

***Historic Preservation Commission
Agenda
April 29, 2019***

REGULAR MEETING
Council Chambers, 2nd floor of City Hall
City Hall, 749 Main Street
6:30 – 9:00 PM

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes - March 18, 2019
5. Public Comments on Items Not on the Agenda
6. Discussion/Direction - Historic Preservation Fund Reauthorization
7. Items from Staff
 - Alteration/Demolition Updates
 - Upcoming Schedule
8. Updates from Commission Members
9. Discussion Items for future meetings
10. Adjourn

Historic Preservation Commission

Meeting Minutes

March 18, 2019

City Hall, Council Chambers

749 Main Street

6:30 PM

Call to Order – Chair Haley called the meeting to order at 6:30 PM.

Roll Call was taken and the following members were present:

Commission Members Present: Chair Lynda Haley
Caleb Dickinson
Chuck Thomas
Michael Ulm
Hannah Parris
Andrea Klemme
Gary Dunlap

Commission Members Absent: None.

Staff Members Present: Rob Zuccaro, Dir of Planning & Building Safety
Felicity Selvoski, Planner I
Amelia Brackett, Planning Clerk

APPROVAL OF AGENDA

Thomas made a motion to approve the March 18, 2019 agenda. Dickinson seconded. Agenda approved by voice vote.

APPROVAL OF MEETING MINUTES

Thomas made a motion to approve the February 18, 2019 minutes. Klemme seconded. The minutes were approved as written by voice vote.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

DISCUSSION/DIRECTION

Historic Preservation Fund Reauthorization

Selvoski presented updates to the reauthorization and presented a draft of the resolution. There were four additions or changes based on last month's discussion:

- (1) A new construction grant for residential structures for increased incentives for preservation over scraping.

City of Louisville

Planning Department *749 Main Street* *Louisville CO 80027*
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- (2) A 36-month timeline from landmarking or conservation easement for the application of grant funds and 60 months or 5 years to submit for reimbursement after receiving the grant. These timelines may be exceeded based on the recommendation of the Commission.
- (3) Language that allows grandfathering in of previous landmarked properties.
- (4) Loan rate will be 1% below The *WSJ* Prime Rate.

Selvoski presented the original questions for the reauthorization from 2018:

- (1) What should the maximum amounts be for HSAs, residential grants, and commercial grants?
- (2) Are there ways to simplify the grant process, eliminate barriers to landmarking, and make the program more user-friendly?
- (3) Should the new construction grant criteria to match alteration certificate language?
- (4) How should changes apply to previously landmarked properties?

Haley asked for comments from the commissioners who had been absent at the last meeting on the \$15,000 amount.

Parris responded that she thought it was a good incentive that with which the City could still budget. General agreement among the commissioners.

Dickinson stated that the timeline was reasonable and that he appreciated the language about extraordinary circumstances. Thomas agreed.

Ulm appreciated the last line of the proposed timeline language: "Applicants should notify staff of these extraordinary circumstances prior to the expiration of the existing time limits."

Dickinson replied that the ideal situation was that an applicant would request an extension before the expiration date, but he did not want the language to prevent people from coming forward if the expiration had already passed.

Haley added that she had been the one who felt most uncomfortable about the timeline, but that the current draft responded to her concerns.

Dunlap asked if the language attended to applicants who wanted to put in multiple requests.

Selvoski replied that there was language in the draft that said the applicant could request all the grant money at once or come in with multiple iterations. She noted that there was language about preservation work done in the previous five years during the landmarking process, as well.

Dunlap asked for the definition of a conservation easement versus a landmark.

Zuccaro responded that the only current conservation easement in Louisville was an agreement to conserve the front façade on a building that was not landmarked. He described easements as tools in the preservation toolbox.

Thomas stated that the proposed language was much clearer than the older language.

Haley, Dickinson, and Selvoski discussed the lack of time limit for the “focused” grants currently and the grandfather clause.

The commissioners discussed whether or not they had met the four goals laid out in 2018 and agreed, in general, that they had reached those goals.

Dickinson added that there was some difficulty on the current landmarking process, since as a point of order the Commission had to landmark a structure first to move forward with the grant approval hearing, which could create difficulty for applicants. He suggested allowing for the landmark to be retracted if the grant were not approved, since some applicants would be landmarking only out of a desire to access the financial incentives.

Zuccaro replied that clarifying the language would help with preservation outreach. He noted that the property owner had the option to not sign the landmark paperwork after the Council meeting.

Dickinson replied that that made sense. Dunlap, Dickinson, and Thomas discussed the process as-is.

Ulm asked if landmarking agreements were a standard part of the landmarking process without grant applications.

Zuccaro confirmed.

Dunlap asked if staff could run some examples through the proposed language to make sure different timelines and needs would be covered.

Zuccaro noted that sometimes landmarking could be a financial disincentive but sometimes it could be an incentive. The best that the City could do would probably be to make sure that potential property owners have as much information about the process and about preservation as possible.

Haley and Dunlap discussed the utility of the Historic Preservation Assessments for guiding the priorities of the preservation grant work.

Ulm noted that he thought the new language and requirements was an improvement in using the HSAs for that guiding process.

Haley asked for public comment.

Erick Hartronft, 950 Spruce Street in Louisville, explained that he was on the original Historic Preservation Commission and helped found the original preservation program. He noted that there were both good and problematic elements of the proposal. First, he thought that the small signing incentive in the original language targeted applicants who wanted to landmark but who did not need to do immediate work on their properties. Under the new language, those applicants would not receive any incentives. He noted that the signing bonus was an incentive that the City could offer when approaching specific properties to landmark. Second, the original ballot language had not specified that new construction grants only go to additions to existing buildings.

Zuccaro responded that the ballot language did not limit the new construction grants to building additions. However, in practice, only additions to existing buildings have received new construction grants. It could be a policy question if the Commission wanted to recommend opening up an additional grant category to new buildings based on the new construction grant criteria.

Thomas stated that if they were going to change the intent of the old language would require additional information about the review process.

