

MANISTEE CITY HISTORIC DISTRICT COMMISSION

Worksession of Wednesday, January 20, 2010

3:00 p.m. in the Executive Council Chambers, City Hall

70 Maple Street - Manistee, Michigan

AGENDA

I Call to Order

II Roll Call

III Items for Discussion

1. Demolition Procedures for Contributing Buildings

2. Misc.

IV Adjournment



PLANNING AND ZONING
COMMUNITY DEVELOPMENT
231.398.2805
FAX 231.723-1546
www.ci.manistee.mi.us

MEMORANDUM

TO: Historic District Commissioners

FROM: Denise Blakeslee

DATE: January 12, 2010

RE: January 20, 2010

Commissioners, a Worksession has been scheduled for 3:00 p.m. on Wednesday, January 20, 2010 in the Executive Council Chambers. The Agenda is enclosed

Thank you!

:djb



Manistee Commercial Historic District Policy #14 Demolition

Historic District Commission, 70 Maple Street, Manistee, MI 49660 231.398-2805
www.ci.manistee.mi.us

The Historic District Commission is charged with the Maintenance and Preservation of Buildings in the Manistee Commercial Historic District. Under exceptional circumstances a request may be made for the demolition of all or a portion of a building. This policy shall apply to demolition requests.

Contributing Buildings in the Manistee Commercial Historic District may be eligible for both Federal and State Tax Credits. By demolishing a portion of a building the owner may forfeit eligibility. Owners are advised to have all demolition plans reviewed by the State Historic Preservation Office prior to demolition to determine if the demolition may jeopardize tax credits.

EVALUATION CRITERIA

Structures are evaluated in the following four categories:

1. Contextual merit
 - ▶ Character, interest or value as part of the heritage of the City of Manistee
 - ▶ Provides certain historic or scenic value significant to the area.
 - ▶ Is essential to the integrity of the Manistee Commercial Historic District
2. Architectural merit
 - ▶ Exemplifies a particular architectural type.
 - ▶ Is significant to the architectural period in which it was built and has distinguishing characteristics of an architectural style
3. Cultural merit
 - ▶ Contributes information of historical, cultural, or social importance.
 - ▶ Is the site of a significant historic event.
 - ▶ Is identified with a person(s) or Group(s) who significantly contributed to the culture of the City of Manistee.
 - ▶ Is associated with the life of an outstanding historical person or persons or an historic event with significant effect upon the District.
4. Structural merit
 - ▶ Condition of the Structure
 - ▶ Probable life expectancy.
 - ▶ Is the last remaining example of its kind in the district.

SCORING PROCESS

Contributing Structures will be scored from 0 - 3 in whole numbers in each category.

- 0 - Doesn't meet criteria
- 1 - Partially meets criteria
- 2 - Mostly meets criteria
- 3 - Fully meets criteria

A score of 6 or more establishes a building of significant status. If the building or portion of the building slated for demolition is determined to be of significant status the applicant must demonstrate in detail the justification for demolition.

DEMOLITION CRITERIA

Demolition of a portion of a non-contributing building. The Historic District Commission may consider the demolition of a portion of a building under the following circumstances:

- ▶ The portion of the building slated for demolition is not facing a public street.
- ▶ Determined by the Historic District Commission not of architectural or aesthetic significance.
- ▶ The Building Inspector has determined that the portion of the building is unsafe and creates a dangerous situation.

If approved by the Historic District Commission a **Certificate of Appropriateness** will be issued.

Demolition of all or a portion of a contributing building. The decision by the Historic District Commission for the demolition of all or any portion of a building shall be guided by:

- ▶ The historic, scenic, cultural, aesthetic or architectural significance of the building, structure, or site.
- ▶ The importance of the historic structure or site to the ambiance of the district.
- ▶ The difficulty or the impossibility of reproducing such a building, structure or site because of its design, texture, material, detail, or unique location.
- ▶ Whether the historic structure or site is one of the last remaining examples of its kind in the district.
- ▶ Whether there are definite plans for the reuse of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.

- ▶ Whether reasonable measures can be taken to save the historic structure or site from collapse.
- ▶ Whether the historic structure or site is capable of earning reasonable economic return on its value
- ▶ The condition of the structure and its probable life expectancy.
- ▶ Whether or not the proposed demolition could potentially affect adversely other historic buildings or the character of the historic district.
- ▶ The reason for demolishing the structure and whether or not alternatives exist.
- ▶ Whether or not relocation of the structure would be a practical and preferable alternative to demolition.
- ▶ The public necessity of the proposed demolition.
- ▶ The public purpose or interest in the land or building(s) to be protected.

If approved by the Historic District Commission a Notice to Proceed will be issued.

