Agenda

- Where to Start
- Effective Ordinances
- Moving Beyond Design Review
- Financial Assistance for Preservation
Where Do You Start?

• What support do you have?
  • Community
  • Nonprofit
  • Municipal

• What resources do you have?
  • Similar commissions
  • Local nonprofits
  • Historic properties
Identify Problems

• What are the community’s concerns?
  • Take away private property rights
  • Tell me what to do
  • “Colonialize” my house

• What are the municipality’s concerns?
  • Private property rights
  • Political fall-out
Gather Support

• Explain historic preservation process
  • Everyone is heard
  • All opinions are taken into account
  • This is a process, not an automatic declaration

• Have a rough draft of an ordinance
  • What will it do/not do?
  • Make it relate to current commission work
Drafting an Ordinance
Federal Preservation Laws

• Archaeological Protection Laws
  • Antiquities Act (1906)

• Federal Programs
  • National Park Service (1916)
  • Federal park designations

• First Preservation-Specific Laws
  • Historic Sites Act (1935)
  • National Trust Act (1944)
Local Preservation Laws

• *Euclid v. Ambler Realty Co.*
  • Affirmed municipal right to zoning laws

• District-based historic preservation
  • Charleston, 1933
  • New Orleans, 1936

• Tool against urban renewal
  • German Village Commission, 1960
Federal Preservation Comes of Age

- National Historic Preservation Act of 1966
  - Section 106 Process
  - SHPO structure

- Federal Review Acts
  - Department of Transportation Act
  - National Environmental Policy Act

- Federal tax incentives created
Penn Central v. New York

- Affirmed legality of designation
- Affirmed legality of design review
- Established process
  - Due process
  - Avoiding takings
Legal Basics

• Enabling Ordinance
  • Creates Historic Preservation Commission
  • Establishes *process* for designation
  • Establishes *process* for design review

• Does NOT automatically designate properties

• Based on precedent and federal/state laws
The Historic Preservation Commission

• The Commission Members
  • 5-7 members with knowledge/involvement with preservation
  • Professionals needed on the commission

• The Commission Meetings
  • Open to the public
  • Held in accessible location at regular intervals
  • Ensures due process requirements are met
Local Designation

• Designation
  • Criteria for designation
  • Establishes Period of Significance
  • Contributing vs. Non-Contributing

• Procedure for designation
  • Nomination by owner(s), board, or others
  • Ordinance with reason for designation
  • Recommendation to Council
  • Designation passed and landmark/district established
Design Review

• Review of alterations to local landmarks and *all* properties within an historic district

• Based on design review criteria and guidelines

• Professional review of projects
  • Cite ordinance criteria and guidelines
  • Taking of private property is avoided
Make Your Ordinance Effective

• Make clear definitions
  • E.g. is the site included in your review?

• Minimum Maintenance Clause
  • Protects against demolition by neglect

• Economic Hardship Clause
  • Provides framework for when cost becomes a burden
Make Your HPC More Effective

- Develop a comprehensive set of design guidelines
  - Property owners understand the process
  - Visual representation of standards
- Ensure you have appropriate meetings
- Move beyond design review
Design Guidelines

• Provide additional information for applying design review criteria
  • Based on local building types
  • Includes drawings and photographs

• Useful both to commission and public
  • Assists in decision making
  • Helps public know what to expect when submitting an application
Faubourg Marigny Historic District

Designated: 1978

Jurisdiction: New Orleans Historic District Landmarks Commission

The Faubourg Marigny Historic District is bounded by Esplanade Avenue, St. Claude Avenue, Press Street, and the Mississippi River.

Faubourg Marigny was the one of City’s earliest suburbs, located immediately downriver from the Vieux Carré on land subdivided from the donation of one of New Orleans most colorful historical figures, Antoine Xavier Bernard Phillippe de Marigny de Mandeville. It came into an enormous inheritance at a young age and is remembered for the fine style in which he administered it. He apparently took a close personal interest in the design of the new Faubourg that would bear his name. He appears to have taken great delight in naming its streets. While some street names have stayed the same—most notably Frenchmen Street and Esplanade Avenue (originally Orange Street)—Craw, Love, Victory, Beagle and Good Children Streets have, sadly, been renamed.

