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Local Incentives for Historic Preservation

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Many local governments provide incentives to encourage private property owners to preserve or rehabilitate historic buildings. Such incentives can be an important complement to regulatory controls embodied in local preservation ordinances.

Among the different types of historic preservation incentives used by cities and towns around the country are:

- tax incentives
- financial assistance (e.g., rehabilitation grants or loans)
- regulatory relief (from building code or parking requirements)

(continued on page 2)

Old Bexar County Jail, San Antonio, TX. Renovated for use as offices in 1987. The developer benefitted from the city's policy of forgiving taxes on rehabbed historic properties. City of San Antonio photo; courtesy American Planning Association.

U.S. Department of the Interior
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Cultural Resources

- zoning incentives (e.g., transfer of development rights, density bonuses)
- technical assistance (e.g., design assistance)

In addition to providing preservation incentives, many communities are creating disincentives for property owners to demolish historic landmarks and replace them with surface parking lots. This memorandum cites examples of such disincentives as well as incentives.

It should be noted at the outset that some preservation incentives discussed herein may not be permitted under state law. Local governments considering incentive programs are advised to review their state historic preservation or zoning enabling laws to determine whether they have the legal authority to put certain incentives in place. If they lack such authority but wish to obtain it, they might consider working with statewide preservation organizations to amend their state enabling legislation. (See "Successful State Advocacy," National Trust Information Sheet No. 57)

Additional references on preservation incentives are cited at the end of this information bulletin.

A. TAX INCENTIVES FOR HISTORIC PRESERVATION

1. *San Antonio, Texas*

One of the more mature tax incentive programs for preservation is found in San Antonio, where in 1980 the city council authorized property tax relief for owners of historic properties.

Under this program, taxpayers who substantially rehabilitate historic residential structures may have their property tax assessments frozen for 10 years at pre-rehabilitation assessment levels. After that period, tax assessments must again reflect a property's full market value. Both rental housing and owner-occupied residences may qualify for this benefit.

Rehabilitated commercial structures may be exempted completely from city property taxes for five years. During the following five years, taxes are assessed on only half of the renovated building's value.

San Antonio preservation advocates are currently working with the Bexar County Appraisal District to persuade county tax assessors to tax historic landmarks according to their actual use, rather than their "highest and best" use.

For more information: San Antonio Historic Preservation Office, Box 839966, San Antonio, Texas 78283-3966. Tel: 512/299-8308.

Included as a special insert to this issue of CRM is a summary of various incentives used by local governments around the country to promote historic preservation. "Local Incentives for Historic Preservation," is a useful introductory guide for local preservationists interested in developing preservation incentives in their own communities. It provides a local address to contact for further information about particular incentive programs. Given the recent ruling on the Boyd Theater by the Pennsylvania Supreme Court and the growing lack of tolerance for government regulation in all regions of the country this supplement is very timely. Constance Beaumont is senior policy analyst for the National Trust for Historic Preservation in Washington, D.C.

2. *Boulder, Colorado*

Boulder law authorizes a waiver of city sales taxes on construction materials used to rehabilitate historic landmarks if at least 30% of the cost of materials is for a building's exterior. This program has been used extensively and reportedly makes property owners happier about complying with design review requirements applied to historic buildings.

For more information: Department of Community Planning and Development, Rm. 305, Park Central Bldg., 1739 Broadway, Boulder, Colorado 80306. Tel: 303/441-3270.

3. *Other Examples of Communities with Tax Incentives*

- *Jackson, Mississippi* authorizes property tax exemptions for up to 7 years for designated landmarks or buildings in historic districts. Both commercial and residential structures qualify.
- *Atlanta, Georgia* provides a freeze on property taxes for income-producing historic landmarks.
- *Buffalo, New York* allows 50% of the value of a rehabilitated landmark property to be excluded from tax assessments for up to 20 years.
- *Seattle, Washington* permits tax assessments on rehabilitated historic properties to exclude the increased values attributable to rehabilitation for up to 10 years.

B. GRANTS AND LOANS

1. *Roanoke, Virginia*

In 1989 Roanoke created a "Historic Buildings Rehabilitation Loan Program." The program is the result of a partnership involving Downtown Roanoke, Inc., the Roanoke Valley Preservation Foundation, the City of Roanoke and local commercial lenders.

