

FIRST MONTROSE COMMONS  
NEIGHBORHOOD ASSOCIATION

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“A COMMON EFFORT FOR AN UNCOMMON NEIGHBORHOOD”



AN HISTORIC EFFORT  
TO PRESERVE OUR  
NEIGHBORHOOD

# Designated Historic District within First Montrose Commons

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Dear Neighbor,

We have begun a grass roots effort to establish a City of Houston designated Historic District within the boundaries of our uncommonly wonderful neighborhood. By doing so, we hope to:

- Preserve and enhance the special historical character of First Montrose Commons;
- Stabilize our neighborhood, and:
- Deter further demolition of historic homes in our neighborhood.

***WE NEED YOUR HELP!*** 51% of the property owners in our neighborhood must sign the “Property Owner Petition for Historic Designation” page (the blue page in this packet) in order for us to qualify as a City of Houston Historic District.

**Say “YES!” to your First Montrose Commons Historic District!**

We will have volunteers in your area in the next several weeks asking you to sign the petition. So, please review the information in this package. Or, better yet,

***Why not become an “Historic Hero” for First Montrose Commons?***

***Sign the Blue Petition Form Today, fold it over and drop it in the mail (it’s already addressed for you!)***

Raju Adwaney, Vice-President, First Montrose Commons  
4010 Stanford Street, Houston, Texas 77006  
Phone 713-521-3732      Email: [Adwaney@aol.com](mailto:Adwaney@aol.com)

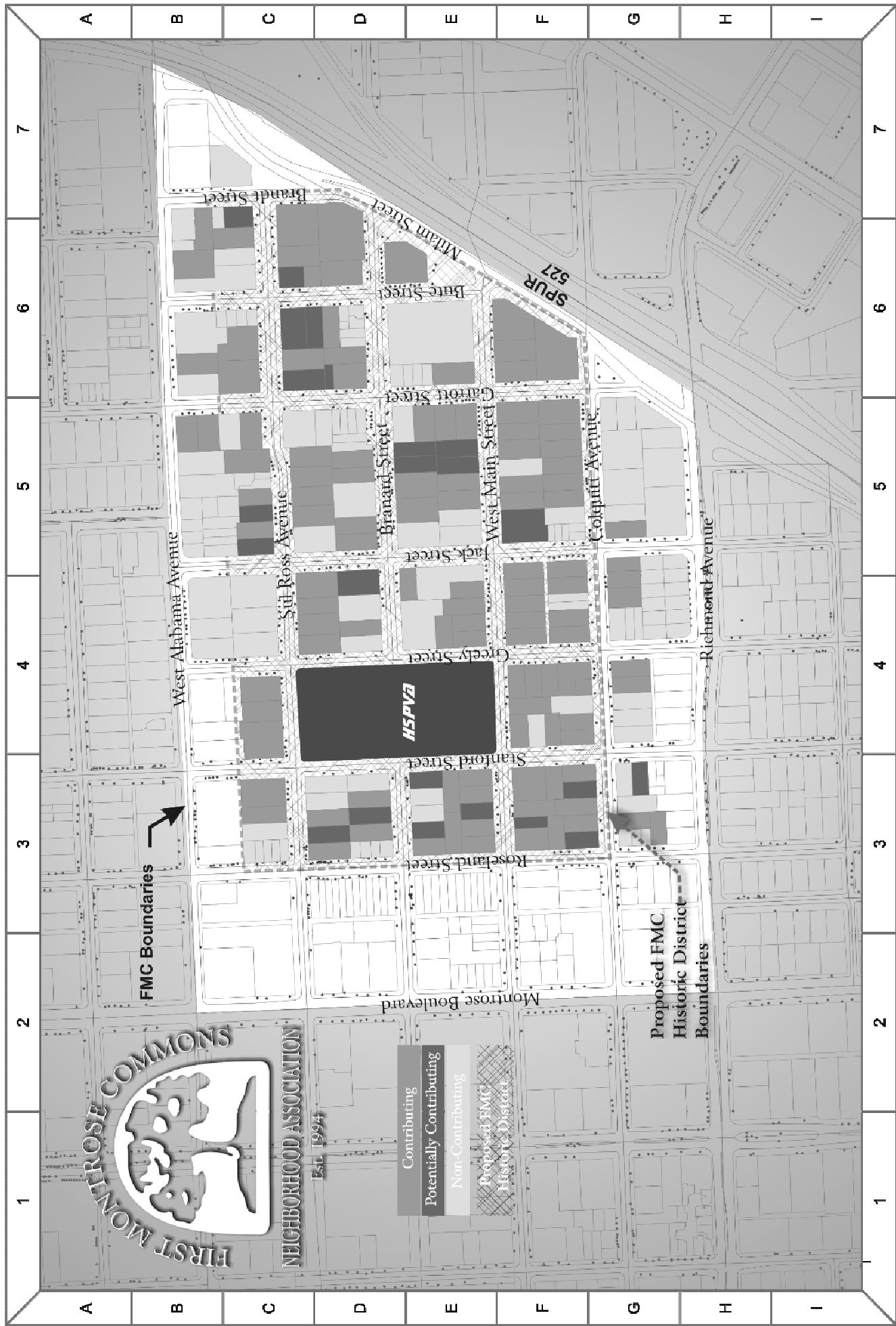
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1 inch equals 370 feet  
07567900  
Foot



