Historic Preservation and Progress in Atlanta: Opportunity Knocks

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Ian Michael Rogers*

"Ponce City Market," the 1926 Sears, Roebuck, & Co. Building, viewed from the Atlanta BeltLine.

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Abstract

This paper explores where Atlanta’s historic preservation ethos stands in 2017. Further, this paper examines and analyzes how historic preservation can be more fully supported in Atlanta through strategic tools and policies.

Key Words: Historic Preservation, Atlanta, Historic Tax Credits, Adaptive Reuse, Rehabilitation

Introduction

“Whether the physical evidence of the history we seek to preserve reflects the high road of our unique American drama or the low road we would rather forget, we still cannot forget that it is history…and to forget it would be the ultimate disservice to the men and women who lived it.”

* Ian Michael Rogers, J.D. ’18 from Georgia State University College of Law and Masters in City and Regional Planning from Georgia Institute of Technology. This paper would not be possible without the support of several key stakeholders in Atlanta’s historic preservation community: (1) Gene Kansas, Gene Kansas Commercial Real Estate; (2) Boyd Coons, Executive Director, Atlanta Preservation Center; (3) Erica Danyelchak, Executive Director, Buckhead Heritage Society; (4) Clint Tankersley, Executive Director and General Counsel, Presonomics; (5) Mark C. McDonald, President and CEO, Georgia Trust for Historic Preservation; (6) Richard Laub, Director, Heritage Preservation Program, Georgia State University; (7) Carole Moore, Tax Incentives and Grants Coordinator, Georgia Department of Natural Resources, Historic Preservation Division. The analysis of Atlanta’s current historic preservation ethos stems from face-to-face meetings with these persons. Their experiences, perspectives, and generous time were invaluable in this process,
Atlanta’s story tracks America’s seminal events: slavery and the Civil War, Reconstruction, Jim Crow, the Civil Rights Movement, transportation and the rise of the automobile. Atlanta is the home of *Gone with the Wind*, Outkast, Coca-Cola, and Martin Luther King, Jr. Yet finding Atlanta’s history in its physical space is a challenge. The Civil War battlefields lie under neighborhoods and highways. The post-Civil War historic landscape has been thoroughly disconnected and in some ways, extinguished, through development and “progress.”

What is Atlanta’s historic preservation ethos today? As the City of Atlanta experiences renewed development pressure, where does historic preservation stand in 2017? How can it be more fully supported? That is the purpose of this paper. This paper is divided into three parts. Part I examines Atlanta’s historic preservation ethos in 2017, building from discussions with key stakeholders within the preservation community. This section focuses on four major themes that thread Atlanta’s historic preservation ethos and often conflict with historic preservation.

Part II explores how tax credit programs are already a valuable economic tool that can be further leveraged to advance historic preservation. This section explores available federal and state historic tax credits and how tax credits can enable historic preservation to be a leader in creating equity in Atlanta. Part III concludes with additional ways (outside of this paper’s main scope) that historic preservation can be advanced, notably through education, public policy, and zoning.

**PART I: ATLANTA’S HISTORIC PRESERVATION ETHOS**

To understand Atlanta’s existing historic preservation ethos, it is critical to take a step back. How has Atlanta, a city founded in 1847, managed [to irrevocably lose] many of its historic places? This inquiry requires separating fact from fiction. Atlanta arguably lacks an appreciable historic character, landscape, or identity. Yet blame is inaccurately placed upon Union General Sherman. During the summer of 1864, more than 150,000 Union and Confederate troops fought a series of violent engagements for control of Atlanta. Atlanta’s surrender, the subsequent Union occupation and the “burning” of Atlanta became legend, driving such works as Margaret Mitchell’s *Gone with the Wind*.

and for this, I am grateful. I am also thankful for the guidance, contributions, and support of my mentor, Professor Ryan Rowberry of Georgia State University’s College of Law. Professor Rowberry provided valuable feedback throughout the development and writing of this paper.

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Misconceptions became legend, most notably that General Sherman destroyed Atlanta’s historic built environment. The full history tells a different story. Atlanta rebuilt itself mightily in the decades after the Civil War. Just step into the lobby of one of the remaining historic landmarks downtown, the 1906 Candler Building, one of Atlanta’s first ‘skyscrapers.’ The Candler Building exemplifies why Atlanta embraced the Phoenix as its symbol and Resurgens as its motto. The construction of the downtown connector (Interstate 75/85) and an ongoing developer friendly environment has destroyed considerably more of Atlanta’s historic fabric than the historically maligned Yankee general. In essence, “what Sherman and the Union Army left, we have ourselves destroyed.”

As Atlanta developed into a major twentieth century city, the absence of public policy and laws supporting preservation spurred the destruction of the city’s historic landscape. From the end of World War Two through the 1970s, Atlanta experienced a considerable depletion of its historic resources. Downtown Atlanta witnessed a particularly acute period of demolition beginning in the late 1950s as historic buildings made way for paved parking lots. A new Civic Design Commission provided only an advisory role and lacked the authority to protect key

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historic structures.⁴ The 1970s construction of heavy rail for the Metropolitan Atlanta Rapid Transit Authority (MARTA) resulted in the demolition of the Atlanta National Bank building and Bailey’s Supreme Coffee warehouse, a downtown landmark.⁵ Between 1959 and 1972, Atlanta kept landfills full as it destroyed significant historic resources, including the Kimball House Hotel (1870), Paramount Theatre (1920), Peachtree Arcade (1964), Ponce de Leon Ball Park (1907), Piedmont Hotel (1903), Equitable Building (1892), Union Station (1930), Terminal Station (1905), Grady Hotel (1924), and the downtown Carnegie Library (1902).⁶

In 1989, Atlanta embarked on a new era for historic preservation and city planning with the enactment of a comprehensive preservation ordinance. This law created local historic districts, landmark designations, and an Atlanta Urban Design Commission (AUDC) with enforcement capabilities.⁷ This ordinance symbolized how developers, city leaders and preservationists could work together and find compromises in charting Atlanta’s future.⁸ In the nearly thirty years since its enactment, Atlanta has witnessed periods noted preservation success. However, the ordinance on its own cannot sufficiently preserve Atlanta’s historic buildings and spaces. Atlanta’s existing preservation ethos is clear that with success there has also been continuing losses. In 2017, preservation success at Ponce City Market and other adaptive reuse projects are arguably a façade to the reality in Atlanta. Today, Atlanta experiences an almost weekly teardown of historic resources. Consequently, in 2017, where does Atlanta’s preservation ethos stand? Understanding Atlanta’s current preservation ethos can enable a more fully proactive response to preserving what we have left.