The Faubourg Marigny was largely populated by Creole families, few people of color and immigrants, including many Germans. Numerous early homes in the Marigny were built for free women of color. The Marigny is home to Creole cottages and many ornamented shotgun dwellings, with a number of corner stores, 2-story mixed use corner buildings, and Fire Queen Area or Eastlake style Victorian 2-story residences.

Unfortunately, the area entered a difficult period starting in the 1950s, as families who had lived in the area for many years began moving out of the city to the suburbs. The economic development and growth started to negatively impact the area.

In the late 1960s and early 1970s, a rising interest in the neighborhood’s history, culture and architecture led to a campaign to protect it. In 1975, it was placed on the National Register through a special Historic Preservation zoning ordinance, the first since the creation of the Vieux Carré Commission in the 1930s. Over the past 40 years, much of the area’s historic architecture has been lovingly preserved and restored.

Faubourg Street’s commercial buildings in the blocks closest to the French Quarter now house an eclectic mix of music clubs, restaurants, cafes and small businesses. The district also includes an industrial section of brick and metal buildings concentrated towards the Mississippi River.

LOCAL CULTURE

- The St. Roch Market was constructed in 1875 and provided food and produce to neighborhood residents.
- One area landmark, Holy Trinity Church on St. Ferdinand Street, was founded for German residents in 1855, and is easily recognizable for its twin bell towers.
- Washington Square Park was designated as a green space during the neighborhood’s formation and serves as a place for community events.

WASHINGTON SQUARE PARK

- Washington Square Park is surrounded by a mid-19th century iron fence.
- This double shotgun has a small front yard.
- The pottery creek side corner building has a weathered gallery.

CREOLE COTTAGES

- Creole cottages were built without front yards.

CREOLE COTTAGES

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SHOTGUN COTTAGES

- Shotgun cottages began appearing in the late 1840s.
- Some shotgun cottages have small front yards edged with ornamental iron fences.

MISSISSIPPI RIVER

- The Mississippi River runs along Esplanade Avenue.
- The Mississippi River is the heart of the district.

This material is based upon work supported by a grant from the Department of the Interior, National Park Service. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author and do not necessarily reflect the views of the Department of the Interior.


May 2021
1. Avoid adding non-original elements or details to the building.
   - For example, do not add new window frames or railings unless they are historically accurate.

2. Protect architectural details from moisture accumulation that may cause damage.
   - Regularly check details that have surfaces which can hold moisture for long periods of time.

Design Objective
Deteriorated architectural details should be repaired rather than replaced.

1. Repair only those features that are deteriorated.
   - Patch, paint, or otherwise upgrade existing materials using recognized preservation methods.
   - Insolated areas of damage may be stabilized or fixed using consolidants. Repairs and restorations may be considered for wood, for example.
   - Reinforce damaged features that can be exposed or not appropriate.
   - Protect features that are adjacent to the area being worked on.

2. When disassembly of a historic element is necessary for its restoration, use methods that minimize damage to the original material.
   - When temporary removal of a historic feature is necessary during restoration, document its location so it may be reconstructed accurately.

3. Use technical procedures for cleaning, refinishing, and repairing architectural details that will maintain the original finish.
   - When choosing preservation treatments, use the most gentle means possible that will achieve the desired results.
   - Repaint materials such as cast iron, metal, or painted, limited paint removal, and application of paint or stain.

Guideline 1.6: Repair necessity prevent features in planting, paving, or similar elements that shall not be the original.

Guideline 2.6: Repaint only those mortar joints where there is evidence of moisture problems or when sufficient mortar is missing.

Guideline 2.7: Prevent and control the use of siding and other wood surfaces with a stain or paint.

Guideline 2.8: Repaint those mortar joints where there is evidence of moisture problems or when sufficient mortar is missing.

Guideline 2.9: Maintain protective coatings to retard drying and ultraviolet damage.