# Proposed First Montrose Commons Historic District

## "A COMMON EFFORT FOR AN UNCOMMON NEIGHBORHOOD"



**CITY OF HOUSTON**  
Department of Public Works & Engineering  
6600 Paper Industry Road, Houston, TX 77058  
P.O. Box 12189, Houston, TX 77252-0189  
www.houstontx.gov

## Historic First Montrose Commons



**3904 BRANDT**— Built in 1913 -- One of the Bute Addition's stately quarter-block homes, is now in jeopardy. It's long-time owner recently died, and the fate of this historically contributing property is far from secure.

Establishment of an Historic District would offer a modest 90-day protection in the event anyone contemplates demolishing this beautiful part of First Montrose Commons history.

**FIRST MONTROSE COMMONS** was established in 1994 to preserve the character that its two original subdivisions, the Lockhart, Connor & Barziza Addition and the Bute Addition, provided the area. We were unfortunately late in trying to protect these two historically significant additions, as more than half of the Bute Addition was demolished in the 1960's to provide for the construction of Texas Spur 527. Nonetheless, we now have a rare opportunity to help save what remains of two of Montrose's most significant additions.

**THE LOCKHART, CONNOR & BARZIZA ADDITION** was formed in 1873 when Lot 16 of the Obedience Smith Survey was subdivided into 25 blocks with 256 lots by real estate brokers Robert Lockhart, John C. Conner, & Phillipa L. Barziza. In June of 1902 the Galveston, Harrisburg & San Antonio Railroad filed an official plat of Lot 16, but the area then consisted of little more than several small dairy farms. "Robin's Nest", 4104 Greeley, was the original Kaufold Family dairy farmhouse, and when built originally faced West Main Street. It was rotated 90-degrees to its present location in 1911 to make room for two additional houses for the Kaufold daughters' families. The G.H.&S.A. ran a dozen freight and passenger trains daily along tracks that crossed the neighborhood from West Alabama and Jack to Richmond Avenue and Garrott Street. The Tewena stop, located east of Jack, between Branard & West Main, is the reason the 500 block of our neighborhood is much longer than others in the grid. The G.H.&S.A., through a series of mergers, eventually became the famous "Sunset Limited" route—still running today as an Amtrak line.

**THE BUTE ADDITION** actually began when James House was deeded Lots 21 and 22 of the Obedience Smith Survey in 1848. It seems that the Depression of 1893 prevented plans for the James House subdivision from coming to fruition, and these lots were subsequently replatted as the Westmoreland (1902) and James Bute (1907) subdivisions. James Bute was the son-in-law of James House. From the outset, James Bute planned for his addition to be "The Most Fashionable District of Houston", and sold land there in Quarter Blocks only for between \$750 and \$1,800 per lot. Branard Avenue, originally named West Main Avenue, was designed to be the main street through the Bute Addition. Original deed restrictions from 1917 required significant "set-backs" and restrictions on the construction of fences, and prohibited the construction or operation of businesses within the interior of the neighborhood.