Under this program, the banks provide rehabilitation loans of up to $100,000 per project. The interest rate is set at 2% below prime; the loan term, at seven years. The program is limited to buildings in Roanoke's central business district.

In addition, the city of Roanoke offers matching facade improvement grants of up to $5,000 and provides free architectural design assistance to property owners in local historic districts. To qualify for these grants, a person must rehabilitate a deteriorated building and increase job opportunities for low to moderate-income persons. All renovations must comply with special rehabilitation standards. This program is funded through community development block grant funds available from the U.S. Department of Housing and Urban Development.

For more information: City of Roanoke Community Planning Office, Room 355, Municipal Bldg., 215 Church Ave., S.W., Roanoke, Virginia 24011. Tel: 703-981-2344.

C. EXEMPTIONS FROM PARKING REQUIREMENTS

Many communities recognize that it is difficult for historic areas to meet parking requirements that were intended for new construction. Inasmuch as the enforcement of such requirements can easily destroy the pedestrian-oriented character of historic districts, many zoning ordinances allow for flexibility in this area. Cited below are some examples.

1. *Eugene, Oregon*

Eugene's preservation ordinance states:

> *The (historic review) board or council may modify. . . general provisions regarding (the). . .* ***number of off-street parking spaces required****. . .in the final order designating landmark status if the modifications:*
>
> *1) are necessary to preserve the historic character, appearance or integrity of the proposed historic landmark, and*
>
> *2) are in accordance with the purposes of zoning and sign regulations.*

2. *Durham, North Carolina*

Durham's preservation ordinance authorizes parking variances to protect the special character of its historic districts:

> *When the Historic District Commission finds that the number of off- street parking spaces required by the zoning regulations for a building or structure for which a Certificate of Appropriateness is requested is inconsistent with the historic character and qualities of the District, the Historic District Commission shall recommend to the Board of Adjustment that the Board. . . grant a variance, in part or in whole, of the number of off-street parking spaces required. The Board. . .may authorize a lesser number of off-street parking spaces, provided: (1) the Board finds that the lesser number of off-street parking spaces will not create problems due to increased on-street parking, and (2) will not constitute a threat to the public safety.*

3. *Austin, Texas*

Austin authorizes its landmark commission to:

> *review the parking regulations in existence in the (historic) district and recommend any changes in numbers, or location of on-street and off- street parking requirements it feels necessary to enhance the district. (The commission) shall review the adequacy of parking facilities in or affecting the district and may offer recommendations for such public and/or private parking lots, garages or structures it deems to be in the best overall interest of the district.*

4. *Richmond, Virginia*

Section 16-11 of Richmond's ordinance states:

> *The. . .****off-street parking*** *and loading regulations. . .****shall not apply to buildings or premises in an old and historic district*** *when it is demonstrated to the satisfaction of the commission by competent evidence that it is necessary to depart from such regulations and provisions in order to accomplish, encourage and promote the purposes and objectives set out in (the ordinance's statement of purpose).*

5. *Seattle, Washington*

Seattle's land use code helps to maintain the walkability of the downtown area through reduced parking requirements. No parking is required for new uses located in existing structures, even when they are remodeled. No parking, either long- or short-term, is required: for the first 30,000 square feet of retail space on lots in areas with high transit access; for the first 7,500 square feet of retail and service space on lots in other areas; and for the first 2,500 square feet of non-retail commercial space.

Seattle also has a special ordinance governing development in the historic Pioneer Square Preservation District. Among the stated purposes of that ordinance are:

- to avoid a proliferation of vehicular parking and vehicular-oriented uses;
- to provide regulations for existing on-street and off-street parking; and
- to encourage the use of transportation modes other than the private automobile.

The Pioneer Square ordinance prohibits free-standing gas stations and such other auto-related land uses as automotive retail sales and services, drive-in businesses and surface parking lots. The ordinance explicitly discourages parking garages and subjects them to special design review. Curb cuts and street-level entrances to parking facilities, when they are allowed, are subject to special review.

For more information: Dept. of Community Development, 700 3rd Avenue, Seattle, Washington 98104. Tel: 206/684-0228.

6. *Denver, Colorado*

The zoning ordinance for Denver's Lower Downtown Historic District includes the following restriction to guard against the construction of parking garages that could destroy with the special character of this area:

> *Parking is prohibited within a space which extends from street level upwards a distance of 12 feet in any structure located within 35 feet of the zone lot front line which is part of the long dimension of any block.*

Denver also exempts buildings in the Lower Downtown Historic District that were constructed or altered before 1974 from the normal parking requirements.

