- 26 Crum & Foster Building
- 27 Davison's/Macy's
- 17 Dixie Coca-Cola Bottling Co.
- 100 Fairlie-Poplar District, all buildings including the Flatiron Building, the C & S Bank Building, the Georgia Railway & Power Building, the Grant-Prudential Building, the Healey Building, the William Oliver Building, the Western Supermarket and the Old Federal Post Office but excluding the Muses Building
  
- 103 Fox Theatre
- 19 Garnett Station Place
- 63 Gay House
- 102 Georgian Terrace Hotel
- 28 Glenn Building
- 77 Granada Apartments
- 131 Hotel Row District, all buildings on the North side of Mitchell between Forsyth and Spring, including Concordia Hall
- 28 Hurt Building
- 24 J.P. Allen
- 65 Mitchell King House
- 79 Palmer House Apartments
- 80 Peachtree Manor
- 66 Peters House
- 83 Ponce de Leon Apartments
- 44 Ponce de Leon Methodist Episcopal Church
- 81 Reid House
- 31 Rhodes Haverly Building
- 132 Rich's Store for Fashion
- 68 Rufus M. Rose House
- 57 Spring Hill Mortuary
- 58 Varsity, The
- 30 W. W. Orr Building
- 68 William Green Raoul House
- 71 Wimbish House, The
- 32 Winecoff Hotel
- 59 Y.M.C.A.
  
- 144 Block Building, 66-68 Alabama
- 144 Mark-Connally Building, 54-60 Alabama
- 144 Bookhammer/Mirror Building, 76 Peachtree
- 144 Rich's-Grant Building, 82-86 Peachtree
- 144 Original Bass Dept. Store Building, 83 Peachtree

PROPERTIES TO RECEIVE INTERIM HISTORIC SITE PROTECTION

70 1106 West Peachtree  
70 652 West Peachtree  
40 All Saints Episcopal Church  
16 Atlanta and West Point Railroad Depot  
35 Atlanta Stockade  
40 Baptist Tabernacle  
75 Blackstone Court Apts.  
50 Booker T. Washington High School  
75 Briarcliff Apartments  
53 Briarcliff Shopping Plaza  
25 Brother Juniper's  
53 Burns Cottage  
107 Butler Hall (Grady Hospital)  
26 C & S Branch Bank  
17 Candler Warehouse  
54 Capital City Country Club  
119 Cash House (2805 Fairburn)  
40 Central Presbyterian Church  
41 Church of the Sacred Heart of Jesus  
36 City Hall  
41 Collins Memorial United Methodist Church  
26 Commercial Row  
98 Crawford Long Hospital District, all buildings including Crawford  
W. Long Hospital  
41 Druid Hills Baptist Church  
18 East Tennessee, Virginia, & Georgia Freight Depot  
36 English Avenue Branch Library  
63 Evans-Cucich House  
18 Excelsior Mill  
35 Federal Penitentiary  
37 Federal Post Office Annex  
38 Fire Station #11  
37 Fire Station #3  
37 Fire Station #7  
87 First Church of Christ Scientist  
42 First Congregational Church  
42 First Methodist Church  
43 First Presbyterian Church  
18 Ford Factory  
55 Fort McPherson Staff Row  
90 Fountain Hall (Morris Brown College)  
92 Friendship Baptist Church  
38 Fulton County Courthouse  
91 Gaines Hall (Morris Brown College)  
63 Gentry-McClinton House  
50 George Washington Carver High School  
62 George Washington Collier House  
19 Georgia Power Substation  
106 Georgia Tech Administration Building  
108 Georgia Hall (Grady Hospital)  
64 Gilbert House  
91 Giles Hall (Spelman College)

Properties to Receive Interim Historic Site Protection (Continued)