Replats of these original two subdivisions have resulted in additional, smaller subdivisions within First Montrose Commons, and even though our Neighborhood Association is of recent vintage, we can all trace our roots back to Mrs. Obedience Smith in the 1830's, three real estate brokers in the 1870's, a railroad company in the 1880's, and Mrs. Smith's descendants, the Houses and Butes from the 1840's through 1907.



**4100 MILAM**— The property at the corners of Milam, Bute and W. Main was deeded by John Bute to the Widow Gonzales in 1924; the house was built as a residence in 1927. Owned by St. Stephen's Episcopal Church in the '80's, it became a hospice for AIDS patients in the '90's, undergoing extensive renovation in 1995 to make the old home ADA compliant. After providing hospice care, Milam House came to house a not-for-profit AIDS coalition for community support, through 2006. In 2007, Dr. James Wheeler, a reproductive endocrinologist and attorney, remodeled Milam House to become a two story office building, with his offices on the first floor, saving it from the wrecker's ball.

**BENEFITS OF HISTORIC DISTRICT DESIGNATION**

## **Benefits of City of Houston Historic District Designation for First Montrose Commons**



**4104 GREELEY**—“Robin’s Nest” was originally the Kaufold Family Dairy Farmhouse. Built around 1900, it originally faced West Main, but was turned to face Greeley Street in 1911. The oldest home in First Montrose Commons, it was among the first to be built in the Lockhart, Connor & Barziza subdivision. Frederick and Betty Kaufold supplied milk from their dairy cows to the Montrose Elementary School, located across West Main Street on the site of the present-day High School for Performing and Visual Arts.

Robin Smith, its current owner, bought the property in 1976, and has lovingly preserved it as a popular bed and breakfast in the heart of First Montrose Commons.

- PRESERVES AND ENHANCES THE SPECIAL HISTORICAL CHARACTER OF OUR NEIGHBORHOOD;
- STABILIZES OUR NEIGHBORHOOD AND PROTECTS PROPERTY VALUES;
- DISCOURAGES DEMOLITION OF HISTORIC PROPERTIES;
- ATTRACTS HOMEOWNERS WHO APPRECIATE HISTORIC PROPERTIES;
- ENCOURAGES COMPATIBLE NEW CONSTRUCTION;
- INCREASES NEIGHBORHOOD VISIBILITY WITH CITY OFFICIALS;
- PROVIDES FOR PROPERTY TAX CREDITS AND ABATEMENTS;
- ENHANCES SENSE OF COMMUNITY;
- AFFORDS PRESERVATION EDUCATION



**718 SUL ROSS**—An Eclectic Italian Renaissance home, it was built in 1918 by A. E. Kiesling. By 1920, Kiesling and Connor had formed a business, “the Kiesling & Connor Interest” here. Several prominent Houstonians have lived in and cared for this historic treasure on the northwest side of First Montrose Commons.

## Frequently Asked Questions Regarding City of Houston Historic Districts

### 1. How does a neighborhood qualify for historic designation?

*At least 51% of the property in the geographically defined neighborhood must qualify as one of the following:*

- **“Contributing”**: home is 50 years old and older and its architectural integrity is intact.
- **“Potentially Contributing”**: home is 50 years old or older and its architecture has been somewhat altered.

*In addition, at least 51% of the homeowners in the neighborhood must approve of the effort and indicate their approval by signing an Historic Designation Petition. If this requirement is fulfilled, the neighborhood will be required to adhere to the City of Houston’s Historic Preservation Ordinance when building or renovating homes.*

### 2. What is the purpose of the Historic Preservation Ordinance?

*On March 1, 1995, the City of Houston adopted an historic Preservation Ordinance in order to save our city’s history. Without this historic preservation ordinance, the history of a neighborhood, as identified through its architecture, can be at risk. The Ordinance was created to:*

- Recognize historic sites / neighborhoods
- Review alterations to the exterior of historical buildings
- Review any planned new construction to ensure its continuity with the neighborhood
- Review any planned relocation or demolition of historic buildings
- Work in conjunction with deeds restrictions where they exist
- Provide education resources to individual neighborhoods concerning their history