For more information: Denver Planning Office, 1445 Cleveland Place, Denver, Colorado 80202. Tel: 303/640-3609.

D. EXEMPTIONS FROM BUILDING CODE REQUIREMENTS

As is the case with parking requirements, today's building codes were written with new construction in mind and are often inappropriate for historic structures. For this reason, many communities allow waivers of certain building code provisions for historic structures provided that the public safety is not endangered. Usually this is done through tradeoffs: the existence of certain characteristics in a historic structure may compensate for the absence of features required by the building code. Examples of communities that provide such flexibility are cited below.

1. *Duluth, Minnesota*

Duluth's ordinance encourages building code enforcement authorities:

> *to be open to acceptable alternative solutions and alternative compliance concepts, where practical, that will permit the continued use of existing buildings and structures without creating overly restrictive financial burdens on owners or occupants. (But) nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure required by city ordinance.*

2. *Taos, New Mexico*

The model code followed by Taos is the Uniform Building Code. However, the Taos preservation ordinance explicitly authorizes building code officials to consider alternative ways for historic buildings to comply with code requirements:

> *Rehabilitation or restoration of an officially designated historic structure can be made without conformance to all of the requirements of the codes upon the review and authorization by the building official who has legal authority.*

3. *Sarasota, Florida*

The building code relief provided for historic structures in Sarasota is as follows:

> *Historically designated structures and structures which are located in a designated historical district. . .shall qualify for the exemption accorded to special historic buildings under. . . (the) Sarasota Building Code (Standard Building Code, 1985 edition). . .provided that the building meets all other requirements of that section to the satisfaction of the Building and Zoning Administrator. . .*

4. *Boise, Idaho*

Boise allows flexibility in the fire code as well as the building code:

> *The Council, in order to promote the preservation and restoration of any historic properties, landmarks or property within an historical district may, upon the recommendation of the Commission, exempt an historic property, landmark, or property within an historical district from the application of City Fire or Building Codes upon compliance with the criteria for exemption set forth in said codes and upon a finding that non-exemption would prevent or seriously hinder the preservation or restoration of said historic property, landmark or property in an historical district. Upon recision of an historic designation, any code exemption herein granted shall be revoked effective the date of recision.*

5. *Austin, Texas*

Austin's preservation ordinance permits the local landmark commission to:

> *review and recommend any amendments to the building regulations it feels necessary to preserve the architectural and historic integrity and authenticity of structures within each such district.*

6. *Richmond, Virginia*

Richmond authorizes flexibility in fire code requirements for historic buildings:

> *when the chief of the bureau of fire certifies to the (landmark) commission that in his opinion such building or structure and the character of construction thereof will not materially increase the danger from fire. . .*

(Portsmouth, Va., has a similar ordinance.)

7. *Seattle, Washington*

The Seattle Building Code, which is based on the Uniform Building Code, allows the director of the Department of Construction and Land Use to modify building code requirements for landmark buildings. The director has the discretion to request alternate requirements so long as they do not compromise the public health and safety.

E. ZONING INCENTIVES

1. *Transfer of Development Rights*

The transfer of development rights (TDR) is a publicly created mechanism through which owners of historic properties may sell unused development rights (air rights) to a property owner who uses these rights on another site. With TDRs in hand, a developer may build a larger building on the "receiving site" than the zoning would normally allow. Historic property owners who sell TDRs may use the proceeds from their sales to pay for necessary repairs to their property.

In order for TDR programs to succeed, there must be a market for the development rights that owners of historic properties want to sell. Communities in which the overall real estate market is sluggish may not find TDRs very useful. Cities with robust real estate markets have established TDR programs but often destroy the TDR market by zoning "receiving sites" too liberally. That is, they make building density and height limits so generous that there is little incentive for developers to purchase TDRs. If the zoning already permits developers to build exceedingly large buildings as a matter of right, why should they pay extra for TDRs?

Another prerequisite for a successful TDR program seems to be a city planning staff with expertise in real estate matters, as TDR transactions can be complicated.