Four major themes arose from my discussions with key stakeholders in the Atlanta preservation community. Each theme in some ways conflicts and causes tension with the goals of historic preservation.

I. The first theme is that Atlanta does not have a historic cornerstone or anchor, no unifying historic identity. Where is Atlanta’s “Independence Hall” or “Jackson Square?” Arguably, Atlanta does not have a central point around which history lives and emanates from.

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⁵ Id.
⁶ Id.
⁸ Id.at 79-80.
II. Second, in Atlanta, development is “king,” and this “spirit of progress” regularly clashes with historic preservation goals.

III. Third, advocating for historic preservation is often reactionary and sometimes leaves historic resources out of important planning decisions.

IV. Fourth, Atlanta lacks a vision, a robust public policy supporting preservation. All four themes, while not exhaustive, influence where Atlanta’s preservation ethos stands in 2017.

Atlanta’s Historic Identity

What is Atlanta’s historic identity? What would a postcard symbolizing Atlanta’s historic landscape look like? Undoubtedly there would be several if not many different postcards – or perhaps, none. A common theme embedded in Atlanta’s historic preservation ethos is the challenge of identity. One leader in the preservation community called Atlanta’s historic identity a “myth,” ala Gone with the Wind. A tangible sense of place and a historic identity is a critical component of not just historic preservation but of larger society and its people’s sense of belonging.

People are drawn to visit, live, and work in and among historic places. Tom Mayes of the National Trust for Historic Preservation posits that historic, old places are “good for people,” with the main reason being that old places enable people “to define who they are through memory, continuity, and identity.” 

10 Ibid.

Historic places also matter because they provide people with an understanding and ability to engage with history, architecture, and in some regards, our own ancestors. These historic places further sustain and nurture community, support sustainability, and serve as economic drivers. All of this is rooted in a shared sense of place, an historic identity that emerges from these physical spaces that speak to us. Today, preservation of historic places and our shared sense of place in Atlanta is challenged by Atlanta’s elusive historic identity. Two key factors influence Atlanta’s increasingly amorphous historic identity.

First, as shown in Figure II below, Atlanta’s historic districts are disproportionately skewed towards National Register over local designation. As a result, there are fewer legal protections for Atlanta’s historic resources. Importantly, only local historic designations offer legal protections for Atlanta’s historic buildings. The Georgia and National Register of Historic Places are largely
symbolic and afford no substantive legal protections. Atlanta is home to 54 historic districts listed in the National Register of Historic Places. These historic districts represent a diverse collection of architecture and urban development from the post-Civil War period through the twentieth century. Moreover, these 54 historic districts are located in all areas of the city and importantly embody elements of Atlanta’s challenging, racialized history.

However, only 17 of Atlanta’s 54 national register districts are locally designated by the City of Atlanta as Landmark or Historic Districts. Thus, just 17 of the 54 districts are covered by Atlanta’s legally enforceable historic preservation ordinance. For example, the Fairlie-Poplar Historic District in downtown Atlanta covers the city’s oldest central business district and represents Atlanta’s largest concentration of late nineteenth and early twentieth century commercial and office buildings. However, the Fairlie-Poplar Historic District is only on the National Register and as a result this district receives no local protections against preservation threats such as demolition.

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13 Ibid.
14 Outside of individually designated Local Historic Landmarks in the Fairlie Poplar District such as the English American (Flatiron) building and the Healey Building.
A second major challenge to preserving Atlanta’s historic identity is that many of Atlanta’s historic areas and resources are not contiguous. Ongoing destruction of Atlanta’s historic resources has left remaining historic areas and resources scattered and divorced from their historic integrity. For preservationists and city planners, it can be a challenge to even draw and form a new historic district in an area that has witnessed depletion of its historic resources. There is simply a lack of concentrated historic resources. Due to demolition and incompatible infill development, older neighborhoods may not qualify for National Register and/or local designation. Certainly, Atlanta is home to iconic historic places such as the Fox Theatre, the Sears, Roebuck, & Co., Building, and the Swan House. Yet many other historic resources (1) are not protected by the City’s local preservation ordinance and (2) are often dispersed and not integrated as one discernable historic
area. As such, discerning and defining Atlanta’s historic identity poses a challenge to historic preservation.

Atlanta’s “Spirit of Progress”

In Atlanta, development is king. A common theme reiterated by leaders in Atlanta’s preservation community is that Atlanta is rarely content with the “old.” Rather, “progress” is a symbol of success as the capital of the “New South.” The construction of the downtown connector obliterated the entire historic fabric of one area of town and physically removed a whole population. Today, that “progress” is marked by vacant lots adjacent to the highway where neighborhoods once thrived. For example, the Washington-Rawson neighborhood, established in the late nineteenth century, was once a prosperous area home to many of Atlanta’s prominent Jewish leaders. By the 1870s, Washington Street had become one of Atlanta’s “choiceiest residential thoroughfares.” Yet by the 1950s, the neighborhood fell on hard times and became marked for “urban renewal” and freeway construction. In 1977, Atlanta demolished the 1902 Carnegie Library, Atlanta’s first public library (pictured below), because it conflicted with Atlanta’s vision of the future. Many of the library’s iconic columns and other stonework were dumped at the Old Atlanta Prison Farm in southeast Atlanta (pictured on the following page). The columns and other stonework remain there today as Atlanta’s own Roman ruins. That is the “Atlanta way.”

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16 For a comparative view of Atlanta’s downtown landscape before (1952) and after (2015) construction of the downtown connector, visit: http://iqc.ou.edu/2014/12/18/60yrssoutheast/
17 Please note: the Atlanta Prison Farm is City of Atlanta property and police will write tickets to trespassers.
Figure 3. The 1902 Carnegie Library, demolished in the 1970s.\(^\text{19}\)

Consequently, historic preservation has and continues to be viewed through a narrow lens of “preservation versus progress.” This development-friendly culture does not always differentiate between prominent and less prominent historic resources. Noted architect Philip Trammell Shutze designed the Maddox House in North Atlanta. Nonetheless, the Maddox House faced the same ultimate demolition as have countless other less prominent historic homes. Atlanta’s older neighborhoods are under a severe preservation threat because of the previously discussed lack of local protections and this development culture. Even historic homes in good condition, such as the Maddox House, are demolished to make way for larger, custom homes. What replaces these older homes is often in conflict with the character, design, and importantly the scale of the existing historic neighborhood.

