

## **Downtown Historic Preservation Task Force Meeting Minutes**

February 11, 2015

8:30 AM

South Side on Lamar Leasing Office Conference Room

1409 South Lamar St.

Dallas TX, 75215

### **Task Force Members Present:**

Jack Matthews, Matthews Southwest; Mitch Paradise, Paradise Development Partners; Connie Cooper, Cooper Consulting; David Preziosi, Preservation Dallas; Bryan Keith, JHP Architecture/Urban Design; Brian Adams, Callison; Larry Hamilton, Hamilton Properties; Scott Remphrey, Brytar; Todd Watson, Hunt Consolidated; Robert Meckfessel, DSGN; Katherine D. Seale, Task Force Chair

### **Task Force Members Absent:**

none

### **City Staff Present:**

Mark Doty, Sr. Historic Preservation Planner

Katherine Seale called the meeting to order at 8:36 am with a quorum present.

### Overview – Katherine Seale

Katherine briefly introduced the topics for the meeting, which were capacity and advocacy, and reviewed the discussions had to date. Specifically, Katherine reviewed that the Task Force had discussed how the Historic Preservation program would be more successful if it could preserve more of the city's heritage without sacrificing growth and development. She stated that some other cities today look at preservation as a means to an end, as a tool to achieve: revitalization, economic development, heritage tourism, foster citizen pride, and conserve valuable resources. In Dallas, and in most cities, the program is very limited and only addresses one aspect of preservation-landmark designation. She stated that designation is important, but asked if the program can even accomplish its current mandate.

Several issues have been identified already: designation can take 12-15 months-this can be a deal killer. The ordinances need to be reviewed to make sure that they are still relevant. Katherine brought-up Task Force discussions about the need to review building codes as they relate to historic buildings, as well as the effectiveness of current financial incentives, in particular the restrictions on "double dipping" into TIF and tax abatement programs. She also reviewed the idea of using an alternative approach to identifying patterns and urban fabric in addition to documenting individual buildings.

Katherine noted that currently we have two planners and one that will be starting soon. Prior to recent budget cuts there were six, and even more in the 1970s when we had only three historic districts. She reviewed ideas of an expedited designation process, hiring a preservation director, and adding more staff, but noted that simply adding more staff doesn't address the issue of program goals, or addressing needs like adding additional incentives or ordinance changes, if needed. It is currently difficult to

designate new local landmarks, and staff levels being low have made the tax abatement process difficult. She noted that there needs to be an educational component to recommendations, especially for navigating building and fire code challenges, as well as providing a better set of tools on the city website for stakeholders.

To address the need for advocacy, Katherine stated that the Task Force had discussed a broader approach to planning, and how different departments can work together on current plans and future opportunities. She noted that the Urban Design Studio was mentioned as a potential partner. One way to address this would be the creation of a cross-department task force made up of representatives from Historic Preservation, Urban Design, Economic Development, and the Parks Department. In addition, it was stated that involvement at the private level is also needed and could be done through public-private partnerships. A joint committee could be formed between department leads and downtown stakeholders like those on the Task Force to meet regularly as projects arrive.

#### Best Practices of Historic Preservation Programs and Development Incentives —Nicky DeFreece Emery, Task Force Facilitator

Nicky presented a comparative analysis of the cities of Dallas, Los Angeles, Denver, Austin, and San Antonio. This looked closer at whether the programs of each city were integrative in their approach, with the involvement/umbrella of urban planning and/or other departments; whether or not they have a holistic preservation plan looking at a broader approach than building-by-building identification, such as streetscapes, corridors, etc.; if they have special or creative incentives to encourage preservation and whether the approaches are carrot- and/or stick-based. Finally, any special or creative outreach and advocacy approaches were investigated. The following was discussed in detail:

##### Los Angeles:

- uses an integrative approach, where the historic preservation department is fully integrated into the planning process and serves as a resource to other departments
- has a cultural heritage masterplan that provides vision and outlines specific goals and strategies; uses SurveyLA mobile app with GIS as a planning tool and way to engage the public
- California has the Mills Act, which provides property tax relief for locally designated property or contributing property to overlay zones
- has an Adaptive Reuse Ordinance, which streamlines the building permit process and provides flexibility in meeting zoning and building code requirements for converting underutilized historic and non-historic existing commercial buildings into live-work, residential, or hotel space; the program is administered through the building department, fire department, and economic development department but is fully endorsed by the historic preservation department and Los Angeles Conservancy; it has been very successful and has converted several thousand housing units
- California Historic Building Code is used to provide flexibility with meeting building code for buildings that are local or national historic buildings; must meet Secretary of the Interior's standards

##### Denver:

- Downtown Denver Area Plan addresses preservation of historic character while integrating infill; walkability, transit, and streetscaping are emphasized; the plan is done on an area-by-area approach to address the unique goals of each area
- uses Certified Local Government grants for comprehensive preservation planning

#### Austin:

- Downtown Austin Plan emphasizes long term growth and pressing issues; identifies historic preservation as one of the major plan elements
- City of Austin Great Streets Master Plan/Program provides financial assistance to private developers to make streetscape improvements; paid for with parking meter fund that sets aside 30% of parking revenues from downtown for funding
- Business Retention & Enhancement Loan Program provides low interest loans for businesses to improve historic and non-historic buildings; intended to stimulate private retail investment; money goes to building façade and structural improvements
- hotel occupancy tax is used for arts and culture funding; administered by office of economic development

#### San Antonio:

- Historic Districts Council within Office of Historic Preservation advises other city departments, boards, and commissions
- testing “early warning system” between OHP and Code Enforcement to identify endangered historic properties before they become threatened with demolition
- has Historic Building Enforcement Officer that investigates violations related to historic properties and works with property owners
- has strategic historic preservation plan to set long-term vision and build broad preservation ethic; includes recommendations and strategies for planning, zoning, economic development, historic resources, incentives, and education/advocacy
- uses revolving fund to acquisition, rehabilitation, and resale of historic properties
- works with Center City Development Office regarding strategic redevelopment and infill opportunities utilizing historic buildings
- has vacant building registration program to encourage redevelopment
- Operation Facelift program assists owners of commercial buildings with appropriate exterior rehabilitation
- extensive outreach and advocacy program

#### Discussion

Bob Meckfessel initiated a discussion of the use of demolition delays, and suggested that we look at short term solutions to address immediate needs within the preservation system in the city, along with long-term solutions that will address the need for time to work with owners to explore alternative options to demolition. Connie Cooper noted that the genesis of the Task Force was demolition, and this is a critical element that should be addressed. She stated that while the physical demolition process happens in two days, the plan for demolition starts long before, sometimes when a building is purchased; an “early warning system” of some kind may help to address this. She noted that the current ordinance has many tools, but they are not all used. Bob Meckfessel replied that the city also does not execute the existing tools well. Katherine Seale replied that a demolition delay is an important component in several historic preservation programs, but we should look at a holistic approach. Scott Remphrey emphasized that the suggestion of a demolition delay is what prompted the Task Force to get involved, because a better way than a myopic approach that would stop all demolition is needed. Scott noted that the demolitions in Dallas are not universally accepted as a big deal like they would have been in a place like San Antonio or Austin. Larry Hamilton stated that no one thought the buildings were in danger and that to the average person they wouldn’t have been important. Katherine responded that people don’t always appreciate the small commercial buildings. A different approach may be needed. She gave the example of the West End where the preservation criteria is intentionally very loose because of the industrial nature of the district. These buildings were intended to be adapted. The preservation criteria intended to continue their flexibility, and focuses primarily on material, windows,

height, and signage. Brian Adams noted that Salt Lake City has an interesting sign ordinance that provides flexibility.