Although TDR programs exist in a number of cities, as can be seen from the experiences of the following communities, TDRs have not been used very often:

- *Seattle.* Seattle's TDR program, created in 1985, permits TDR transactions for two purposes: to produce or preserve low-income housing and to save historic landmarks. Although the program has been used for housing, it has never been used to preserve landmarks. Efforts are currently being made to correct the problems with Seattle's TDR program for preservation.
- *San Francisco.* San Francisco included a TDR program in the Downtown Plan the city enacted in 1985. Approximately 10 to 15 TDR transactions involving historic buildings have been carried out since then.
- *Atlanta and Dallas.* Both Atlanta and Dallas authorize TDRs for historic preservation. However, because their zoning codes permit such extraordinarily high floor area ratios (25 to 1 in Atlanta, 20 to 1 in Dallas), developers have had little incentive to purchase TDRs.
- *Pittsburgh.* Pittsburgh's program, established in 1987, allows TDRs in three circumstances: 1) if new housing is constructed on the receiving site; (2) if the sending site is a designated historic strcutures; and (3) if a non-profit performing arts facility is a sending site. The city has used this program only once, to transfer development rights from the Benedum Center, a historic building and a performing arts center. The transfer of development rights was used to accommodate a twin office tower project across the street.
- *Philadelphia.* A TDR program is under active consideration in Philadelphia at this time.
- *New York.* A TDR program run by the city dates to 1961 but has been used for only about 24 TDR transactions in the last 20 years.

2. *Zoning Variances*

During the 1960s, many communities revised their zoning ordinances to require suburban-style yards, with large lot sizes and front- and side-yard setbacks. In older neighborhoods where houses were often built more closely together on smaller lots, this type of zoning has made it difficult to construct compatibly designed "in-fill" housing. As a result, vacant lots have proliferated and neighborhood revitalization efforts have been stymied. Some communities have acted to overcome this problem.

a. *Lansing, Michigan.*

Lansing's historic district ordinance contains the following language:

> *Due to particular conditions of design and construction in historic neighborhoods where structures are often built close to*

lot lines, and since it is in the public interest to retain a neighborhood's historic appearance by making variances to normal yard requirements where it is deemed that such variances will not adversely affect neighborhood properties, the Historic District Commission may recommend to the Board of Zoning Appeals that a variance to standard yard requirements be made.

b. *Roanoke, Virginia*

The city of Roanoke reduced the minimum lot sizes in historic residential neighborhoods as part of a comprehensive revision to its local zoning code in 1987. At the same time, Roanoke moved to permit special uses of historic residences to make their preservation more economically feasible. For example, the city amended its zoning to permit large Victorian houses that are now too big for most families to be used as bed and breakfasts, art galleries and other uses that do not destroy residential neighborhoods.

To encourage downtown housing, Roanoke's zoning permits multifamily apartment buildings, townhouses, and the conversion of upper floor space to residential uses in the downtown and adjacent areas. These residences accommodate people who enjoy walking to work and provide a market for downtown stores.

For more information: Office of Community Planning, Rm. 355, Municipal Bldg., 215 Church Ave., S.W., Roanoke, VA 24011. 703/981-2344

c. *Sarasota, Florida*

Sarasota authorizes variances and special exceptions to zoning rules to make it easier for owners of historic structures to find economically viable uses for their properties:

> *Owners of historically designated structures... may petition the Planning Board for a special exception* ***for any type of use which would serve to perpetuate the viable contemporary utilization of the historic structure,*** *regardless of whether such use is permitted by special exception in the zone district in which the historic structure is located...*
>
> *When a petition for a variance is filed with the Board of Adjustment for an historically designated structure...then the petition for such a variance need only demonstrate that the grant of the variance will not be detrimental to the public welfare.*

d. *Miami, Florida*

Miami authorizes flexibility in zoning, parking and building code requirements when necessary to encourage the preservation of historic structures.

Under a recently adopted historic preservation overlay zone ordinance, the city may approve conditional uses — e.g., professional offices, tourist and guest homes, museums, private clubs and lodges — in order to make the preservation of historic structures more economically feasible in certain cases. The ordinance has helped to save large historic houses located on the fringes of commercial districts.

Miami also permits waivers of minimum lot size, floor area, open space, height, building spacing and footprint requirements to encourage historic preservation. A provision in the South Florida Building Code permits the waiver of certain building code provisions under certain circumstances. Finally, where the size or configuration of a historic district is such that compliance with offstreet parking requirements would destroy the area's historic character, the city may authorize a reduction of up to one-third of the number of parking spaces that would otherwise be required.