The threat to Atlanta’s historic neighborhoods is severe and time sensitive. The threat is such that perhaps at least one historic home per week is being destroyed.²⁰ The Georgia Trust for Historic Preservation annually lists ten places that are threatened by “demolition, deterioration, or insensitive public policy or

development.” The Georgia Trust’s 2016 “Places in Peril” did not specify a neighborhood but listed “Teardowns in Atlanta’s Historic Neighborhoods” as a major statewide preservation threat. For example, Midtown, Reynoldstown and Candler Park are all National Register historic districts. Yet these neighborhoods are not locally protected and are experiencing tear downs and new constructions that do not always comport with their historic character. In contrast is Inman Park, adjacent to Reynoldstown and Candler Park. Inman Park is designated both as a National Register and Local Historic district. This neighborhood has largely evaded the development and demolition pressure occurring in adjacent neighborhoods. As Atlanta looks to the future, a lack of disincentives to this culture of demolition poses a significant challenge to historic preservation.

*Historic Preservation as Reactive*

A third theme that threads Atlanta’s historic preservation ethos is the notion that historic preservation is reactionary, an afterthought in city planning and development discussions. This view is understandable when historic preservation faces a development friendly environment, a city without a clear historic identity, and an inadequate public policy towards preservation. As a result, historic preservation does not always get a seat at the table. When preservationists stand up for a historic resource, preservation is often regarded as obstructionist, opposed to change, opposed to Atlanta’s progress. Leaders will ask, why didn’t you tell us before this historic building (now under demolition threat) is so important?

Historic preservation is caught in the narrow contours of a preservation versus progress binary. Further, without a strong public policy to support preservation, preservationists often find themselves being the only ones carrying the banner at the last hour to save Atlanta’s historic places. For example, when the Maddox House came under severe demolition threat, preservationists attempted to work with the owner to repurpose and modernize rather than demolish the house. However, without public policy in place to disincentivize demolition, preservationists could only ask and hope the Maddox House would be saved. Most times, hope is all that exists. Without greater public policy, preservation leadership, and disincentives to demolition, citizens are left only to implore an owner to save. This a tough sell and it is not a winning argument for historic preservation.

*A Lack of Vision*

A final theme threading Atlanta’s historic preservation ethos in 2017 is the lack of a unified vision. Atlanta lacks a sustained vision and supporting public policy for its historic resources. We saved the Fox Theatre, so we can all go home.

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now. But threats to Atlanta’s historic resources are constant, amplified even more by policies that do not fully include preservation within Atlanta’s future growth plans. As a result, the fight to save Atlanta’s historic resources increasingly falls upon its citizens. It is a failure of local leadership. For example, the city did not save the Fox Theatre. A group of high school students led efforts to “Save the Fox,” collecting 150,000 signatures on a petition that eventually saved the iconic landmark.22

The consequences stemming from the lack of public policy and a unified preservation vision fall largely upon Atlanta’s citizens and nonprofits to be the advocates for our historic places. Today, look no further than the Judge Wilson house, one of only three remaining antebellum homes left in the City of Atlanta. Union soldiers slept in the house. Built around 1856 and listed on the National Register, the Judge Wilson House was a symbol of Atlanta’s treatment of its past. The Wilson House, a landmark in its own right, sat neglected for years and finally was demolished in 2016.23 The city had no plan and no long term vision for managing one of its last antebellum homes.

Even those historic buildings that have been temporarily spared demolition can thank largely grassroots efforts. Today, the Trio Laundry and Bell Building are two examples of historic resources facing an uncertain future. Their historic status and opportunity for adaptive reuse have been emphasized by local citizens. Citizens stalled the demolition of the Bell Building by creating a petition, a “Save the Bell” website, and being proactive with the media.24 In certain respects, Atlanta does not even know the extent of its own historic resources and how it desires to best manage these historic places. This approach is not sustainable. Without a vision for our historic resources and public policy to support that vision, advocacy for preservation falls upon local nonprofits, neighborhood groups, and individual citizens to be the advocates, frequently the sole advocates for preservation of our historic fabric.25

24 “Save the Bell! Preserve the Bell Building in Downtown Atlanta,” http://savethebell.org/.
Figure 5. Preservationists and local community members advocated for the preservation of 20 Hilliard in the Martin Luther King, Jr. National Historic District. Demolition of the ‘Trio Laundry’ Building has been halted (for now).

PART II: SUPPORT FOR PRESERVATION AS PROGRESS—HISTORIC TAX CREDITS

Atlanta’s current historic preservation ethos demonstrates that Atlanta needs to be flexible and proactive in managing and protecting its historic resources. The time is now. Atlanta continues to lose key historic resources such as the Craigie House (pictured below), as well as other teardowns in historic neighborhoods. There is not one single solution, one overarching historic ordinance or plan that will address the themes discussed above. Preserving Atlanta’s historic resources will require a collaborative and comprehensive approach. Historic tax credits are one strategic tool and incentive for city planners, developers, preservationists, and citizens. Atlanta should fully embrace this highly effective economic tool.
Figure 6. The 1911 Craigie House, *once* home of the second oldest Daughters of the American Revolution Chapter in the U.S.

Figure 7. “Progress” in Atlanta: the remains of the demolished 105 year old Craigie House in April, 2016.
Historic tax credits are financial incentives for the rehabilitation and preservation of historic buildings. Three major tax credit programs are available in Atlanta: the Federal Rehabilitation Investment Tax Credit (RITC), the Georgia State Income Tax Credit for Rehabilitated Historic Property and the Georgia Preferential Property Tax Assessment for Rehabilitated Historic Property. All three tax credit programs are administered by the Historic Preservation division of the Georgia Department of Natural Resources.

Historic tax credits support owners of historic properties who perform substantial rehabilitations of properties listed, or eligible for listing on the National and/or Georgia Register of Historic Places. Whether these three tax credits apply is determined by the type of rehabilitation being performed: commercial property (income producing) versus residential. Federal tax credits only apply to commercial (income producing) properties. The Georgia State Income and State Property Tax credits are available to both commercial and residential properties.