91 Graves Hall (Morehouse College)  
87 Habersham Memorial Hall  
20 Hanson Motor Car Company  
64 Haugabrooks Academy  
92 Herndon Mansion  
108 Hirsch Hall (Grady Hospital)  
78 Imperial Hotel  
61 James A. Carlisle House  
65 Jett House  
65 Kreigshaber House  
29 Kress Building  
20 L&N Roundhouse  
55 Lakewood Fairgrounds  
29 Medical Arts Building  
119 Mount Gilead Methodist Church  
119 Mount Gilead Campground Arbor  
101 Muses Building  
114 Nicholson House (821 Piedmont Avenue)  
43 North Avenue Presbyterian Church  
56 Old Fulton County Almshouse  
30 Olympia Building  
44 Paces Ferry United Methodist Church  
91 Packard Hall (Spelman College)  
44 Peachtree Christian Church  
66 Picture House, Inc.  
67 Pitts House and Dairy Farm  
30 Rager Industrial Sewing Machine Building  
31 Regenstein's  
68 Rhodes Hall  
57 Rhodes Center  
61 Robert A. Alston House  
45 Rock Springs Presbyterian Church  
92 Rockefeller Hall (Spelman College)  
50 Roosevelt High School  
57 Salvation Army Headquarters  
31 Saul Brothers & Co.  
32 Sears & Roebuck  
45 Shrine of the Immaculate Conception  
58 South View Cemetery  
32 Southern G. F. Company  
47 St. Mark's United Methodist Church  
46 St. Luke's Episcopal Church  
38 State Capitol  
108 Steiner Clinic (Grady Hospital)  
69 Swan House  
48 Temple, The  
48 Temple of Israel Kingdom  
33 Thornton Building  
48 Trinity Methodist Church  
69 Tullie Smith House  
33 United Motors Service Building  
88 Villa, The (200 Montgomery Ferry Road)

Properties to Receive Interim Historic Site Protection (Continued)

22 Water Works Pumping Station  
59 Westview Cemetery  
84 Winwood Apartments  
138 Wren's Nest, The  
21 Zero Mile Marker  
52 Atlanta Union Mission

BSN 774

ATLANTA CITY COUNCIL  
88-0-1106 ADOPT

REGULAR SESSION

9/1/88

14 Yeas 1 Nays 0 Abs 4 N/V

Y	MCCARTY	Y	DAVIS M.	Y	MADDOX	Y	ASHER
Y	CAMPBELL	Y	FOWLKES	X	SMITH	X	DAVIS M.R.
Y	SIMAMA	Y	MASLIA	Y	PITTS	Y	FINLEY
Y	CUFFIE	N	BYRON	Y	BANKS		
X	WILLIAMS	Y	JACKSON	Y	VALENTINE	X	ARRINGTON

## XII. APPENDICES - TECHNICAL PAPERS

To support the development of this comprehensive program, eight technical papers by national experts were commissioned. The subjects of some of these papers were defined by the National Trust for Historic Preservation and the remainder were defined by the Steering Committee and its technical advisors. Due to their length these papers are not attached but are available from the City upon request. Papers are listed alphabetically by author.

1. Freilich, Robert H. and Terri A. Muren. Growth Management and Historic Preservation.
2. Howard, J. Myrick. Using a Revolving Fund for Downtown Preservation: Recommendations for Atlanta.
3. Howell, Joseph T. Creative Financing Techniques to Facilitate the Renovation of Historic Properties in Atlanta.
4. Petersen, John E. and Susan G. Robertson. Effectiveness and Fiscal Impact of Tax Incentives for Historic Preservation: A Reconnaissance for the City of Atlanta.
5. Roddewig, Richard J. Economic Incentives for Historic Preservation in Atlanta.
6. Williamson, Frederick C. Atlanta and Historic Preservation.
7. Winter, Nore' V. Atlanta System of Definitions and Criteria for Designating Historic Preservation Resources.
8. Winter, Nore' V. Design Guidelines for Historic Districts in the City of Atlanta.