For more information: Miami Planning Department, Historic Preservation Office, Miami, Florida. Tel: 305/579-6086.

G. DISINCENTIVES FOR SURFACE PARKING LOTS AND GARAGES

1. *Pasadena, California*

Pasadena's preservation ordinance contains this provision:

> *No building or construction related permits shall be issued for a period of 5 years from the date of demolition for property on which demolition has been done in violation (of the ordinance's requirements) and* ***no permits or use of the property as a parking area shall be allowed during the 5 years...***
>
> *All property subject to (the above provision) shall be maintained in an orderly state. The owner shall maintain all existing trees and landscaping on the property, and, when appropriate shall sod and seed the property, or otherwise install planting and landscaping materials in a manner satisfactory to the City's zoning administrator. Any new construction on the property after the time period within which building and other development permits may not be issued shall be subject to design review by the Design Commission with recommendations from the Cultural Heritage Commission to be received by the Design Commission prior to rendering decisions on the design of new development.*

The Pasadena ordinance also forbids the demolition of structures over 50 years old **"unless there has been issued a building permit for a replacement structure** or project for the property involved." A property owner may be exempted from this requirement if he can show that "demolition without replacement will not result in harm to the public." Harm is defined as "the loss of low-income housing stock which will not be replaced...nuisance uses of the vacant property...(or) significant adverse visual impact(s) on the neighborhood."

2. *Lowell, Massachusetts*

Lowell seeks not only to discourage surface parking lots but also to ensure that new parking garages are built to fit in harmoniously with their surroundings:

> *Where off-street parking provision is necessary, vehicles shall be accommodated in multi-story structures which are sensitively designed to fit into their architectural context.* ***Removal of buildings to create ground-level parking space shall generally be prohibited.***
>
> *Ground level parking spaces proposed to be located on existing open land shall be adequately landscaped utilizing a combination of shade trees and shrubs for screening.*

3. *Salt Lake City, Utah*

Salt Lake City prohibits demolitions of historic buildings unless their owners have plans for replacement structures:

> *All applications for (demolition) permits must be accompanied by post-demolition or post-removal schematic construction plans or landscaping plans for the site, which plans shall be submitted to the historical landmarks committee for recommendation...*
>
> *A. Prior to approval of any demolition permit, (the) planning (department) shall review the post-demolition or removal plans to determine if a faithful performance bond is required hereunder to ensure the installation and maintenance of sprinkled landscaping upon the regraded lot according to:*
>
> *1. The landscaping plan approved by the committee; or*
>
> *2. In absence thereof, a minimum standard of automatically sprinkled sodded grass, within 6 months following the demolition...*
>
> *B. If a bond is required, it must be issued by a corporate surety authorized to do business in Utah, in a form approved*

by the city attorney, or a cash bond under an escrow agreement approved as to form and terms by the city attorney. The bond shall be in an amount determined by planning and shall be sufficient to cover the estimated costs, as determined by the city engineer to:

1. Restore the grade as required. . .

2. Install a working automatic sprinkling system.

3. Revegetate and landscape with sodded grass.

4. Continuing (sic) obligation to maintain the same in an orderly, clean condition until a structure is constructed upon the site.

5. The bond shall require installation of landscaping and sprinklers within six months, unless the owner has obtained a valid building permit and commenced pouring foundations. It shall be the owner's responsibility at all times to maintain the landscaped lot in an orderly, clean and good condition to avoid becoming an eyesore, weed-patch or otherwise detrimental to the streetscape or public health.

D. The bond shall be required under the following circumstances:

1. upon applications involving property located within any historic district; and

2. upon applications involving property located upon a landmark site.

F. PACKAGES OF INCENTIVES

Some cities provide a whole package of preservation incentives. Examples of such comprehensive approaches are cited below.

1. *Portland, Maine*

The preservation ordinance of Portland, Maine, authorizes the city council to approve an "Incentive Plan" for property owners who could not preserve a historic property without facing undue economic hardship. The ordinance states:

This Incentive Plan may include, but is not limited to, loans or grants from the City of Portland or other public or private sources, acquisition by purchase or eminent domain, building and safety code modifications to reduce cost of maintenance, restoration, rehabilitation or renovation, changes in applicable zoning regulations including a transfer of development rights, or relaxation of the provisions of this article sufficient to allow reasonable use of the structure.