**Historic Tax Credits: Strengthening Georgia’s Economy**

Both the Federal and Georgia State Historic tax credits are “dollar for dollar” reductions in taxes owed to the Federal government and the State of Georgia. These tax credits are intended “to serve as an incentive to those who wish to complete a rehabilitation project.” Historic tax credits are calculated using the certified rehabilitation expenses for each rehabilitation project. For example, Nichols Investment Group, LLC, utilized both Federal and Georgia State tax credits in the rehabilitation of the Warehouse Lots in Macon, Georgia. The project produced $385,000 in total rehabilitation expenses. This total expenditure enabled Nichols Investment to become eligible for a Federal income tax credit of $77,000 and a Georgia State income tax credit of $96,250. The Warehouse Lofts exemplify how historic tax credits are a “catalytic tool,” that helps make

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28 Historic properties may be listed either individually or as part of a National and/or Georgia Register Historic District.
31 Id.
rehabilitation and historic preservation financially feasible and more attractive than it would otherwise be.\(^{32}\)

Historic tax credits provide a significant economic impact in Atlanta and throughout Georgia. This tangible benefit extends to developers, homeowners, neighborhoods, local governments and the environment. Historic preservation and tax credits help spur business and population growth, create short term and permanent jobs, generate local and state tax revenue, and boost heritage tourism. In Georgia, for every $1 million dedicated to Federal Historic Tax credits, historic preservation in turn creates 16.3 jobs during construction with a payroll of $811,000, 7.5 permanent jobs, and over $550,000 to Georgia state tax revenues.\(^{33}\) For every dollar Georgia invests in the state historic tax incentive, a Georgia Tech study found it will collect $3.49 in new state tax collections.\(^{34}\) Seven hundred historic buildings in Georgia have already been preserved using one or more of these tax incentive programs.\(^{35}\) From 2000-2010, rehabilitation of historic properties has created over ten thousand jobs, equating to $420 million in household income for Georgia’s citizens.\(^{36}\) Atlanta’s Fox Theatre, once set for demolition, now generates a yearly operating surplus, millions of dollars for the local Atlanta economy, and 750,000 visitors per year.\(^{37}\)

Historic preservation and adaptive reuse is also a leader in sustainable practices. Adaptive reuse provides for higher environmental savings than demolition and new construction. Even for new, energy efficient buildings, it can require 10 to 80 years for this building to overcome “the negative climate change impacts created by its construction.”\(^{38}\) Moreover, adaptive reuse avoids generating more landfill material and preserves the “embodied energy” of these structures: all of the “energy and carbon that was devoted to produce them.”\(^{39}\) Older buildings are


\(^{34}\) Georgia Tech Research Institute, “The Projected Economic and Fiscal Impacts of Improvements to Georgia’s Historic Rehabilitation Investment Incentive,” (2013), 12.


\(^{37}\) Id. at 15.


also “inherently green.”40 The U.S. Energy Information Administration finds that commercial buildings from the 1920s use “less energy, per square foot, than buildings from any other decade of construction.”41 Still more, many historic buildings are located along key transportation and density corridors, curbing sprawl and fuel consumption.42 Historic adaptive reuse is recognized in the calculations for awarding prestigious Leadership in Energy and Environmental Design (LEED) certifications.43 All of these reasons provide strong support for why the greenest building is one that is already built.44

The use and success of historic tax credits in Atlanta and throughout Georgia is only growing. In the last two years, Georgia expanded the State Income Tax Credit program through House Bill 308.45 This expansion added two additional project categories for large, multi-million dollar projects, subject to an annual cap. The expansion enables users to now sell or assign earned state tax credits.46 Thus, a taxpayer who makes qualified rehabilitation expenditures on a historic property may sell or assign all or part of the tax credit to one or more entities.47

Adaptive reuse projects are increasingly taking advantage of historic tax credit programs. In Atlanta, from 2011 through 2015, the number of adaptive reuse projects using historic tax credits has steadily increased. In 2011, five commercial reuse projects used historic tax credits.48 By 2014, that number had risen to eleven.49 Similarly, in 2012, six residential rehabilitations were completed using

40 Id.
42 Id.
44 Jean Carroon, Sustainable Preservation: Greening Existing Buildings (Hoboken: Wiley Press, 2010).
46 The two additional categories are for large projects completed after January 1, 2017 that qualify for more than $5 million or $10 million in qualified rehabilitation expenditures
47 House Bill 308 citation. All transfers of tax credits are subject to certain conditions including notice to the Department of Natural Resources.
48 “Fee and Estimated Rehabilitation Costs Tracking Log, State Fiscal Year 2011,” Georgia Department of Natural Resources, Historic Preservation Division, Tax Incentives Program.
49 “Fee and Estimated Rehabilitation Costs Tracking Log, State Fiscal Year 2014,” Georgia Department of Natural Resources, Historic Preservation Division, Tax Incentives Program.
Historic tax credits. By 2014, that number had risen to ten. The Georgia Department of Natural Resources announced that fiscal years 2017 and 2018 are already ‘capped out’ for available tax credits. In 2016, thirteen Atlanta income producing and residential rehabilitations filed preliminary applications for historic tax credits. Atlanta should actively promote this valuable economic tool for adaptive reuse.

Historic Tax credits are a key tool for Atlanta to address insufficient historic preservation policy and regulations. First, the historic tax credits can be used in both local and National Register Historic districts. Even more, tax credits are available to eligible historic buildings outside of designated districts. This is especially important in Atlanta because Atlanta has such a disparity in National Register versus local districts. The availability of tax credits across all 54 districts is a substantial disincentive to demolition.

Second, the historic tax credits cover many types of historic resources that shape Atlanta’s historic fabric. Historic tax credits can be applied in Atlanta to both income producing (commercial) and residential rehabilitations.

Finally, the tax credit provides an opportunity to bring developers, city planners, and preservationists together. This benefit is more than simply saving a historic place but ‘saving place’ and in turn bringing community benefits such as jobs and tax revenue. For these reasons, Atlanta should increase support for historic tax credit rehabilitations.