Zuccaro replied that the previous language was broad enough to allow for completely new construction, but it was unclear and had never been used that way.

Ulm was cautious about using the money for the sales tax for completely new construction.

Hartronft noted that the new language would be a change in policy from the intent of the original resolutions, which Zuccaro confirmed.

Hartronft registered a third concern. He did not think there was a good reason to create a 36-month time limit, since landmarking had no time limit – landmarks were forever. He added that the language of “extraordinary circumstances” was a high bar, not something to be met easily. He noted that the Grain Elevator had not met extraordinary circumstances under a previous Commission. He asked the Commission what they would do if they did not use all the money in the Fund. He also thought that clarifying the landmarking and grant timeline process should have clarify that property owners could decide not to sign the landmarking agreement if their grant applications were not approved.

Haley and Dickinson responded that the main reason the Commission had taken off the signing bonus was because the money was not going to preservation of the landmarked structures and the Commission had tried to make the Fund more generous overall. Dickinson noted that applicants who just wanted to landmark their homes had the incentive of getting their homes landmarked, which is what they would really want,

anyway, regardless of the cash reward for signing, and that there would be more money available down the line.

Klemme noted that applicants put effort and time into the landmarking process.

Dickinson added that there were several steps for applicants to go through including probable cause determination, coordinating with staff, and attending meetings of the Historic Preservation Commission and City Council. He noted that a signing bonus could be incorporated into the total \$50,000 grant cap.

Thomas thought that \$10,000 would be too much just for filling out paperwork and that the bulk of the City's money should go toward preservation projects.

Parris stated that the Commission had already had this conversation and they had not wanted to just give away free money, which is why they had tied more money directly to the preservation process. She added that there were other incentives other than financials, including the ceremonies for landmarking that were already going on to recognize people who landmarked. The Commission could make that part of the process an even bigger deal in their outreach process.

Dickinson asked what the Commission thought if the first unmatched \$10,000 of the preservation grants could be given upfront and the applicants could use the money however they wanted instead of getting the first \$10,000 in reimbursements. He noted that the Commission could take into account whether the applicant had used the first \$10,000 toward their structure when deciding to approve additional grant funds.

Klemme stated that she was not comfortable with the idea of giving \$10,000 for work that was not specifically related to preservation. She was okay with going back to the \$1,000 signing bonus.

Dickinson replied that he thought if all it cost to landmark 100 houses was to give them all \$10,000 that would be cheap. In that case, the City would have what it wanted, which was landmarked homes. He liked the \$10,000 number because it was already in the unmatched language of the grant.

Thomas preferred that people not try to game the system in that way. He thought it could be possible to allow flexibility in how people used some amount of the unmatched \$10,000, but not the whole amount. He suggested an amendment that \$1,000 of the first unmatched \$10,000 could be used however the applicant wants.

Dunlap noted that the question of the signing bonus was tied to the timeline issue and that the HSA might not catch future issues.

Thomas replied that the previous bar of “extraordinary circumstances” was too high and that that bar had been made easier to determine and made more open so that applicants could apply for grants over a longer period of time.

Dickinson stated that the only benefit of the timeline was to incentivize property owners to take care of the problems with their homes as soon as possible, rather than farther down the line when the problems have increased. For situations in which applicants had no immediate problems and then 10 years later they had problems with their foundations, he thought that was a clear case of extraordinary circumstances. At the same time, he acknowledged that commissioners in the future may interpret extraordinary circumstances differently. For him, that language meant that the applicant had to answer “Why now?” in showing extraordinary circumstances.

Haley added that the Commission had discussed extraordinary circumstances as applying to situations in which someone had inherited a landmarked home. She added that one of the reasons for a timeline that the Commission had discussed was that the information in the assessment would be irrelevant after a certain amount of time.

Dickinson noted that all homes deteriorate over a long enough period of time, landmarked or not.

Zuccaro stated that the proposed language allowed staff to ask for a new HSA after five years if staff felt it was necessary. Staff had also talked about comparable situations like how building permits expired after a certain period of time, since City codes, conditions, and policies can change. He noted that the Commission could always change the resolution in the future, though that would make it more complicated to work with multiple resolutions.

Klemme noted that there was nothing in the definition of extraordinary circumstances in the proposed language that addressed not having the money at the time, even though that was the example the Commission kept giving for extraordinary circumstances.

Thomas agreed that that would be one extraordinary circumstance.

Dickinson noted that the Commission could use “should” versus “shall” in the language to mark recommendations versus requirements. He suggested possibly taking out “extraordinary circumstances” out of the language and leaving the rest of the definition in the language.

Haley responded that she thought the language of extraordinary circumstances could be tied more to the amount than the time limit.

Zuccaro stated that the City had about \$2 million in the Fund right now and a conservative number for the Fund over the next 10 years would be about \$6 million. He noted that the City wanted to reserve some of that money for the ongoing revolving loan

program and gave the number \$1 million as a ballpark. If the City landmarked 10 houses over the next ten years, for example, that would end up costing up \$1.6 million if they took advantage of all the funds available to them and if they were commercial buildings, that would be \$2.1 million. With those calculations, the money would probably be in the Fund even if there were no time limits. He noted that some buildings may come in and ask for hundreds of thousands of dollars, which would deplete those amounts.

Thomas replied that he thought it was valuable to encourage people to correct major issues with their homes independent of the extraordinary circumstances language.

Dunlap suggested putting something in the grant language about specific conditions regarding extraordinary circumstances.

Haley summarized that the Commission seemed to agree on separating the time limits and the amounts in the extraordinary circumstances language.

Zuccaro noted that it was important to be able to articulate why the Commission was approving some and not others. He added that extraordinary circumstances was meant to be a flexible term. He noted that precedence would establish the meaning of that language.

Dickinson wanted to make sure that the timeline extension seemed reasonable to achieve for applicants. He suggested the language, "Time limits can be exceeded with the recommendation of the Commission" and suggested not including specific examples.

Thomas suggested language describing that the timeline could be amended for a variety of delays, including that the project had not started. He noted that the circumstances should also include allowing scenarios in which no project had been started within the timeline.