### 3. What is the process for receiving approval on new construction or planned renovation?

*There is an Historic Preservation committee, known as the Houston Archeological and Historic Commission (HAHC), within the City of Houston’s Planning Department. Individuals on this committee are appointed by the Mayor to review plans to alter the exterior of an existing building, new construction, relocation or demolition of any historically designated neighborhood*

## FREQUENTLY ASKED QUESTIONS

*You simply apply for a “Certificate of Appropriateness”, at no cost to you, and the volunteer commission reviews the project. Within 70 days they will either approve your project or make recommendations for alterations to your plans that better align with the neighborhood’s architectural integrity.*

*If you do not agree with the Historic preservation committee’s recommendations, you are required to wait 90 days from the time your application was received by the Committee before you can proceed with your original plans.*

### **4. What has been the homeowners experience in other neighborhoods that have received Historic Designation under the Historic Preservation Ordinance?**

*Of the applications for “Certificates of Appropriateness” that are received, approximately 10% are approved as they are. Most applications do require a meeting between the property owner and the Historic Preservation Committee in order to discuss the original plan and make recommendations that meet with the standards of appropriateness. In cases where meetings between the property owner and the Historic preservation Committee are required, approximately 75% of the property owners willingly make changes.*

*In fact, the application process is considered to be an education process for the property owners. In only about 15% of the cases, the applications do not meet the standards and the owners choose to wait until the end of the 90 day waiting period to continue with the original plan, with the 90 day “waiver certificate” rather than a “Certificate of Appropriateness.”*

### **5. If property owners can do what they want after a 90-day waiting period, why have Historic Designation?**

*Historic designation brings a sense of pride to a neighborhood and also helps to educate the home owners about their neighborhood’s history. It also sends a message to developers that only certain types of development and renovation will be considered appropriate in the neighborhood.*

*And, remember ... 85% of the applications end up receiving a “Certificate of Appropriateness.” Therefore, most of the structures in the neighborhood will retain their character under the historic designation.*

### **6. What type of things will the Historic Preservation Committee suggest?**

*Their suggestions will consist of ways to maintain the architectural integrity of the neighborhood. For existing homes, they will make suggestions concerning:*

- *Any additions to the outside of your home that are visible from the street or sidewalk. Additions should be secondary in appearance so as not to significantly alter the current architectural flavor. In this sense, it is usually recommended that any additions should be done toward the rear of the house so as not to detract from the building’s street appearance.*

## FREQUENTLY ASKED QUESTIONS

➤ *Using compatible building materials to maintain a consistent feel and that original roof pitches be maintained.*

➤ *Adding a garage apartment or building a new garage that fits with the architectural flavor.*

*They will **NOT** make suggestions concerning:*

➤ *External building color*

➤ *Landscaping*

➤ *Fences*

➤ *Interior alterations*

*Remember ... the benefit of the Historic Preservation ordinance is to provide education and information to residents about improving their homes, while maintaining the look and feel that initially attracted them to First Montrose Commons.*

### 7. What restrictions are placed on new home construction in Historic Districts?

*New homes must have similar setbacks, exterior features and proportions (height, width, length and roofline) as existing buildings in the block. It does **NOT** dictate architectural style. **A Certificate of Appropriateness is necessary.***

### 8. Can historic buildings in Historic Districts be demolished?

*Only after showing an “unreasonable economic hardship” or “unusual and compelling circumstances”, or, after waiting 90 days, with a 90-day “waiver certificate”.*

### 9. What are the potential downsides to Historic Designation?

*Adds another approval process, over and above the deed restrictions (if any) to renovations.*

### 10. Will property taxes automatically increase if our neighborhood receives Historic Designation?

*No, property taxes will not automatically increase because they are based on past selling prices of comparable dwellings. In the long run, however, if having an historic designation means that homes in our neighborhood are more desirable, then property values may rise which may result in an increase in property taxes. It is driven by the market.*



## Myths v Realities about Historic District Designation

Some common “objections” or “questions” you may hear when applying for historic district designation, with suggested responses:

### “My property is not historic...”

*If it is at least 50 years old, it may qualify as an historic property due to its style of architecture, its notable residents or through its various historical relationships. As such, it contributes to the proposed historic district, and may even be exceptionally significant in its own right. If it is a newer building, it benefits from the historic surroundings. Since a district includes many properties, all owners, even of “non-contributing” properties, are encouraged to sign the petition.*