The next section will examine in more detail how the current tax credit programs are working and how these programs can more fully support historic preservation. Specifically, the next section will examine historic tax credits for income producing and residential rehabilitations. Finally, this section will show

50 “Fee and Estimated Rehabilitation Costs Tracking Log, State Fiscal Year 2012,” Georgia Department of Natural Resources, Historic Preservation Division, Tax Incentives Program.
51 “Fee and Estimated Rehabilitation Costs Tracking Log, State Fiscal Year 2014,” Georgia Department of Natural Resources, Historic Preservation Division, Tax Incentives Program.
53 “Fee and Estimated Rehabilitation Costs Tracking Log Template, State Fiscal Year 2016,” Georgia Department of Natural Resources, Historic Preservation Division, Tax Incentives Program.
54 Importantly, as noted earlier, all buildings applying for historic tax credits must be listed, or eligible for listing in the Georgia Register of Historic Places (or National Register for Federal Tax Credits), either individually or as a contributing building within a district.
how tax credits and historic preservation can work to create meaningful equity and access for all.

**Historic Tax Credits: Income Producing Properties**

Historic tax credits as applied to the rehabilitation of commercial properties (income producing) represent a strategic opportunity to preserve Atlanta’s historic character. This opportunity exists in notable areas such as downtown and commercial areas undergoing transition towards mixed use. Rehabilitating a historic commercial property can include multiple historic tax credits. First, as noted in Table 1 below, the Federal Rehabilitation Investment Tax Credit (RITC) applies only to income producing properties. For owners who perform a certified rehabilitation of an historic, commercial structure, the RITC provides a federal income tax credit equal to 20% of the qualified rehabilitation expenses.\(^{55}\)

Second, owners may take advantage of additional state incentives and layer these tax credits. Georgia provides a state income tax credit for income producing properties worth 25%, up to $300,000.\(^{56}\) As noted in Table 1, House Bill 308 expanded the state income tax credit for large projects: to up to $5 million and $10 million, respectively. Eligibility requirements for the state income tax credit are similar to the federal tax credit requirements.\(^{57}\) Finally, owners can also take advantage of a state preferential property tax assessment program. This program freezes property tax assessments for eight and one-half years.\(^{58}\)

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\(^{55}\) Elizabeth Decker, et. al., *Georgia Historic Preservation Handbook: A Layman’s Guide to Preservation in the State of Georgia*, (Atlanta: The Fox Theatre Institute, 2012), 46. Public Law 99-514. The RITC requires (1) a buildings must be listed, or eligible for listing in the National Register of Historic Places, either individually or as a contributing building within a district; (2) project meet a “substantial rehabilitation test,” i.e. the cost of the rehabilitation must be greater than the adjusted basis of the property and be at least $5,000; [3] property must be an income-producing property for at least five years; [4] the rehabilitation must meet the Secretary of the Interior’s Standards for Rehabilitation.


\(^{57}\) To be eligible: [1]the building must be listed or eligible for listing in the Georgia Register of Historic Places; [2] the rehabilitation must meet the Georgia Department of Natural Resources’ Standards for Rehabilitation; [3] must met the substantial rehabilitation test.

\(^{58}\) The eligibility requirements include a rehabilitation increasing the fair market value of the building by at least 100%.
<table>
<thead>
<tr>
<th>Program</th>
<th>Level</th>
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<tr>
<td>Rehabilitation Investment Tax Credit Program (RITC)</td>
<td>Federal</td>
<td>20% Income Tax Credit for Qualified Rehabilitation Expenses</td>
<td>Only for eligible Commercial (Income Producing) properties.</td>
</tr>
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</table>
| Georgia State Income Tax Credit for Rehabilitated Historic Property    | State (Georgia)      | • 25% Income Tax Credit for Qualified Rehabilitation Expenses;  
                           |                      | • 30% credit: low-income “target” area**          | Both Commercial (Income Producing) and Residential Rehabilitation.         |
| (O.C.G.A. 48-7.29.8)                                                   |                      | • $100,000 residential property cap             | **The 30% credit for low income target areas is only available for residential rehabilitations. |
| Georgia State Preferential Property Tax Assessment for Rehabilitated    | State (Georgia)      | Property tax assessment freeze for eight and one-  | Both Commercial (Income Producing) and Residential Rehabilitation.          |
| Historic Property                                                      |                      | half years                                     |                                                                           |

Table 1: Historic Tax Credit Programs Available in Georgia.

Atlanta is already witnessing the impact of adaptive reuse projects that use income producing tax credits. Ponce City Market illustrates the immense opportunities available for rehabilitating income producing properties with federal and state historic tax credits. Jamestown Properties estimated the total redevelopment of City Hall East to be $300 million. Financing included a $180 million loan and also a $50 million federal historic tax credit and a $300,000 state historic tax credit.\(^60\) With House Bill 308, the state historic tax credit likely would have been $10 million.

\(^59\) House Bill 308 (enacted 2015, went into law in 2016) expanded state income tax credits for ‘large projects’ that qualify for up to $5 million & $10 million in tax credits. If a project creates 200 or more full time, permanent jobs or $5 million in annual payroll within two years of the placed service date, then the project is eligible for up to $10 million in tax credits.

The rehabilitation of Ponce City Market is creating a ripple effect with infill development in the neighborhood as eight times as many building permits have been issued for alteration, conversion, and repair as compared to demolition.61 This success demonstrates why Atlanta should push even further to find ways to promote adaptive reuse over demolition. Promoting this economic tool is critical in areas of the city experiencing redevelopment such as the Atlanta BeltLine and downtown. Adaptive reuse helps strengthen and maintain a neighborhood’s character in the face of speculative development.

In state fiscal year 2015, Atlanta had seven final certifications submitted for state income producing tax credits. These projects included a downtown 85 million dollar rehabilitation worth a potential state tax credit of $300,000.62 A $300,000 rehabilitation of an unused historic church into modern offices in Reynoldstown qualified for a potential $75,000 state tax credit.63 A $164,000 rehabilitation in Inman Park carried a potential state tax credit worth over $41,000. Finally, a $516,000 rehabilitation of an historic commercial building in Grant Park netted a potential state tax credit of more than $129,000.64 All four projects additionally used the state property assessment tax freeze.65 Three of these projects used the RITC (Federal) tax credit worth up to 20% of the rehabilitation expenses. These recent commercial rehabilitations exemplify how historic tax credits provide the “seed money” that makes historic preservation financially feasible.