Ulm asked if the Commission and the Council had to supply their reasoning for approving or denying findings of extraordinary circumstances.

Zuccaro replied that yes, staff, Council, and the Commission would have to state their reasoning and staff would try to follow the precedence set by the Commission and Council.

Dickinson suggested saying that timeline could be extended by showing of certain circumstances, plus language such as "included but not limited to."

Zuccaro suggested "showing of good cause." There was general approval of that phrase from the Commission.

Ulm noted that “showing of good cause” was a much more positive phrasing than “extraordinary circumstances.”

Haley asked for comments on limiting the new construction language to additions to landmarked properties. She stated that if the intent had been to support new construction then it was good to keep the language the same.

Parris stated that there might not be harm in taking the landmarking language out of the new construction language since the grants had generally been used for landmarked properties anyway.

Dickinson added that at first he had not understood giving money for non-landmarked structures, but now he understood that it was money to encourage contextualization of new structures that were near landmarked structures.

Zuccaro asked if the Commission wanted this change for residential and commercial new construction grants. General agreement that it would be for both.

Dunlap asked if structures in the Downtown Area already had similar limitations.

Zuccaro replied that in the Old Town Overlay attended to contextualization through design criteria.

Ulm asked if it was clear in the ballot language that that the Fund could be used for new construction.

Zuccaro replied that staff’s interpretation was that the new construction clause had excluded mentioning landmarking, whereas the rest of the language talked about landmarking explicitly, so there was no requirement that new construction be related to landmarking. He added that Mr. Hartronft had the perspective to know the original language and intent.

Klemme asked if this new language would be redundant with the Old Town Overlay and possibly incentivize new construction over landmarking in that case.

Thomas replied that some of the new construction going on recently was not sensitive enough and continuing this language would be a way to incentivize more sensitive construction.

Zuccaro noted that commercial properties would require PUDs and review, whereas houses did not necessarily have that review process and a house that had received money from the Fund for new construction could later be scraped.

Haley added that if the house was not 50 years or older the Commission would not have review.

Dickinson replied that that would be a bad strategy on the part of the homeowner. For the City, having a change to the structure five or ten years down the road did not make the \$15,000 a bad investment.

Haley asked if staff had put specific parameters in the new construction grant.

Selvoski read the ballot language on new construction: "Provide incentives for new buildings and developments within Historic Old Town Louisville to limit mass, scale, and number of stories to preserve setbacks, to preserve pedestrian sidewalks between buildings, to utilize materials typical of historic buildings, above mandatory requirements."

Zuccaro noted that "above mandatory requirements" allowed maximum flexibility in the design review process. He noted that the historic context language in the Old Town Overlay were guidelines, not requirements.

Haley, Dickinson, and Thomas agreed that the review process was a judgement process. Thomas suggested that subcommittees of architects and professionals of the Commission could make design review recommendations.

Zuccaro reminded the Commission that it could amend the language in the future if necessary if it found the current language was not working.

Haley summarized that the Commission recommended taking out the extraordinary circumstances language on the time limit section and taking out the landmarking language in the new construction grant. She asked for additional comment on the signing bonus question.

Dickinson suggested that the first \$10,000 could be changed to giving a \$10,000 check as opposed to doing the work first and submitting for a reimbursement.

Zuccaro suggested asking to provide proof when the work was done even if the City gave the money in advance of the work.

Thomas stated that he was more comfortable with calling the money a bonus than asking people to fudge receipts. Dickinson replied that he wanted applicants to have the flexibility to spend the money on their house how they wanted, for example for interior work that the Fund did not cover.

Dickinson moved to change the unmatched \$10,000 grant to a \$10,000 bonus.

Dunlap asked if \$5,000 would be more palatable than \$10,000.

Dickinson replied that the bonus was not about compensating for the time spent in landmarking, it was about providing enough of an incentive. He thought that offering \$10,000 to landmark was the cheapest way to incentivize landmarking.

Zuccaro asked if the bonus language would be the same for commercial and residential properties.

Dickinson thought the reasoning was the same so the language should be the same.

Ulm thought \$75,000 was a lot of money to give just for landmarking, even if that's what the City wanted applicants to do. He was worried that a citizen who didn't care about landmarking might wonder why an applicant was getting that much money to preserve something like a clock.

Dickinson replied that there were not a lot of commercial buildings that could use this money and the citizens of Louisville had asked the City to stop demolitions.

Haley added that there were few landmarked commercial buildings and there was a push to landmark them.

Dickinson moved to change the \$10,000 unmatched grant to a signing bonus for residential and the \$75,000 for commercial to a signing bonus as well; remove the wording of extraordinary circumstances and change to "showing of good cause" for timeline extensions; and to remove the landmark language from the new construction rants for commercial and residential structures. Thomas seconded. Voice vote. 6 yays. Commissioner Klemme abstained. Motion passed.

Recess at 8:33 PM.

Reconvened at 8:42 PM.

Public Outreach

Selvoski presented several future outreach ideas from staff, including a meeting with the Downtown Business Association, direct mailings to residents, continuing the coaster program, hosting a public speaker series, increased social media presence, and reaching out to realtors. She invited other suggestions from the Commission. She also requested direction from the commissioners about how they wanted to implement the outreach programs.

Parris recommended having a discussion on what the Commission wanted to do and then deciding how the commissioners wanted to organize the process. She noted that a two-person subcommittee for all outreach work, as they had done last year, was too much work for that small group.

Haley suggested having a subcommittee for each outreach project. Dickinson agreed.

Parris suggested that subcommittees could also collaborate with other City entities like the library and the museum.

Thomas asked about the outcome of the Fund video from last year.

Zuccaro replied that it was an underused resource.

Klemme noted that the changes to the Fund were a big deal and they should be promoted and marketed through direct mailings with a link to the existing video. She suggested making a video about how to get through the landmarking process, as well.