### “It will increase my taxes...”

*No. Historic district designation is not a factor in property appraisals or tax rates.*

### “They will tell me how I can use my land and my property...”

*No. Historic designation does not restrict land use.*

### “It will replace or alter my deed restrictions...”

*No. Historic designation does not affect any existing deed restrictions.*

### “It will adversely affect the value of my property when I decide to sell it...”

*Experience has shown that many buyers are more attracted to properties in recognized historic districts.*

### “They won’t let me repair, change or add on to my house...”

*Only exterior alterations, new construction, relocations and demolitions that required a building permit are required to obtain a “Certificate of Appropriateness” from the Houston Archaeological and Historical Commission. If your plans are not approved by the commission, after 90 days you may proceed anyway. So far, over 80 percent of previous applicants have voluntarily agreed to more compatible alterations than what were initially considered. The commission provides free expert design assistance and suggestions during the process.*

### “They will tell me what color to paint my house, or how to remodel my bathroom, kitchen, etc...”

*No. Interior alterations and paint colors are not regulated whatsoever.*

## HOW WILL THIS AFFECT MY PROPERTY RIGHTS?

**“I will have to open my home for tours...”**

*No. There are no requirements for home tours or public access to your home or property.*

**“They will make me put a historical plaque on my porch...”**

*No. This is entirely at homeowner option and expense.*

**“It will violate my personal property rights...”**

*This is not a case of government telling you what to do with your property, but a way for a neighborhood to acknowledge, maintain and enhance its unique character. Historic district designation actually helps to preserve and maintain your property rights by preserving the neighborhood around your property.*

## **Reply to Houston Property Rights Association Regarding CITY OF HOUSTON HISTORIC DISTRICTS**

We believe that an Historic District for our neighborhood will protect the historic character and stabilize our neighborhood and deter demolition of historical buildings. In 2005 Houston Property Rights Association (HPRA) passed out a flyer critical of historic districts, this is the response that Houston Heights published:

**HPRA: Homeowners will have to learn to live with a 13 page ordinance any time they repair, alter or expand their home.**

### ***RESPONSE:***

*Contact the City's Historic Preservation Officer, Randy Pace at 713-837-7796, a Houston Heights resident, with questions about the Ordinance or its applications. Sec. 33-238, 239, 240 and 241 describe this process.*

*The Ordinance does not apply to maintenance and repairs.*

*The Historic Preservation Ordinance was designed to be user friendly at the insistence of both preservationists and real estate developers.*

**HPRA: The ordinance is written broadly. City hall can prohibit any ordinary maintenance and repairs that “change the design, character, texture, or material of any exterior feature”.**

### ***RESPONSE:***

*The Ordinance specifically excludes ordinary maintenance and repair from its operation. (Sec. 33-237)*

## HOW WILL THIS AFFECT MY PROPERTY RIGHTS?

*The Ordinance “prohibits” nothing; it encourages historic homeowners to do the historically appropriate alterations, expansions, etc. but after 90 days, the homeowner can make inappropriate changes.*

*The Ordinance is administered by Randy Pace, the City’s Historic Preservation Officer, and the Houston Archeological and Historical Commission, not by “City Hall”*

**HPRA: Fines can be as high as \$500 a day per violation. Homeowners in violation can be sued by the city for damages, sued to enjoin construction, and required to reconstruct or restore any altered structure.**

**RESPONSE:**

*The Ordinance has been in effect for 11 years, covers 3,000 properties, and no fine has ever been levied and no one has been sued by the City over it.*

**HPRA: No class of property is “grandfathered” or exempt including churches.**

**RESPONSE:**

*All property is “grandfathered” in the sense that when a historic district is formed, nothing has to be done to any property in the district. However, all property in the district is subject to the Ordinance.*

**HPRA: Districts can be expanded.**

**RESPONSE:**

*District borders cannot be “expanded” at will. Adding new territory to an existing district requires new signatures from property owners in the existing district. (Sec. 33-227)*

**HPRA: The ordinance today has a “90 day waiver”, which means that city hall must grant a homeowner’s request for a permit to alter or demolish a structure 90 days after a request is submitted. Unfortunately, preservation activists want to remove the 90-day waiver from the law and make the restrictions permanently binding.**