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61 Id.
62 “Fee and Estimated Rehabilitation Costs Tracking Log, State Fiscal Year 2015,” Georgia Department of Natural Resources, Historic Preservation Division, Tax Incentives Program.
63 Id.
64 “Fee and Estimated Rehabilitation Costs Tracking Log, State Fiscal Year 2015,” Georgia Department of Natural Resources, Historic Preservation Division, Tax Incentives Program.
65 Id.
Figure 8. This map shows the extent of tax credits received by property owners participating in these three tax credit programs from 2011 through 2016. All three tax credit programs are administered by the Historic Preservation Division of the Georgia Department.
Figure 9. This map shows a relatively even balance between residential rehabilitation and commercial/income producing rehabilitation in Atlanta from FY 2011- FY 2016.

Historic Tax Credits: Residential Rehabilitation

Residential property owners in Atlanta may take advantage of two key state tax credit programs to assist in the rehabilitation and preservation of historic homes. The state income tax credit and the state preferential property tax assessment each require a property to be listed or eligible for listing in the Georgia Register of Historic Places. Further, any rehabilitations must meet the Secretary of the Interior’s Standards for Rehabilitation, including the substantial rehabilitation test.

66 “State Tax Incentives Programs,” accessed March 10, 2017, http://georgiashpo.org/incentives/tax/state. The property may be either individually listed or eligible, or as a contributing building within a historic district. If a property is listed on the National Register, there is a good chance it is also on the Georgia Register as these applications are typically done concurrently.
First, under the state income tax credit program, a property owner may be eligible for up to a $100,000 state income tax credit. Second, under the property tax assessment program, a property owner may freeze their property tax assessment for eight and one-half years. These two state historic tax programs offer considerable financial support to homeowners performing historic residential rehabilitations. Homeowners have the opportunity to preserve a historic structure while adding modern updates or perform needed repairs. Homeowners can apply the tax credits for large projects such as major repair or smaller projects such as siding repair.

In state fiscal year 2015, Atlanta had eight final certifications submitted for residential state income tax credits. These projects included a Druid Hills $25,006 residential rehabilitation that carried a potential tax credit of $6,252. These projects also included a $237,400 residential rehabilitation in Grant Park with a potential state income tax credit of $59,350. Atlanta even saw a $1.2 million historic rehabilitation in Peachtree Battle and a potential for a full $100,000 state income tax credit. Both of the rehabilitations in Grant Park and Peachtree Battle utilized the state income tax credit and the property tax assessment freeze.

Residential historic tax credits are a strategic tool for protecting Atlanta’s historic neighborhoods. As Atlanta’s preservation ethos illuminates, a lack of local historic districts has led to demolition and incompatible infill development. These types of development are increasingly threatening neighborhoods such as Candler Park, Midtown, and Virginia-Highland. Creating a new local historic district is a long and often contentious process. State residential tax credits can help curb speculative development and demolition of Atlanta’s historic neighborhoods. Atlanta is home to thirty seven National Register districts without local historic designation. Homeowners in these districts have an opportunity to apply state tax credits because one process is already removed: the requirement for listing on the

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69 This work is permitted for the tax credit programs so long as the work meets the Secretary of the Interior’s Standards for Rehabilitation.

70 “Fee and Estimated Rehabilitation Costs Tracking Log, State Fiscal Year 2015,” Georgia Department of Natural Resources, Historic Preservation Division, Tax Incentives Program.

71 Id.

72 Id.
Georgia and/or National Register. As a result, homeowners in these thirty seven neighborhoods are steps ahead in becoming eligible for tax credits.

Nonetheless, Atlanta is behind other Georgia cities in residential rehabilitations. In 2015-2016, Macon led the state with eighteen completed residential rehabilitations submitted for tax credits. In contrast, Atlanta had only eight completed residential rehabilitation submissions in 2015-2016. This pales in comparison to an untold number of historic teardowns. Macon is less than one-fourth the size of Atlanta yet is utilizing tax credits to a greater extent. Accordingly, in the absence of local historic district protections, Atlanta should proactively promote tax credits as a local revitalization tool and a preservation incentive.

Creating Equity through Historic Tax Credits

Historic preservation has a perception problem. It is viewed as for the upwardly mobile and wealthy. Adaptive reuse and historic preservation can signal neighborhood change, displacement, and gentrification. Some view historic preservation as elitist. Nonetheless, historic preservation can and should be a leader in creating equity and access for all. For example, preserving historic commercial buildings by converting them into affordable and/or workforce housing can be a key approach. All people should be able to enjoy and reap the benefits of historic preservation. Here, tax credits can play a key role. As noted in Table 1, the Georgia State income tax credit program includes a higher credit (30%) for rehabilitation expenditures for homes located in low-income target areas. Further, the state tax credits for income producing properties may be layered with other Federal tax credits when creating affordable housing. These partner programs include the Department of Housing and Urban Development, the Low-Income Housing Tax Credit and New Market tax credits.

Atlanta’s Imperial Hotel on Peachtree Street is a noted affordable housing, economic, environmental, and preservation success. This rehabilitation created 90 sustainable, Leadership in Energy and Environmental Design (LEED) Gold standard apartments for residents with special needs. The project utilized low

73 “Fee and Estimated Rehabilitation Costs Tracking Log, State Fiscal Year 2015,” Georgia Department of Natural Resources, Historic Preservation Division, Tax Incentives Program.
74 Id.
75 “Is Historic Preservation Elitist?” http://www.brownstoner.com/history/is-historic-preservation-elitist/
income housing tax credits and Federal Historic Tax Credits. Historic preservation can play an important role in creating affordable housing that is “not concentrated in isolated locations,” but rather part of existing, central historic areas.

In Atlanta, creating and maintaining access to the benefits of historic preservation should be a high priority goal. Recently, development, including adaptive reuse, has created a high end apartment market. This impact is felt in many historic areas. From 2012 through 2014, almost every new apartment unit fell within the “luxury category.” This luxury boom is occurring in Local and/or National Register designated historic neighborhoods such as Inman Park, Old Fourth Ward, and Reynoldstown. It should be noted that much of this luxury market is new development. Yet where historic properties are being rehabilitated using tax credits, a long term set aside of affordable-workforce housing should be a required. Additionally, Atlanta should be proactive in protecting historic areas where displacement is likely to occur, notably along segments of the Atlanta BeltLine’s Westside Trail. Historic preservation can be a tool for providing and maintaining affordability. Historic tax credits are one tool that Atlanta can use to preserve historic homes and existing single family neighborhoods.