Parris stated that it was important to reach out to people who could be potential landmarkers and to reach out to younger residents who could talk to their parents about the program. She suggested doing crafts at the Art Walk and other events that would advertise the program and bring children into the process. She also suggested targeting realtors with information about considerations when buying a historic home.

Thomas summarized the points so far: 1. Getting the word out about the new Fund language 2. Involving kids in the education program 3. Getting the realtors to do something exciting with their listings of historic properties in Louisville. He suggested thinking of these three points as three outreach goals that the Commission could organize around.

Dunlap described outreach projects he had encountered at the Saving Places Conference, such as writing stories for local papers about preservation, recording metrics about how many places have been landmarked and approved, making an annual report and retreat involving the Commission and the Council, sending mailings to new residents, making t-shirts, and making signs to mark the historic district.

Haley thought Commissioner Parris's idea about sharing photos with realtors was a good idea and that realtors needed a re-education about the Fund and a way to present the new program easily to new homeowners.

Parris asked if there were a way to give realtors continuing education credit for preservation. She noted that Denver had received state funding for that type of program. She also suggested more of a social media presence.

Zuccaro informed the Commission that the City had recently approved a communications staff person.

Parris responded that even if there was only one social media account for the City, there were other influencers in Louisville that the Commission could ask to post content around preservation goals using a specific hashtag.

Dunlap observed that the layout of the website was confusing since the Commission and the Fund had separate webpages that were not linked to each other.

Zuccaro replied that input on the website could be a separate subcommittee, especially as the City is going through a revamping of its website over the next year.

Haley summarized: 1. Scrap the farmer's market 2. Partner with the museum on museum tours to incorporate preservation into museum tours 3. Commit to Art Walk in the summer 4. Form a realtor outreach subcommittee 5. Form a website and social media subcommittee based on the City's timeline.

Parris suggested including architecture on museum tours, and tying it in with geology and history, as well.

Thomas offered to bring up the tour and field trip collaborations with the Historical Commission on Wednesday.

Parris recommended continuing with the coasters based on their success last year and suggested creating a short infographic showing how much the Fund had supported thus far for publication on the website and on handouts.

Thomas volunteered to head up the museum subcommittee, Parris and Klemme volunteered for the Art Walk projects, Dickinson volunteered for the coaster and preservation month projects, and Ulm and Haley volunteered for the publications projects.

Dunlap observed that the Art Walk had gotten smaller recently and was not as major an event as the Farmer's Market.

Parris noted that the Commission needed to advertise the kids' activities at the Art Walk and locate themselves at a more central location downtown.

Thomas suggested incorporating historic photographs and reenactments in the outreach projects.

Parris agreed that there were lots of ideas for putting the historic photographs to work in outreach programs.

Haley stated that the Commission could reevaluate their subcommittees and the hierarchy of projects next month, but that the coasters for preservation month and the dates for Art Walk had pressing timelines.

ITEMS FROM STAFF

Strategic Plan Update

Selvoski encouraged the commissioners to acquaint themselves with the Strategic Plan with their staff packets and the City's new video describing the plan.

Alteration Certificate/Demolition Review Updates

1117 Jefferson Avenue received an alteration certificate for a window replacement similar in style to what was originally on the house. 1125 Jefferson Avenue received an alteration certificate for replacement roofing materials that were a reasonably good match to the current materials and would not alter the general appearance of the project.

Upcoming Schedule

March

18th - Historic Preservation Commission, Council Chambers, 6:30 p.m.

April

11th – Museum Program, Louisville Photographs, Library, 7:00 p.m.

22nd - Historic Preservation Commission, Council Chambers, 6:30 p.m.

May

20th – Historic Preservation Commission, Council Chambers, 6:30 p.m.

Historic Preservation Month.

UPDATES FROM COMMISSION

Dickinson informed the Commission that the person who was under contract with the church property had some interest in the preservation program.

DISCUSSION ITEMS FOR NEXT MEETINGS

Dickinson suggested looking into the entrance points to the city to increase visibility at South Boulder Road, 42 as it hits Front Street, and 42 as it hits Pine.

Dunlap suggested making a database of the buildings downtown to help the Commission be proactive about getting desired buildings landmarked. He suggested pulling together the different extant information into one place.

Adjourn:

Thomas moved to adjourn. Klemme seconded. The meeting was adjourned at 9:30 PM.

SUBJECT: DISCUSSION/DIRECTION – REVISED HISTORIC PRESERVATION RESOLUTION

DATE: APRIL 29, 2019

PRESENTED BY: FELICITY SELVOSKI, PLANNER / HISTORIC PRESERVATION PLANNING AND BUILDING SAFETY DEPT

SUMMARY:

At the February 18, 2018 Historic Preservation Commission (HPC) meeting, commissioners gave staff feedback and direction regarding revisions to the preservation program. The following report outlines and summarizes revisions to the Historic Preservation Fund as part of the reauthorization process. The steps necessary to complete this evaluation and produce a new resolution are described below. We are currently on step four, the final step in the process.

1. Staff provides more information to the Commission based on June 2018 meeting requests.
2. HPC makes recommendations based on additional information.
3. Staff and subcommittee draft a resolution.
4. *Staff brings final resolution back to HPC for approval, followed by City Council approval.*

Staff requests that the HPC respond to the resolution revisions described below.

BACKGROUND:

At the March 18, 2018 HPC meeting, staff presented a draft of the updated Historic Preservation Resolution to the Commission for consideration. Discussion at the meeting focused on the following issues:

1. Will there be residential new construction grants to encourage homeowners to landmark their properties? If so, what grant amount would be reasonable?
2. Will properties without landmarks or conservation easements be eligible for historic preservation funds to limit mass/scale/etc.?
3. Are there additional changes or adjustments that need to be made?

The Commission discussed the above issues and provided feedback on each, resulting in the draft resolution wording included with this report. Program changes based on Commission feedback are summarized below, along with potential alternatives for consideration.

Following tonight's meeting, the draft resolution will be presented to City Council at the May 21, 2019 meeting for approval.