**RESPONSE:**

*The ordinance does provide for such a 90-day waiver certificate to be issued by the historic preservation officer. Preservationists and most property owners in existing City of Houston Historic Districts have said they would like a stronger ordinance. In the eleven years since the ordinance has existed the ordinance has not been made stricter.*

## Summary of the City of Houston Historic Preservation Ordinance

### ***I. Requirements and Procedure to become a City of Houston Historic District.***

- A. The neighborhood must have historical significance.
- It must possess a significant concentration of buildings which, together, have a historical, cultural or architectural significance to the City.(Sec. 33-201)
  - 51% of the buildings in the neighborhood must be over 50 years old (Sec.33-224[b]) and must be “contributing” or “potentially contributing.”  
“Contributing building”: a building over 50 years old that reinforces the cultural, architectural or historical significance of the historic district. (Sec. 33-201; Sec. 33-224)  
“Potentially contributing building”: a building that would be a contributing building except that there have been incompatible alterations or deteriorations to it which if reversed, would make it a contributing building (Sec. 33-201)
- B. An Application must be filed with the City. It must contain:
- Description of Neighborhood and its boundaries (proposed district boundaries)
  - A “Statement of Significance” of the historical significance of the neighborhood (First Montrose Commons)
  - “Survey” (inventory) of houses, which includes:
    - Description of Property
    - Address, lot & block, approx. year house built, style
    - Homeowner’s name
    - Designation (Contributing, Potentially Contributing, Non-Contributing)
  - A Photo Inventory of all properties in the proposed district.
  - Signature pages of owners joining in the Application.
- C. The neighborhood must approve the Application.
- 51% of the owners of tracts in the district must sign the Application.
  - Those tracts must make up at least 51% of the land area in the district.
- D. The Application is submitted to the Historic Preservation Officer of the City of Houston Planning Dept.
- As soon as the application is filed all property in the proposed district is subject to the ordinance unless and until HAHC or Houston City Council rejects the application for the proposed district.
  - The HAHC holds a public hearing regarding acceptability of the district.
  - HAHC makes a recommendation to City Planning Commission.
  - City Planning Commission holds a public hearing, and then passes the application to City Council with its recommendation.
  - City Council holds a public hearing for acceptance or denial of the proposed district. City Council adopts an ordinance accepting the district.

### ***II. How the Ordinance applies to historic districts.***

- A. General
1. The ordinance applies to the alteration, restoration, construction, relocation or demolition of any building within a historic district.
  2. The ordinance does not apply to or affect:
    - a. Ordinary maintenance and repair of a building (Sec. 33-237)
    - b. Paint colors
    - c. The interior of buildings (Sec. 33-202( c ))
    - d. The use to be made of buildings (Sec. 33-202(b))
    - e. Deed restrictions on property in the historic district. (Sec. 33-202(d))
  3. A permit called a “Certificate of Appropriateness” is necessary for work which is subject to the ordinance. There is no fee for this certificate. (Sec. 33-236, Sec. 33-238)
  4. A certificate of appropriateness is not required for ordinary maintenance and repairs. (Sec. 33-237)
  5. The ordinance is administered by the Houston Archeological and Historical Commission (“HAHC”), an appointed 11 member body.

**SUMMARY OF CITY OF HOUSTON  
HISTORIC PRESERVATION ORDINANCE**

**III. How the application for a Certificate of Appropriateness is handled:**

- A. The application for Certificate of Appropriateness will be filed with the “Planning Official” (historic preservation officer). The application must contain:
1. Information identifying the owner, the property and the action to be taken and a photograph of the property, and either:
    - (a) A rendering of the exterior of the building as it will look after completion of the proposed activity, or
    - (b) A description of the work to be done, materials to be used and changes to be made, and
    - (c) Any plans and specifications that exist if required for a building permit. (Sec. 33-238)
  2. HAHC must consider the application for certificate of appropriateness at its next monthly meeting.(Sec. 33-239)
  3. If an application for a certificate of appropriateness is denied, the applicant can still do what he applied to do after a 90 day waiting period (90 days after first applying) this is called a “waiver certificate”. (Sec. 33-250)
  4. The applicant may also appeal to the Planning Commission if HAHC turns down his application. (Sec. 33-253)