Atlanta should examine how cities such as Macon use revolving funds to create affordable housing. In Macon’s Beall Hill neighborhood, a collection of city partners employ revolving funds to secure, rehabilitate, and sell historic properties to long term local residents. Here in Atlanta, historic homes could be purchased, restored, and sold to individuals and families in certain income levels, to ensure access for all. In 1988, before Atlanta’s historic preservation ordinance became law, the city explored using revolving funds to acquire and preserve historic buildings. However, the Atlanta City Council did not provide any financial support for the plan. The issues of equity and affordable housing in Atlanta is not limited to historic preservation. Affordable housing is a citywide issue. Certainly, historic preservation and tax credits can play a strategic role in providing access and affordability for all.

79 Id.
84 Id.
PART III: OTHER WAYS TO SUPPORT PRESERVATION

The expanded use of Historic Tax Credits is one critical way that Atlanta should continue to strengthen historic preservation now and in the future. Although not the focus of this paper, this final section will provide further recommendations for strengthening support of historic preservation that in many ways continue to address Atlanta’s Preservation Ethos themes that are in tension or conflict with preservation. These further recommendations specifically include the role of education and the need for a stronger public policy in support of preservation.

**Education: Public History and Preservation Toolkits**

**Public History and a Sense of Place**

Historic places are more than just preservation of old places; they are essential to the fabric of society as a whole. The sense of place embedded in historic places serves as a repository for both the individual and collective memory of our larger society. This memory includes stories we would like to but cannot forget. In Atlanta, these stories include the vestiges of slavery, Jim Crow, and a segregation era resembling apartheid. In these physical spaces, people are able to approach history on their own terms “as our conception of who we are as a people changes.”

The historic spaces allow diverging and often competing interpretations. Without these physical reminders of our ever-changing individual and collective memories, we are apt to lose a part of Atlanta’s and society’s memory that cannot be replicated in a textbook or a museum.

Even more, historic places “matter to people today and for the future.” These historic places provide a “sense of continuity” that incorporates the “relevance of the past to give meaning to the present and future.” Old places serve not only as part of our collective identity but as tangible and often physical guideposts. The Sears, Roebuck, & Co. Building (Ponce City Market), the Fulton Bag and Cotton Mills, the Wren’s Nest, the 1906 water tower in the Old Fourth Ward all serve as palpable reminders of our collective memory. These historic places also provide a sense of continuity, a stable and comforting sense of place in

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an ever changing city. These historic places can literally remind us where we are spatially as well as root us in a shared and continuing story. When we lose elements of our historic past, we lose a part of our identity. This is detrimental, resulting in greater feelings of isolation and less belonging to a common past.

Will Atlanta ultimately become a city of historic markers? For much of Atlanta’s rich Civil War history, it is just that. What Sherman did not burn, Atlantans destroyed or developed. In 1900, the Peachtree Creek Battlefield was slated to become a 1,275 acre National Park. It would be Atlanta’s Antietam or Gettysburg. However, this national battlefield vision never came to fruition as the Civil War battlefield today is covered by parking lots, Piedmont Hospital, a Chick-Fil-A, and upscale South Buckhead neighborhoods. For Atlanta’s Civil War history, historic markers may be our best remaining tool. Yet for Atlanta’s historic resources built after 1865, public history can play an integral role. Public history encourages preservation and equally highlights a sense of place that new developments often cannot. Historic preservation in Atlanta should continue to incorporate public history to provide our historic spaces with meaning, significance, and a cognizable identity.

This approach could help reorient the discussion from saving historic sites to preserving our shared sense of “place.” Developers and owners of adaptive reuse projects and the public/users would have the opportunity to benefit even more if the history and sense of place were deeper than just a cool, hip, or trendy place to go. This process requires bringing a story to bear and tying the adaptive reuse project to its historical roots. The result would be a greater appreciation of one place and a greater awareness of our historic resources and preservation. But even more, it is enabling people to engage with our past while looking to the future. In a city marked by a challenging legacy of Jim Crow and segregation, historic places inform our individual and collective memory and impart meaningful lessons for the future. The sense of place embodied in these historic places extends beyond the history and learning but also gives people a feeling of belonging, an anchor in an ever-changing world.

Ponce City Market’s full potential may only be realized if one knows its full story - how Ponce de Leon Avenue developed, including 1924 Spiller Field, home of the Atlanta Crackers. Spiller Field at Ponce de Leon Ballpark (pictured below) is now a strip mall, its memory relegated to forgotten books and interpretive signage. The story is important because for almost the entire use of the ballpark,

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whites sat in the right field and African Americans in the left field. In 1949, the Crackers played an exhibition series against Jackie Robinson and the Brooklyn Dodgers. It was the first time in Atlanta’s history that white and African Americans competed against one another in a professional sports event. It is in these places, in the nexus of public history and historic preservation that Atlanta has an opportunity to show and talk about its own conflicted history of race - to be honest with it. Atlanta has a meaningful opportunity for its citizens and visitors to become more human and to grow personally.

Events such as the Atlanta Preservation Center’s annual “Phoenix Flies” is another critical means of celebrating the City’s historic built environment. Phoenix Flies is a free celebration of Atlanta’s historic sites and spans the entire stretch of Atlanta’s history covering topics such as race, suburbanization, architecture,

Figure 10. An Atlanta Crackers game, Ponce de Leon Park stadium, Atlanta, Georgia, July 21, 1950. "Ponce City Market" is visible in the immediate background.

90 “Atlanta Crackers,” http://www.georgiaencyclopedia.org/articles/sports-outdoor-recreation/atlanta-crackers
91 LBCB114-072b, Lane Brothers Commercial Photographers Photographic Collection, 1920-1976. Photographic Collection, Special Collections and Archives, Georgia State University Library.
transportation, and more. Many more opportunities exist along the 22 miles and 45 neighborhoods of the Atlanta BeltLine to incorporate public history and preservation. Preserving Atlanta’s historic structures is critical. But so is telling their story and why these place matters.

Preservation Toolkits: Education about Historic Preservation

Another approach to strengthening historic preservation is through increasing knowledge of available historic tax credits in Atlanta. This strategy includes engaging city planners, developers, real estate agents, and home owners. In other cities, “preservation toolkit” seminars help educate stakeholders about historic preservation and its many benefits.92 Part of this education involves demystifying historic preservation and how tax credits work. For example, historic tax credits do not require a homeowner to keep their historic home as a museum. Rather, Georgia’s state historic residential rehabilitation tax credits allow for modern upgrades (as long as eligibility requirements are met).