#### Reports from Task Force members on research on incentives

Scott Remphrey presented findings on code research. He noted that Miami has a dedicated commission to oversee historic building code variances. In Overland Park, Kansas a form-based code is used to create a sense of place. In Alexandria, Virginia a form-based code is also used; over 11,000 reviews have been conducted there. Across California the state's historic building code is applied very broadly. In Dallas, Chapter 34, Section 3409 provides latitude for the building official. He noted that variances can be expensive and difficult to justify on the front end. He noted that the Green Building Code is also a concern. Katherine Seale responded that code variances can and have been used successfully but can be expensive and difficult if you do not have an expert, and noted that this is an education and expense issue; suggested that we look at the use of TIF funds to address code issues, which has been done in Plano. To educate people, she suggested putting the applicable sections of the code on the historic preservation page of the city's website and providing lectures through the AIA. Larry Hamilton noted that in Denver there is a committee that helps owners navigate exceptions, and this is an arm of the building department. Bob Meckfessel noted that the issue goes beyond historic buildings and extends to existing buildings where redevelopment is a possibility. Larry Hamilton suggested a code amendment to add a review panel for exemptions. Brian Adams suggested a technical assistance policy, and the creation of a historic preservation library on the website to help owners. He also suggested instituting policies similar to those in San Antonio, which would include economic development strategies like façade programs that could help keep the rhythm and context of the urban fabric.

Mitch Paradise reported on incentives. He suggested that the historic preservation and economic development departments should be more involved, and that more positive incentives are needed. He suggested that TIFs be more fully utilized and expanded so that they have more "teeth" since they are optional. He suggested that the cap on the existing TIF be raised, and noted that the "low hanging fruit" within the TIF is taken, which is why getting TIF money is so difficult now. He suggested that small scale buildings should be considered for the TIF, and that they be allowed to "double dip" into the TIF and tax abatement program to make them more viable. Mitch also suggested a more reciprocal relationship between Landmark Commission and City Plan Commission. He noted that currently designations are difficult in the existing system. He suggested that new TIFs should have preservation criteria for historic buildings since the program is optional, suggesting that the program could start with buildings like Old Red and the Adolphus that are widely appreciated and have meaning to people. Mitch also suggested using the TIF for infrastructure to address existing buildings and to be creative with infill. Larry Hamilton suggested a parking requirement waiver would be good. Mitch responded that a parking waiver is almost a "must have." Jack Matthews suggested that preservation criteria in the TIF could be a similar process to going to the Urban Design review board, and stated that this action could happen immediately. Connie Cooper noted that TIFs expire, but could be extended once, and asked if most properties Downtown are part of a TIF. The Task Force responded that yes, the majority of Downtown is covered by a TIF. Jack Matthews noted that there is not much money left in the TIF, and that there is a 6-7 year backlog. Katherine Seale emphasized the need for a voice for preservation in the TIF process. Mark Doty responded that there used to be review of TIF projects by historic preservation staff, but that the City Attorney informed them that the review could not be enforced. Larry Hamilton noted that there is nothing to prevent demolition of a building that receives TIF money. Bob Meckfessel noted that there is a schism between Urban Design and Historic Preservation, noting that at the Design Review Board, members are told specifically not to consider historic preservation. He noted that this is a problem, especially since modern buildings are now being considered historic.

Connie Cooper reviewed Article 11 incentives, which ties back to Landmark Commission. She noted that in this document, Historic Preservation and Economic Development are not considered different, and that there is a need for education regarding the program's intent. Katherine noted that the TIF is more attractive than the tax abatement program because the abatement program requires designation, and it does not provide as much money to owners. Connie Cooper responded that there is value in historic buildings, and asked that the process and timeline be addressed. Katherine responded that more staff is needed, as well as an expedited process, and the identification of the city's priorities.

#### Approval of February 4 Minutes

Mitch Paradise moved to approve the minutes from the February 4 meeting. Scott Remphrey seconded the motion. The motion passed with no opposition.

The meeting was adjourned at 10:02 am.

Minutes by Nicky DeFreece Emery