INCENTIVES

LANDMARK INCENTIVES

Existing Resolution Language	Proposed Resolution Language
<p>Residential:</p> <p>An incentive of \$1,000 shall be awarded to property owners whose properties are declared landmarks pursuant to Chapter 15.36 of the Louisville Municipal Code, with the attendant protections for landmarks pursuant to that chapter.</p> <p>While property owners are encouraged to enhance and preserve the historic character of their property, incentives made under this section have no attached conditions and shall be approved by the City Council in conjunction with its approval of a landmark designation.</p> <p>Commercial:</p> <p>An incentive of \$10,000 shall be awarded to commercial property owners whose properties are declared landmarks pursuant to Chapter 15.36 of the Louisville Municipal Code, with the intended protections for landmarks pursuant to that chapter.</p> <p>While property owners are encouraged to enhance and preserve the historic character of their property, incentives made under this section have no attached conditions and shall be approved by the City Council in conjunction with its approval of a landmark designation.</p>	<p>Residential:</p> <p>The first \$10,000 of the grant will be an unmatched incentive grant as a landmark bonus. Owners of a landmarked property will be eligible for this grant following the signing of the landmark and grant agreements.</p> <p>While property owners are encouraged to enhance and preserve the historic character of their property, incentives made under this section have no attached conditions and shall be approved by the City Council in conjunction with its approval of a landmark designation.</p> <p>Commercial:</p> <p>The first \$75,000 of the grant will be an unmatched incentive grant as a landmark bonus. Owners of a landmarked property will be eligible for this grant following the signing of the landmark and grant agreements.</p> <p>While property owners are encouraged to enhance and preserve the historic character of their property, incentives made under this section have no attached conditions and shall be approved by the City Council in conjunction with its approval of a landmark designation.</p>

Prior Draft Language:

Residential: *Owners of landmarked property or property with an established conservation easement on which new residential structures or additions to existing residential structures are proposed are eligible for matching grants of up to \$15,000 for new residential construction that limits mass, scale, and number of stories, preserves setbacks, and protects the historic integrity of the property and its environment by differentiating the new work from the old.*

Commercial: Owners of landmarked property or property with an established conservation easement on which new commercial structures or additions to existing commercial structures are proposed are eligible for grants of up to \$75,000 for new commercial construction that limits mass, scale, and number of stories, preserves setbacks, preserves pedestrian walkways between buildings, and protects the historic integrity of the property and its environment by differentiating the new work from the old.

NEW CONSTRUCTION GRANTS

Existing Resolution Language	Proposed Resolution Language
<p>Residential:</p> <p>None</p>	<p>Residential:</p> <p>Owners of property located within Old Town Louisville on which new residential structures or additions to existing residential structures are proposed are eligible for matching grants of up to \$15,000 for new residential construction that, beyond mandatory requirements, substantially limits mass, scale, and number of stories, preserves setbacks, and protects the historic integrity of the property and its environment by differentiating new work from the old.</p>

Revision Summary: Residential

<u>Original Proposal:</u>	<u>Current Revised Proposal:</u>	<u>Alternative:</u>
\$5,000 HSA	\$5,000 HSA	\$5,000 HSA
\$50,000 Matching Grant	\$10,000 Landmark Incentive	\$5,000 Landmark Incentive
	\$40,000 Matching Grant	\$45,000 Matching Grant

Existing Resolution Language	Proposed Resolution Language
<p>Commercial:</p> <p>Owners of property on which new commercial structures or additions to existing commercial structures are proposed are eligible for grants of up to \$75,000 total from the Historic Preservation Fund in order to limit mass, scale, and number of stories; to preserve setbacks, to preserve pedestrian walkways between buildings; and to utilize materials typical of</p>	<p>Commercial:</p> <p>Owners of property located within Old Town Louisville on which new commercial structures or additions to existing commercial structures are proposed are eligible for grants of up to \$75,000 for new commercial construction that, beyond mandatory requirements, substantially limits mass, scale, and number of stories, preserves setbacks, preserves pedestrian</p>

historic buildings, above mandatory requirements.	walkways between buildings, and protects the historic integrity of the property and its environment by differentiating new work from the old.
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Revision Summary: Commercial

<u>Original Proposal:</u> \$10,000 HSA \$200,000 Matching Grant	<u>Current Revised Proposal:</u> \$10,000 HSA \$75,000 Landmark Incentive \$125,000 Matching Grant	<u>Alternative:</u> <i>\$10,000 HSA</i> <i>\$25,000 Landmark Incentive</i> <i>\$175,000 Matching Grant</i>
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STRUCTURE AND PROCESS

PREVIOUSLY LANDMARKED PROPERTIES - HSA

Existing Resolution Language	Proposed Resolution Language
NONE	Owners of properties landmarked prior to City Council Resolution 2 Series 2014 who have not received grant funds for a structural assessment and are eligible to receive preservation grant funds through the resolutions in effect at the time of their landmarking approval may request building assessment grants in an amount up to \$5,000 for residential properties and \$10,000 for commercial properties. Such grants shall be used solely to offset a portion or all of the cost of conducting the building assessment.

DISCUSSION QUESTIONS:

1. Are there any final revisions that need to be made to the resolution prior to review by City Council?

ATTACHMENTS:

1. Historic Preservation Draft Resolution

**RESOLUTION NO. XX
SERIES 2019**

A RESOLUTION AMENDING RESOLUTIONS NO. 21, SERIES 2016, NO. 4, SERIES 2014, NO. 2, SERIES 2014, NO. 2, SERIES 2012, AND RESOLUTION NO. 20, SERIES 2010 WHICH ESTABLISHED INCENTIVES AND A REVOLVING LOAN PROGRAM FROM THE HISTORIC PRESERVATION FUND TO ENCOURAGE LANDMARK DESIGNATIONS AND PRESERVATION OF HISTORIC RESIDENTIAL AND COMMERCIAL PROPERTIES IN THE CITY OF LOUISVILLE

WHEREAS, historic properties and buildings of character in the City of Louisville (the "City") are major contributors to the character and quality of life of our City; and