The City of Atlanta could help sponsor a seminar inviting stakeholders to learn more about historic preservation and the benefits it brings to the city, the developer, and the neighborhood. Why should Atlanta do this? In 2011, the City of Atlanta’s Comprehensive Development Plan (CDP) the “Constitution” for city planners, admits that “there is no ongoing and active education or program for the general public, elected officials, other government agencies, developers, neighborhoods, and others about historic resource protection and revitalization, preservation tools, or the role of historic preservation in the City’s future.”93 This fundamentally speaks to why education is necessary. Even more, the CDP notes that “not all development entities (public and private) are aware of historic preservation issues, the existence of potential historic resources, the benefits of compatibly incorporating historic resources into their projects, and the support available to assist them in their decision making regarding potential historic resources.” For these reasons, educating the development community, planners, and homeowners must be a goal for Atlanta if historic preservation is to be strengthened.94


Substantive Public Policy

Ultimately, substantive support for historic preservation must come through strong public policy and more legal protections. As Atlanta experiences increased urban development in historic areas, what kind of city does Atlanta want to be? One preservation developer noted that Atlanta is really only in its adolescence and must decide what Atlanta wants its civic identity to be? Atlanta can strengthen public policy directly through enacting a citywide historic preservation plan and by updating the local zoning code.

Atlanta Needs a Historic Inventory and Preservation Plan

Atlanta does not know the extent of its own historic resources. Outside of historic register designations and neighborhood studies, Atlanta does not fully know what historic resources it has and how best to protect them. The city knows this. “Atlanta’s Lasting Landmarks,” most recently updated in 1987, is the city’s last official inventory of historic properties. This study is more than twenty eight years old. From 2000 through 2005, the City of Atlanta initiated the “Comprehensive Historic Resource Survey.” However, in 2005 the survey was “put on hold due to other priorities for the Commission/Office of Planning Staff.”

Other studies have recorded historic resources in specific areas. Notably, an Atlanta BeltLine study of the Tax Allocation District in 2005 surveyed and identified over 1,000 buildings. The study found that more than 75% of the buildings were potentially historic. The study also found that historic resources were equally distributed and in key nodes targeted for redevelopment. In 2013, the City of Atlanta and other partners completed the Downtown Atlanta Contemporary Historic Resources Survey Report, which provided a detailed update on downtown’s historic resource inventory. However, this piecemeal approach to documenting Atlanta’s historic resources impedes preservation. Atlanta still needs a comprehensive historic inventory for the entire city, covering all historic buildings, especially those officially designated as historic. This inventory would provide developers, city planners, citizens, and local leaders with an understanding of what historic resources remain. Equally important, an inventory would offer insight into what opportunities exist for adaptive reuse, tax credits and preservation.

96 Id.
98 By designated historic, I refer to those buildings that have been locally designated by the City of Atlanta and/or are on the Georgia or National Register of Historic Places.
Finally, Atlanta needs to complete an independent historic preservation plan to guide the future management of its historic resources. Atlanta should look to other cities such as San Antonio (2009), Charleston (2008), Phoenix (2015), and Washington, D.C. (2016), all of which have recently completed and adopted comprehensive preservation plans.\(^9\) Preservation planning is the “rational, systematic process by which a community develops a vision, goals, and priorities for the preservation of its historic and cultural resources.”\(^1\) These plans are a valuable tool that includes a “vision for the future” and “implementation strategies” to best manage historic resources.\(^1\) A preservation plan will afford Atlanta a long term, sustainable vision and strategy for managing its historic resources.

**Zoning**

Atlanta can also better support historic preservation by updating applicable zoning regulations. Opportunities exist in older neighborhoods that are not under any local preservation ordinance protections. Identifying the appropriate scale and floor area ratio (FAR) is disincentive to demolition and incompatible infill development. Atlanta’s Comprehensive Development Plan (CDP) aligns with this notion, noting that in some historic areas, demolition and construction has resulted in “contemporary buildings that lack a pedestrian scale” and in some cases “surface parking and vacant lots.”\(^2\) The CDP further notes that outdated local regulations can lead to a “fragmented urban environment with a minimum of street level activity that has led to a lack of “place” along with criticism by visitors that there is no “there” there.\(^3\) Outside of expanding or creating more local historic districts, Atlanta should examine its own zoning code for updates to support historic preservation.

**CONCLUSION**

Atlanta is at a critical juncture. It has been twenty-eight years since the local historic preservation ordinance became law. More than ten years have passed since the Atlanta BeltLine launched a reinvestment in many of Atlanta’s older, historic neighborhoods. A developer who specializes in adaptive reuse stated that

\(^1\) “Historic Preservation Planning Program,” https://www.nps.gov/preservation-planning/
\(^3\) City of Atlanta, “2011 Comprehensive Development Plan: Community Assessment; Urban Design and Land Use,” 369.

\(^3\) Id. at 369-370.
Atlanta today is facing itself in the mirror. As Atlanta experiences increased development, it must ask itself, what is Atlanta, and what does it aspire to be? How do Atlanta’s historic resources fit into a discussion of its identity and its future? This paper highlights that Atlanta’s current historic preservation ethos contains elements in tension: a challenging historic identity, an often insatiable desire for “new” development, reactionary preservation, and a lack of public policy. Today each of these elements conflict with the goal of preserving Atlanta’s historic resources. Nonetheless, there is a substantial opportunity to positively integrate historic preservation with development and progress.

Historic preservation is generally not at odds with progress. The use of historic tax credits is a prime example of how historic preservation can exist and be synergistic with progress. Further, education, public history, and substantive public policies help ensure that historic preservation is not an afterthought but a proactive stakeholder. It is more than just preserving an old building—it is about preserving Atlanta’s civic identity - then, now and looking forward. It is time to remove historic preservation from the rigid contours of a preservation versus progress binary. Historic places are a symbol of Atlanta’s progression. Change is inevitable. Change can engender a respect for our shared past and incorporate the past into what we build for the future. Without bringing along elements of its past, Atlanta loses a part of what makes it uniquely Atlanta, it loses a part of its story. Historic preservation enables Atlanta to evolve, to continue to be the Capital of the New South by preserving elements that define it as quintessentially Atlanta.