GUIDELINES

- ▶ Demolish a historic structure only after all preferable alternatives have been exhausted.
- ▶ Document the building thoroughly through photographs and measured drawings. Copy is to become part of the building's permanent record.
- ▶ Empty lots are to be maintained appropriately so that they are free of hazards and trash and are well tended if the site is to remain vacant for any length of time.

APPLICATION REQUIREMENTS

The City of Manistee Historic District Commission may prepare its own evaluation of the property's value, feasibility for preservation, or other factors pertinent to the case. To afford the Commission the ability to consider the economic factors of demolition, the application shall submit the following information when required by the Commission:

- ▶ Estimate of the cost of the proposed demotion and an estimate of any additional costs that would be incurred to comply with recommendations of the Historic District Commission for changes necessary for the issuance of a Notice to Proceed or Certificate of Appropriateness.
- ▶ A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation.

- ▶ Estimated market value of the property both in its current condition and after completion of the proposed demolition, to be presented through an appraisal by a qualified professional appraiser.
- ▶ An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure.
- ▶ For property acquired within twelve years of the date an application for a Certificate of Appropriateness is filed: amount paid for the property, the date of acquisition, and the party from whom acquired, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was acquired, and any terms of financing between the seller and buyer.
- ▶ If the property is income-producing, the annual gross income from the property for the previous two years; and the depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- ▶ Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
- ▶ All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
- ▶ Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years.
- ▶ Copy of the most recent real estate tax bill.
- ▶ Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other method.
- ▶ Any other information that would assist the Historic District Commission in making a determination as to whether the property does yield or may yield a reasonable return to the owners, e.g. perform a financial analysis.

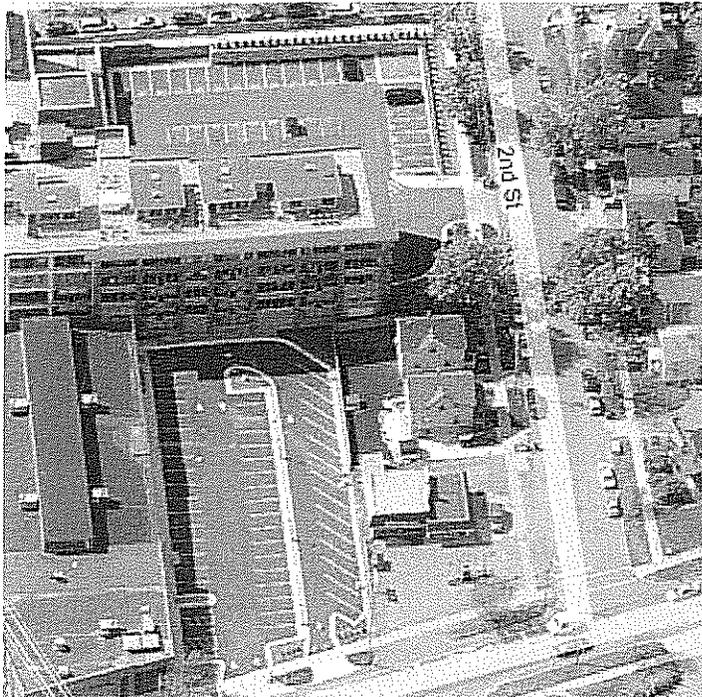
« Column: Weeding Out The Truth
Caucus Canceled. Confections Missed »

Demolition in Historic District?

Immediate neighbors support demolition of gas station, two houses

By Dave Askins

February 16, 2009



The intersection of West Liberty and Second streets, looking north to south. (Image links to Microsoft's Bird's Eye View for additional detail.) The structures proposed for possible demolition are the corner service station and the two houses next door. The greenhouse space being marketed as destination retail is at the left of the frame, across the existing parking lot from the three structures proposed for demolition.

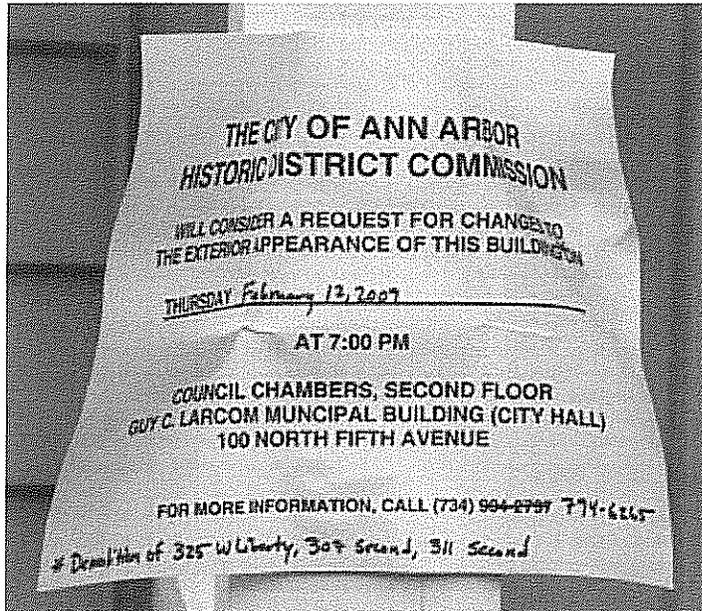
At its Thursday meeting, Ann Arbor's historic district commission gave approval for the demolition of a service station at Second & West Liberty streets. At its next meeting in March, the HDC will consider whether to give permission to proceed in demolishing two houses next door to the service station.