National Park Service Preservation Briefs #2 provides guidance on reporting historic brick buildings.
Reference Appendix page APP-2 for more information.

2.3. If a non-historic material covers original siding, then its removal is encouraged.
   - In an appropriate place, sample below the replacement siding to confirm the existence and possible condition of the historic material.
   - In some cases, the original siding may exist and can be repaired.

2.4. Preserve masonry features that define the overall historic character of the building.
   - Examples: walls, piers, pilasters, and window sills.
   - Be sure those which are not painted historically should not be painted.

2.5. Preserve the original mortar joint and masonry unit size, the moldings, and bonding patterns, cavities, and colors, where feasible.

2.6. Original mortar, in good condition, should be preserved in place.

2.7. Maintain protective coatings to retard drying and ultraviolet damage.
   - If the building was painted historically, it should remain painted, including all trim. If the building was stained historically, it should remain stained.

2.8. Plan repainting carefully.
   - Good surface preparation is key.
   - The complete removal of old paint, by the gentlest means possible, should be undertaken only if necessary to the success of the repainting.
   - Prepare a good substrate (primer) and use compatible paint or stain. Some latter paints will not bond well to older-based paints without a primer coat.
Make Careful Decisions

• Ensure all decisions are rooted in ordinance
  • “I don’t like it”
  • “It’s just ugly”

• Guide design through the ordinance and guidelines
  • Do not design projects
  • Indicate where proposals are not compliant
Making Defensible Decisions

• Cite ordinance in making a decision
  • Ordinance is primary source of power
  • Outlines process and authority

• Adhere to design guidelines
  • Passed through Council
  • Provide information for public

• Due process requirements are met
Holding a Meeting

• Maintain professionalism
  • No side comments
  • Keep on task
  • Do not design projects for applicants

• Maintain ethical standards
  • Recuse yourself if there is a conflict of interest
  • “Sunshine Laws”
Record Keeping

• Maintain complete, organized records to ensure compliance with due process requirements
  • Keep copies of announcement, agenda, letters to applicants, applications

• Minutes
  • Reflect conversation held at meeting
  • Records votes and justification for votes

• Accomplishments and problems
  • Information for showing benefits to city
  • Information for what needs to be fixed
Moving Beyond Design Review
Survey & Inventory

• The baseline data for any local preservation program
  • What resources?
  • Where are they?
  • What is their condition?
  • What are the threats or concerns?

• Must be constantly updated for accuracy
Local Preservation Planning

- Guides local policy decisions on historic preservation
  - Identifies local priorities for redevelopment
  - Provides framework of available resources

- Public engagement tool for community
  - What do residents value in their neighborhood
  - Connects municipality and community to historic resources
Public Education

• Education for adults and children
  • Work with teachers for school programs
  • Develop walking tours and brochures for residents and tourists

• Commission Awards Programs

• Provide Assistance to Property Owners
  • Sponsor Building Doctor Clinic
  • Provide preliminary design review assistance
Local Government Relations

- Preservation is *part* of local government
  - Departments are aware of historic preservation

- Departments are aware of review process
  - COA needed prior to issuance of permits, etc.

- Hold meetings with Mayor and Council on regular basis
Promote Use of Tax Credits

• Federal Rehabilitation Tax Credit
  • Non-competitive
  • 20% tax credit on qualified expenditures

• Ohio Historic Preservation Tax Credit Program
  • 25% tax credit on qualified expenditures
  • Competitive ($60million p/a, two rounds)

• Programs may be combined
Certified Local Government
Certified Local Government Program

- 1980 Amendments to 1966 Preservation Act
- Recognized importance of local preservation efforts
- Certification ensured communities could review nominations
- Funding added to help with training and operations
### Who is Certified?