For more information: Dept. of Planning & Urban Development, Rm. 211, City Hall, 389 Congress St., Portland, Maine 04101. Tel: 207/874-8300.

2. *Aspen, Colorado*

Aspen provides a $2,000 grant to residential property owners who "volunteer to landmark designate" their property. The city also provides zero-interest grants of up to $10,000 to help persons who demonstrate economic hardship pay for minimum maintenance of their property. In addition, historic property owners may be exempted from processing fees and park dedication fees that would normally be required for regular building permits. Landmarks are exempt from the Aspen Growth Management Quota System as well as from an annual competition for a limited allocation for commercial square footage, lodge or residential units. There is a 3.4% cap on growth.

Aspen also makes special conditional uses available only to landmarks and authorizes flexibility in the zoning rules with respect to building setback requirements for historic structures, floor area ratios, and Uniform Building Code requirements when appropriate.

For more information: City of Aspen, Planning & Zoning Office, 130 S. Galena, Aspen, Colorado 81611. Tel: 303/920-5909.

3. *Seattle, Washington*

Seattle's landmark preservation ordinance explicitly authorizes a variety of economic incentives to encourage the maintenance or rehabilitation of historic structures. The ordinance states:

Examples of economic incentives include tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, named gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

For more information: Office of Urban Conservation, Dept. of Community Development, 700 Third Ave., Seattle, Wash. 98104. Tel: 206/684-0381

G. TECHNICAL ASSISTANCE

Many communities have found that plain old friendly persuasion can be an effective way of getting property owners to maintain their historic buildings and to rehabilitate them in a way that respects the distinctive character of the neighborhood. The National Alliance of Preservation Commissions encourages local preservation commissions to provide helpful guidance to property owners on design matters. Such advice can be provided by qualified planning department staff members, through special neighborhood workshops, or even on a "circuit rider" basis.

For more information on communities using this approach, contact the National Alliance of Preservation Commissions, 444 N. Capitol St., Washington, D. C. 20001.

ADDITIONAL REFERENCES

America's Downtowns: Growth, Politics and Preservation, by Richard C. Collins, A. Bruce Dotson and Elizabeth B. Waters. Preservation Press. 1991.

This 159-page book describes the efforts of 10 cities to establish local historic preservation programs. The cities are Atlanta, Boston, Cincinnati, Denver, Jersey City, Philadelphia, Roanoke, St. Paul, San Francisco and Seattle. Preservation incentives were included in programs adopted by several of these cities and are discussed in the book. Available for $14.95 (plus sales tax and $4 for shipping) from the Preservation Press, National Trust for Historic Preservation, 1785 Massachusetts Ave., N.W., Washington, D. C. 20036.

Fiscal Incentives for Historic Preservation, by Susan Robinson and John E. Petersen. January 1989.

This 69-page report discusses preservation incentives from the perspective of local governments. It addresses such issues as: eligibility criteria, timing and duration of incentives, impacts on tax bases, administrative concerns and assessment practices. Available for $10 from the Center for Preservation Policy Studies, National Trust for Historic Preservation.

"State Tax Incentives for Historic Preservation," by Constance E. Beaumont. March/April 1991 *Historic Preservation Forum*, the journal of the National Trust for Historic Preservation.

This six-page article describes approaches taken by six states to encourage historic preservation. The tax relief programs discussed are those of Texas, Georgia, Rhode Island, Wisconsin, Washington and Oregon.

Transferable Development Rights Programs, by Richard J. Roddewig and Cheryl A. Inghram. American Planning Association. 1987.

This 38-page Planning Advisory Service Report (Number 401) defines TDRs and discusses their application in 8 communities: Montgomery County, Md.; Collier County, Florida; New Jersey Pinelands; Santa Monica Mountains, Calif.; New York City; Denver; Seattle; and San Francisco. The report also discusses the legal basis for a TDR program and the design of an effective TDR system. Finally, it includes sample ordinances and a bibliography. Available for $16 from the APA ($8 to PAS subscribers), 1313 E. 60th St., Chicago, Illinois 60637. (312) 955-9100.

Using A Revolving Loan Fund for Downtown Preservation, a Critical Issues Fund issue paper by J. Myrick Howard. 1988.

This 22-page report discusses: revolving fund techniques, selecting properties, the problem of profit (or lack thereof), establishing property values and potential uses, recouping expenses, working with brokers and fundraising for the revolving fund. Available for $5 from the Center for Preservation Policy Studies of the National Trust for Historic Preservation.