**IV. What the HAHC looks at:**

- A. Existing Buildings: To alter, restore or add onto an existing historical landmark or contributing building in a historic district, HAHC must find that:
1. The proposed activity retains and preserves the historical character of the property as of the time of its historical significance, but allows for contemporary use. (Sec. 33-241(a)(1), (2), (3))
  2. The proposed activity must comply with applicable deed restrictions. (Sec. 33-241(a)(11))
- B. New Buildings: Proposed new buildings must have similar setbacks, exterior features and proportions (height, width, length and roof line) as existing buildings in the block, but do not have to have any particular architectural style. (Sec. 33-242)
- C. Relocation of historic buildings: Under extreme circumstances, historic buildings may be relocated.
- D. Demolition of historic buildings:
1. Applicant must establish “unreasonable economic hardship” or “unusual and compelling circumstances.” (Sec. 33-247)
  2. If HAHC does not issue a certificate of appropriateness for demolition, alternatives to demolition will be explored, with historic preservation organizations, civic groups and others. (Sec. 33-247(b))  
HAHC, in considering an application for certificate of appropriateness, takes into consideration the needs of the applicant and his financial condition. (Sec. 33-240)

**V. “Alterations” and “Maintenance and Repairs”**

- A. “Alterations” means essentially any activity for which a building permit is normally required. “Alteration” means any change in the exterior feature of a building (which is any exterior portion of the building visible from the street), including changing roofing or siding materials, or eliminating or adding exterior doors, windows, porches, etc. (Sec. 33-201)  
A certificate of appropriateness is required for an alteration.
- B. “Ordinary Maintenance and Repair” means work to correct or prevent deterioration, decay or damage to a building, provided that it does not change the design, character or texture of the part of the building visible from the street. (Sec. 33-201)  
A certificate of appropriateness is not required for ordinary repairs and maintenance.

**VI. Enforcement:**

- A. It is unlawful to alter, demolish or move a building in a historic district or build a building in a historic district without complying with the ordinance (Sec. 33-236(i)).
- B. It is unlawful to do non-permitted work without the 90 day waiting period (90 day “waiver”) and a person can be fined \$50-\$500 for each violation. (Sec. 33-203(c))
- C. The City attorney may start a legal action to enforce the ordinance, including an action to recover damages or require restoration of a historic building. (Sec. 33-203(a))

**SUMMARY OF CITY OF HOUSTON  
HISTORIC PRESERVATION ORDINANCE**

**VII. Protected Historic Landmark**

A “protected landmark” is a landmark for which the owner has elected to permanently protect the landmark by foregoing the 90 day waiver certificate. Therefore, the owner and his successors cannot alter or demolish the landmark without a certificate of appropriateness. (Sec. 33-201)

## Property Tax Relief for Improvements to Historical Properties ☺

- I. Sec. 44-5 of the City’s ordinances provides for a partial exemption from City of Houston property taxes for some improvements to historical buildings.
- A. An exemption may be granted if:
- (1) the proposed improvements are at least 50% of the existing assessed value of the building.
    - the improvements must be made either following or within five years of the designation of the building as a (a) City Landmark or (b) be a Contributing or Potentially Contributing building in a Historic District.
    - For Potentially Contributing structures, the restoration or preservation must have the effect of reversing incompatible alterations or deteriorating conditions of the structure.
    - A certificate of appropriateness must not have been denied for the improvements.
    - The owner must perform restoration or preservation of the historic site to encourage its preservation
  - (2) If expenditures are in excess of 100% of the base value of improvements, then the exemption equals 100% of the assessed value of the improvements.
- B. The amount of the tax exemption each year:
- (1) Equals the amount of the expenditures for the improvements up to 100% of the amount of the expenditures
  - (2) If expenditures are in excess of 100% of the base value of improvements, then the exemption equals 100% of the assessed value of the improvements.
- C. The duration of the exemption is 10 to 15 years, depending on whether the project receives City funded financial incentives and shall be continued in the event of up to one transfer of an ownership interest.
- D. The exemption granted shall be effective as of January 1 of the year following demonstration of completion of the restoration.