WHEREAS, the City Council, pursuant to the City Charter, established a Historic Preservation Commission to assist it in the preservation and landmarking of these properties; and

WHEREAS, when properties are locally landmarked they are preserved for future posterity and enjoyment and continue to contribute to the unique character of the City; and

WHEREAS, at the November 4, 2008 election, the voters approved Ballot Issue 2A to levy a one- eighth of one percent (1/ 8%) sales tax for purposes of historic preservation purposes within Historic Old Town Louisville through December 31, 2018; and

WHEREAS, at the November 7, 2017 election, the voters approved a Ballot Issue 2F, which extended the expiration date of the temporary sales tax of one-eighth of one percent for historic preservation from December 31, 2018 to December 31, 2028; and

WHEREAS, City Council by Ordinances No. 1544, Series 2008 and No. 1743, Series 2017 imposed the tax approved by the voters, established the Historic Preservation Fund, and codified the financial incentives set forth within Ballot Issues 2A (2008), 2D (2010), and 2F (2017); and

WHEREAS, the City Council by Resolution No. 20, Series 2009, Resolution No. 20, Series 2010, Resolution No. 2, Series 2012, Resolution No. 4, Series 2014, Resolution No. 16, Series 2014, and adopted provisions related to the administration and uses of HPF, and established grant programs, loan programs, and incentives to assist property owners in the rehabilitation and restoration of historic properties and new buildings of character; and

WHEREAS, a core value of the City in the 2013 Comprehensive Plan promotes: "A Connection to the City's Heritage . . . where the City recognizes, values, and encourages the promotion and preservation of our history and cultural heritage, particularly our mining and agricultural past" and enhancing the allowed historic preservation incentives strengthens the City's connection to its heritage; and

WHEREAS, a second core value of the City in the 2013 Comprehensive Plan promotes: " Unique Commercial Areas and Distinctive Neighborhoods . . . where the City is committed to recognizing the diversity of Louisville's commercial areas and neighborhoods by establishing customized policies and tools to ensure that each maintains its individual character, economic

vitality, and livable structure" and expanding the allowed historic preservation incentives will promote and strengthen the unique individual character of Downtown and Old Town Louisville; and

WHEREAS, the City Council by this Resolution desires to update resolutions providing incentives for Historic Preservation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. Grant program to conduct structural assessments of eligible structures:

Prior to any structure being declared a landmark pursuant to Chapter 15.36 of the Louisville Municipal Code or the establishment of a conservation easement, the property will undergo a building assessment to develop a preservation plan to establish priorities for the maintenance of the property.

- i. At a regular meeting of the Commission, the Historic Preservation Commission (HPC) shall review the building history, application, and other relevant information to determine whether there is probable cause to believe the building may be eligible for landmarking under the criteria in section 15.36.050 of the Louisville Municipal Code. If probable cause is not found by the HPC, a building assessment grant will not be issued. If probable cause is found by the HPC, the owner of the property shall be eligible for a building assessment grant in an amount up to \$5,000 for residential properties and \$10,000 for commercial properties. Such grants shall be used solely to offset a portion or all of the cost of conducting the building assessment. A finding of probable cause is solely for purposes of action on the building assessment grant request, and does not guarantee any outcome at subsequent hearings by the HPC or City Council.
- ii. The assessment shall be conducted by a qualified consultant under contract with the City, or by a qualified consultant of the owner's choosing. A qualified consultant should have significant experience in the field of historic preservation and should be a practicing architect, engineer, planner, or similar profession. The City shall be provided a copy of any assessment for which grant funds are awarded.
- iii. An exception to the requirement for a building assessment prior to landmarking or the establishment of a conservation easement may be granted by the Historic Preservation Commission for good cause.
- iv. Owners of properties landmarked prior to City Council Resolution 2 Series 2014 who have not received grant funds for a structural assessment and are eligible to receive preservation grant funds through the resolutions in effect at the time of their landmarking approval may request building assessment grants in an amount up to \$5,000 for residential properties and \$10,000 for commercial properties. Such grants shall be used solely to offset a portion or all of the cost of conducting the building assessment.

Section 2. Residential grants for preserving, restoring, rehabilitating, or protecting landmarked property:

For a period of 36 months from when a property is declared a landmark pursuant to Chapter 15.36 of the Louisville Municipal Code or from the establishment of a conservation easement, the owner of the property shall be eligible for a grant from the Historic Preservation Fund in the amount of up to \$50,000 for residential structures

Grants may be approved under any of the following categories, however grant funds may not be used for interior improvements other than for protection, stabilization, or code-required work.

i. Preservation

- a. **Preservation** is the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property as they now exist. Approved work focuses upon the repair of exterior historic materials and features rather than extensive replacement and new construction.

ii. Rehabilitation

- a. **Rehabilitation** is the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate.

iii. Restoration

- a. **Restoration** is the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time. Approved work focuses on exterior work and includes the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

The first \$10,000 of the grant will be an unmatched incentive grant as a landmark bonus. Owners of a landmarked property will be eligible for this grant following the signing of the landmark and grant agreements. The remaining \$40,000 shall be conditioned based on the applicant matching at least one hundred percent (100%) of the amount of the grant with expenditures or an equivalent value of approved in-kind services for approved work based on the completed structural assessment and deemed eligible for a grant from the Historic Preservation Fund. Eligible work will fall under the preservation, rehabilitation, or restoration categories described above.

Applicants must complete the work covered by any grants and submit their reimbursement requests within 60 months of the landmark declaration or the establishment of a conservation easement. Upon a showing of good cause, the above timeline may be extended with approval of a subcommittee consisting of a designated staff person and two randomly selected members of the commission. If the request for timeline extension is not approved unanimously, the request forwarded to the full commission for consideration at a public meeting.

Section 3. Commercial grants for preserving, restoring, rehabilitating, or protecting landmarked property:

For a period of 36 months from when a property is declared a landmark pursuant to Chapter 15.36 of the Louisville Municipal Code or the establishment of a conservation easement, the owner of the property shall be eligible for a grant from the Historic Preservation Fund in the amount of up to \$200,000 for commercial structures. The grant timeframes may be extended based on the procedures in Sec. 6 below.