Preserving Small Buildings in Downtown Washington, D. C., a Critical Issues Fund report by Tom Moriarity of Halcyon, Ltd. 1988.

This 77-page report summarizes techniques available to preserve small historic buildings in a downtown area. The report includes brief explanations of such preservation tools as zoning (overlay, performance, bonus), tax abatements, differential assessments, investment tax credits, tax increment financing and special taxing districts. Available for $10 from the Center for Preservation Policy Studies of the National Trust.

"Economic Incentives for Historic Preservation," a Critical Issues Fund paper by Richard J. Roddewig. 1988.

This 16-page paper discusses historic buildings as an economic resource and comments on the advantages of different approaches to preservation incentives. Available for $5 from the National Trust's Center for Preservation Policy Studies.

Carrots and Sticks: New Zoning Downtown, by Terry Jill Lassar. Urban Land Institute. 1989.

This 203-page book discusses incentive zoning, density bonus programs, design review, street-level retail uses, view protection, open space and streetscapes, parking and transportation. Information is included on zoning tools used by such cities as Portland (Oregon), Pittsburgh, Seattle, San Francisco, Bellevue (Washington) and Charlotte (North Carolina). Available from the Urban Land Institute, 625 Indiana Avenue, N.W., Washington, D. C. 20004. (202) 624-7000.

Appraising Easements: Guidelines for Valuation of Historic Preservation and Land Conservation Easements.

An 82-page book published jointly by the Land Trust Alliance and the National Trust for Historic Preservation, this publication includes: guidelines for the appraisal of charitable gifts of conservation easements, excerpts from the U.S. Treasury Dept. regulations concerning easements; selected IRS revenue rulings, and sample easement restrictions.

The book may be obtained for $8.95 from the Preservation Bookstore, 1600 H St., N.W., Washington, D. C. 20006. 202/673-4200.

The Conservation Easement Handbook: Managing Land Conservation and Historic Preservation Easement Programs.

Authored by Janet Diehl and Thomas S. Barrett, this 269-page book discusses such matters as: the different types of conservation and preservation easements; criteria for easement programs; marketing easement programs; tax benefits of easements; and preventing easement violations. The book also includes model historic preservation and conservation easements and commentary.

Available for $19.95 from the Preservation Bookstore, 1600 H St., N.W., Washington, D. C. 20006.

Preservation Law Reporter.

Published by the National Trust for Historic Preservation, the *Preservation Law Reporter* covers new developments relating to Federal, state and local preservation laws and ordinances. State laws affecting tax incentives for preservation are included as part of this coverage. Subscriptions to the PLR are $90 ($50 for members of the National Trust's Preservation Forum). A subscription includes 12 monthly issues plus a year-end report summarizing highlights in preservation law. Write to the Law and Public Policy Department, National Trust for Historic Preservation, 1785 Massachusetts Ave., N.W., Washington, D. C. 20036. 202/673-4035.

The Alliance Review

Published quarterly by the National Alliance of Preservation Commissions, this newsletter offers helpful advice on a variety of matters: design guidelines for historic districts, local ordinance provisions dealing with special problems, such as "demolition by neglect," workshops and conferences, etc. Annual subscriptions are $15, available from NAPC, Hall of the States, Suite 332, 444 N. Capitol St., Washington, D. C. 20001

More owner consent provisions

Pasadena

Section 2.75.140 Procedure for designating landmarks.

E. If the property is privately owned, the owner of the property may object to the designation of the property as a landmark by filing with the city clerk a statement setting forth the objection prior to the hearing before the board. Any such statement must be acknowledged before a notary public in the same manner as required for recordation of deeds. If an objection is made by the

owner or, if there are multiple owners, by those owners having an interest greater than 50% of the assessed value of the property, then the board shall determine if the property is eligible for designation as a landmark, but no declaration of its designation shall be recorded. An owner or an owner's successor in interest may thereafter withdraw an objection at any time by filing a statement withdrawing the objection.

Jackson, Mississippi

Section 15-1/2.11 (7)

Within 60 calendar days after the public hearing..., the city shall adopt the ordinance as proposed, reject it, or adopt any portion thereof. However, the city shall not adopt an ordinance designating a historic district unless a majority of the property owners voting as required herein, voted in support of said designation.