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What to Expect as a CLG

• Minor procedural changes

• Increased public outreach

• National Register nomination involvement

• Access to CLG Grant program
CLG Program Benefits

- Eligibility for CLG Grants
- Eligibility for training and technical assistance
- Review authority for local National Register nominations
- Additional benefits from Ohio History Connection and the State Historic Preservation Office
Discussion
Certified Local Government Grant
CLG Grants

• Created to support local preservation efforts, only available to CLGs and their preservation partners

• Funded through the Historic Preservation Fund based on 10% of Federal allocation to OH SHPO

• Awarded annually
  • ~$100,000 available each year
  • 7-12 awards at between $8,000 – $25,000 each
Strengthen Local Preservation
Cleveland Historic Schools Feasibility Study

Protect and Preserve Cultural Resources

Figure 2. East Side Survey Area.
Protect and Preserve Cultural Resources
Promote Economic Development

Mobile History

More Shaker Heights
Historical website and smartphone app feature information about dozens of landmark properties, events, and people significant to the history of Shaker Heights. The app puts Cleveland—and now Shaker Heights—history at your fingertips. Developed by the Center for Public History + Digital Humanities at Cleveland State University, Cleveland Historical includes information about the city’s 45 individual landmarks, two local landmark districts, and the Shaker Village National Register District. Download the app or visit the website in your browser.

ClevelandHistorical.org
Apple App Store
Google Play

Franklin Park Trolley Barn

A Feasibility Study for the Rehabilitation and Adaptive reuse of an historic building complex in Columbus, Ohio

Date: 09-10-2012

This study was prepared by:
Benjamin D. Rickey & Company
Under contract to Columbus Compact Corporation
The CLG Grant Process

- Information, application, and instructions available at www.ohiohistory.org

- Grant period opens in November, applications are due in February, awards are announced in March

- Grants are evaluated based on:
  - Need (20%)
  - Benefit (20%)
  - Methodology (40%)
  - Support (20%)
  - Bonus points are awarded to projects that meet that year’s priorities.

- SHPO staff are available to review project ideas and draft applications
CLG Grant Requirements

• Applicants must provide a match of 40% of total project costs. Federal funds (except CDBG) can be used as match.

• These are reimbursement grants. The grant payment is made after all project costs have been paid.

• All projects must meet the applicable Secretary of the Interior’s Standards for Historic Preservation
CLG Grants Cannot Fund

- Lobbying
- Section 106 or other mitigation projects
- Fundraising efforts
- Curation and museum interpretation
Other Programs to Look Out For
History Fund Grant

• Ohio History Connection grant program

• Support local and state history projects, programs, and events

• Privately funded by donations; tax refund “check-off;” and gifts to the Ohio History Connection
History Fund Grant

- Eligible Applicants
  - Ohio-based, nonprofits in good standing
  - Public entities in Ohio; government, public libraries, educational institutions

- Eligible Projects
  - Organizational Development
  - Programs & Collections
  - Bricks & Mortar
  - National Register Properties or used for collections
Pipeline Program

• Ohio Development Services Agency program

• Technical assistance and small grants to plan and prepare historic properties for rehabilitation

• Primary goal of the initiative is to develop a pipeline of properties eligible for the OHPTC program
Pipeline Program

• National Register Nomination for Individual Building
  • Grant up to $4,000 for third-party research and consulting to nominate a building
  • Must have support of property owner

• National Register Nomination for a Historic District
  • Grant up to $8,000 for third-party research and consulting to nominate OR amend a district
  • Must have support of majority of property owners and local jurisdiction
Pipeline Program

• NR Integrity Investigation of an Individual Building
  • Grant up to $8,000 for brick and mortar activities to the exterior of a building to reveal intact historic materials (e.g. remove a non-historic façade)

• Multiple Property Planning for an Area
  • Grant up to $8,000 for third-party research and consulting to complete a National Register Multiple Property Documentation form
  • Form is intended to facilitate nomination of buildings or districts in a specified area or context
  • Must have recommendation from SHPO to pursue
This presentation is made possible in part by a grant from the National Park Service, U.S. Department of the Interior, administered by the State Historic Preservation Office of the Ohio History Connection. This program receives federal financial assistance for identification and protection of historic properties. The U.S. Department of the Interior prohibits discrimination in departmental federally assisted programs on the basis of race, color, national origin, age or disability. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of federal assistance should write to: Office of Equal Opportunity, National Park Service, 1849 C Street, NW, Washington, D.C. 20240.