Grants may be approved under any of the following categories, however grant funds may not be used for interior improvements other than for protection, stabilization, or code-required work.

i. Preservation

- a. **Preservation** is the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property as they now exist. Approved work focuses upon the repair of exterior historic materials and features rather than extensive replacement and new construction.

ii. Rehabilitation

- a. **Rehabilitation** is the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate.

iii. Restoration

- a. **Restoration** is the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time. Approved work focuses on exterior work and includes the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

The first \$75,000 of the grant will be an unmatched incentive grant as a landmark bonus. Owners of a landmarked property will be eligible for this grant following the signing of the landmark and grant agreements. The remaining \$125,000 shall be conditioned based on the applicant matching at least one hundred percent (100%) of the amount of the grant with expenditures or an equivalent value of approved in-kind services for approved work based on the completed structural assessment and deemed eligible for a grant from the Historic Preservation Fund. Eligible work will fall under the preservation, rehabilitation, or restoration categories described above.

Applicants must complete the work covered by any grants and submit their reimbursement requests within 60 months of the landmark declaration or the establishment of a conservation easement. Upon a showing of good cause, the above timeline may be extended with approval of a subcommittee consisting of a designated staff person and two randomly selected members of

the commission. If the request for timeline extension is not approved unanimously, the request will be forwarded to the full commission for consideration at a public meeting.

Section 4. Residential new construction grants:

Owners of property located within Old Town Louisville on which new residential structures or additions to existing residential structures are proposed are eligible for matching grants of up to \$15,000 for new residential construction that, beyond mandatory requirements, substantially limits mass, scale, and number of stories, preserves setbacks, and protects the historic integrity of the property and its environment by differentiating new work from the old.

Section 5. Commercial new construction grants:

Owners of property located within Old Town Louisville on which new commercial structures or additions to existing commercial structures are proposed are eligible for grants of up to \$75,000 for new commercial construction that, beyond mandatory requirements, substantially limits mass, scale, and number of stories, preserves setbacks, preserves pedestrian walkways between buildings, and protects the historic integrity of the property and its environment by differentiating new work from the old.

Section 6. Maximum grant amounts, time limits, and procedures:

- I. The maximum combined amount of incentive and grant funding from the Historic Preservation Fund that any property may receive is limited to the following:
 - a. \$55,000 per property for a residential structure with landmark status or an established conservation easement
 - i. \$5,000 structural assessment
 - ii. \$10,000 unmatched grant
 - iii. \$40,000 matching grant
 - b. \$210,000 per property for a commercial structure with landmark status or an established conservation easement
 - i. \$10,000 structural assessment
 - ii. \$75,000 unmatched grant
 - iii. \$125,000 matching grant
 - c. \$15,000 matching grant for eligible new residential construction that, beyond mandatory requirements, substantially limits mass, scale, and number of stories, preserves setbacks, and protects the historic integrity of the property and its environment by differentiating the new work from the old.
 - d. \$75,000 matching grant for eligible new commercial construction that, beyond mandatory requirements, substantially limits mass, scale, and number of stories, preserves setbacks, preserves pedestrian walkways between buildings, and protects the historic integrity of the property and its environment by differentiating the new work from the old.
- II. Applications for incentive and grant funds must be received by the Planning Department within 36 months of the date a property is declared a landmark pursuant to Chapter 15.36 of the Louisville Municipal Code or the establishment of a conservation easement.

- III. Reimbursement requests for completed work approved for grant funding must be received within 60 months of a property being declared a landmark pursuant to Chapter 15.36 of the Louisville Municipal Code or the establishment of a conservation easement.
- IV. These grant limitations described above may be exceeded upon recommendation of the Historic Preservation Commission and approval by City Council upon a showing of extraordinary circumstances relating to building size, condition, architectural details, or other unique condition compared to similar Louisville properties or for unanticipated issues related to the timeline described above. When possible, applicants should notify staff of these extraordinary circumstances prior to the expiration of the existing time limits.
- V. Upon a showing of good cause, the above timeline may be extended with approval of a subcommittee consisting of a designated staff person and two randomly selected members of the commission. If the request for timeline extension is not approved unanimously, the request will be forwarded to the full commission for consideration at a public meeting.
- VI. Owners of properties landmarked prior to enactment of this resolution shall have access to the grant funds available through the resolutions in effect at the time of landmarking approval. Such owners may also apply for additional grants through the extraordinary circumstances process described above.
- VII. Any grant exceeding the above limitations shall be conditioned on the applicant matching at least one hundred percent (100%) of the amount of the grant with expenditures or an equivalent value of approved in-kind services that are integral to the project that is deemed eligible for a grant from the Historic Preservation Fund.
- VIII. Any time extensions due to extraordinary circumstances that exceed the 36 month cap for grant applications or the 60 month cap for reimbursement requests may require an update to the existing Historic Structure Assessment described in Section 1 if the necessary work has changed in that time period or if the applicants are proposing work not identified in the Historic Structure Assessment. If deemed necessary, this update will be completed at the expense of the applicant.
- IX. The Historic Preservation Commission will review all grant applications and make recommendations to the City Council for approval or disapproval. The City Council may approve, deny, or return a proposal to the HPC for further information.
- X. Grants may be given in installments upon the satisfactory completion of portions of the project, or given in total upon the satisfactory completion of the project. Conditions for the satisfactory completion of the project shall be given when the grant is awarded. Grants may be revoked if the conditions are not met. Grants given prior to the beginning of a project may be given only in suitable situations, as recommended by the HPC and approved by City Council, including approval by not less than five members of City Council for grants outside Old Town Louisville.
- XI. An applicant may request that the value of stabilization, restoration or preservation work completed on the structure prior to landmarking be considered as a credit against the matching requirement of this Section. Credit for such previously completed work is at the

discretion of the City Council. Credit may only be considered under the following circumstances:

- a. Only work completed within five years prior to the effective date of landmarking may be considered for potential credit against the matching requirement.
- b. The work previously performed was for stabilization, restoration, or preservation of the historic structure. No landscaping or site work may be considered for potential credit against the matching requirement. No interior work, except for structural work, sensitive upgrading of mechanical, electrical, and plumbing systems, and other code-required work to make the property functional, may be considered for potential credit against the matching requirement.
- c. Consideration for credit against the matching requirement may only be given to costs of previously completed work which is documented by paid receipts or invoices. The applicant shall provide the City with complete copies of all such receipts or invoices together with proof of payment, and shall also provide any available supporting documentation upon City request. The request for consideration of previously completed work shall also be accompanied by applicant's written certification that the work for which credit is requested was completed and the costs thereof were incurred and paid, and that the information in such request is true and accurate to the best of applicant's knowledge and belief. The value of in-kind services completed by the applicant shall not be considered.
- d. The amount of credit given for any previously completed work shall be determined by the City Council with input from the HPC, considering such factors as the nature, extent and useful life of the work, the time it was completed, the appreciated or depreciated value of the work, and such other factors as determined relevant.

Section 7. Loans from the Revolving Loan Fund:

Loan requests shall be submitted to City staff and shall be reviewed by the Historic Preservation Commission at a public meeting. The Commission shall provide its recommendation on the application before final action is taken by City Council.

Loan requests may be submitted and considered in conjunction with grants from the Historic Preservation Fund, respecting the established grant limitations. The Historic Preservation Commission may recommend a mixture of loans and grants from the Historic Preservation Fund even if the applicant requested only one type of assistance, and also may recommend one type of assistance where a mixture is requested. City Council may also decide to approve any one or a mixture of loans and grants regardless of the number or types of assistance requested in the request.

Loans shall be in an amount of at least \$2,500. There is no specific loan limit established in this Resolution, but the Historic Preservation Commission and City Council shall consider the following in setting an amount:

- i. Current amount of funds in the Historic Preservation Fund and the needs of other projects;
- ii. The necessity of the work to be performed for the preservation or rehabilitation of the structure and how the proposed work fits into the overall preservation plan for the structure;
- iii. The availability of other funding sources.

Interest rates shall be equal to 1% below the Wall Street Journal Prime Rate as reported on the date of city acceptance of a complete application. The interest rate may be increased or decreased by City Council at the time of initial approval upon a showing of extraordinary circumstances. Any fees for loan processing shall also be established at the time of the award. The loan repayment schedule shall also be established at the time of the award; provided, however, that all loans shall include a due-on-sale clause providing that any outstanding balance on the loan shall be paid in full upon sale or transfer of the property.

In connection with the processing of loan requests, the City may require such information as is reasonably necessary to determine the state of title to and encumbrances upon the subject property, the creditworthiness of the proposed borrower(s), and other matters relevant to loan award and repayment criteria. The City or loan program administrator may require applicants provide written consents to obtain such information.

Receipt of any loans, grants or other incentives shall require that the structure be landmarked pursuant to Louisville Municipal Code Chapter 15.36, or if not eligible for landmarking, that the owner grant the City a conservation easement to preserve the outside appearance of the structure or other historic attributes of the structure or site. Loans may be approved under any of the following categories, however loan funds may not be used for interior improvements other than for protection, stabilization, or code-required work.

- i. Preservation
 - a. **Preservation** is the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property as they now exist. Approved work focuses upon the repair of exterior historic materials and features rather than extensive replacement and new construction.
- ii. Rehabilitation
 - a. **Rehabilitation** is the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate.
- iii. Restoration
 - a. **Restoration** is the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time. Approved work focuses on exterior work and includes the removal of features from other

periods in its history and reconstruction of missing features from the restoration period.

Section 8. Acquisitions Funds:

Use of Acquisition funds of the HPF shall include, but not be limited to:

The purchase of historic properties or properties which contribute to the character of historic Old Town Louisville. These properties, if eligible, shall be landmarked pursuant to Louisville Municipal Code Chapter 15.36 and if not eligible, shall have a conservation easement placed upon them to preserve the outside appearance of the structure or other historical attributes of the structure or site. Prior to the purchase of any property, a financial risk analysis shall be conducted, although City Council may base its approval on considerations other than financial. The City may perform any restoration or rehabilitation work necessary on properties the City acquires, subject to availability of funds therefor, and may then sell the properties unless retained for a municipal purpose. A conservation easement for historic preservation purposes may be placed on the property prior to or in connection with any sale. Any loss and any costs resulting from the acquisition, rehabilitation and sale of the property shall be charged to the HPF, while any profits shall be deposited to the HPF; and

The purchase of conservation easements to protect the appearance of structures that contribute to the character of historic Old Town Louisville. Easements funded by the City may be held solely by the City or jointly with another governmental entity or a third-party non-profit preservation organization.

MEMORANDUM

To: Historic Preservation Commission Members
From: Department of Planning and Building Safety
Subject: Staff Updates
Date: April 29th, 2019

Alteration Certificate Updates

Following the hailstorm on June 18, 2018, Planning Staff and two HPC members reviewed requests for roof replacements for landmarked properties. The following landmarked properties had alteration certificates approved for roof replacement approved:

1131 Jefferson (4/9/2019)

- Rationale: The replacement roofing materials are a reasonably good match to the current materials and will not alter the general appearance of the project. Replacing the roof will help to preserve the landmark.

Upcoming Schedule

May

- 2nd – First Friday Art Walk
- 18th – Landmarking Ceremony, 1021 Main St., 10 am
- 20th – Historic Preservation Commission, Council Chambers, 6:30 pm
- 21st – City Council, Council Chambers, 7 pm

June

- 1st – Drive-in Movie on McCaslin/City of Louisville Open House, 550 S. McCaslin Blvd (former Sam's Club/Ascent Church parking lot), 6 pm
- 17th – Historic Preservation Commission, Council Chambers, 6:30 pm

July –

- 15th – Historic Preservation Commission, Council Chambers, 6:30 pm

August –

- 19th – Historic Preservation Commission, Council Chambers, 6:30 pm