The permission for demolition was sought by Morningside Ann Arbor LLC, which developed the Liberty Lofts residential project in the former Eaton factory on the same block. Morningside's reasons for seeking permission to demolish the three structures are related to another historic structure on the block: the former greenhouse space adjoining Liberty Lofts, which runs along First Street and the railroad tracks.

In order to market the former greenhouse space to retail tenants as having potential for more parking than the current 54 spaces, Morningside wants the option of expanding parking in the area where the three structures currently stand.

The Chronicle does not attend meetings of the HDC on a regular basis. Why were we there? When Mayor John Hieftje made the appointment of the historic district commission's newest member, Patrick McCauley, at city council's Feb. 2 meeting, he did so with council approval in a one-step process. That is, the mayor's nomination and council's confirmation came the same night, whereas the usual course of such nominations is to submit them for review, with a council vote the following meeting.

About the one-step process, Hieftje said it was important to have a fully-constituted historic district commission for a major decision the following Thursday. It turns out that the decision concerned permission to demolish the three buildings (one service station, and two houses) on Second Street, which are located in the Old West Side Historic District, just down West Liberty Street from Chronicle headquarters.



Here, "change to the exterior appearance" means "demolition."

How Demolition in a Historic District Works

In deciding on an application to demolish a structure, the first issue on which the historic district commission votes is whether a structure is a "contributing resource" in the historic district.

This decision is not tantamount to a decision on demolition. However, the contributing/non-contributing distinction is important as far as the possible mechanisms by which demolition can be approved or denied.

The definition of contributing versus non-contributing is set forth in Bulletin 15 from the Michigan Secretary of the Interior and adopted by the State of Michigan as follows:

A *contributing* (historic) resource is one that adds to the historic association, historic architectural quality, or archaeological values for which a property is significant because it was present during the period of significance, relates directly to the documented significance, and possesses historic integrity.

A *non-contributing* (non-historic) resource is one that does not add to the historic architectural qualities or historic association of a district because it was not present during the period of significance, does not relate to the documented significance, or due to alteration, additions, and other changes it no longer possesses historic integrity.

If a structure is a non-contributing resource, then the commission can decide the application by either approving or denying a certificate of appropriateness. An example is Morningside's application for permission to demolish the service station: HDC found Thursday night that the station was non-contributing, and a certificate of appropriateness for its demolition was then approved.

If a structure is a contributing resource, on the other hand, then the only options for deciding an application for demolition are to deny it or else to issue a "notice to proceed." Otherwise put, if a structure is contributing to a historic district, then it's not possible to issue a certificate of appropriateness for its demolition. What can happen, however, is that the historic district commission could give a green light to demolish a contributing structure by issuing a "notice to proceed."

A notice to proceed must be based on specific criteria as outlined in the city's code:

8:416. Notice to proceed.

(1) Work within a historic district shall be permitted through the issuance of a notice to proceed by the commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the commission to be necessary to substantially improve or correct any of the following conditions:

(a) The resource constitutes a hazard to the safety of the public or to the structure's occupants.

(b) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.

(c) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.

(d) Retaining the resource is not in the interest of the majority of the community.

But by the HDC's rules, a notice to proceed cannot be issued at the same meeting as a finding that a property is contributing. Instead, the application must be postponed to the next meeting of the HDC, when the question of a notice to proceed or denial of the application can be deliberated. An example is Morningside's application for permission to demolish the two houses on Second Street: The HDC voted that the two houses were contributing resources in the Old West Side Historic District, and postponed the application (by a 4-2 vote) to its next meeting. At that March 12 meeting, the HDC will be able to either approve a notice to proceed or deny the application.



Rear of structures proposed for demolition, looking southwest from Liberty.

How Historic District Commission Meetings Work

For each application considered by the commission, Jill Thacher, historic preservation coordinator for the city of Ann Arbor, gives a description of the factual background of the application, provides the commissioners with an analysis of which standards from the Secretary of the Interior are applicable in a given case, and offers an assessment of whether the application meets the relevant SI standards. Members of the commission who are serving on a specific application's review committee then offer their view of the staff report.

At that point the applicant is given an opportunity to make their case before the commission. After that, any members of the public who wish to speak are given a chance to weigh in on the matter. The applicant is then given a chance to rebut comments from the public. And finally, commissioners deliberate and vote.

Staff Summary and Review Committee Assessment

In providing the historical context of the three structures, Thacher focused on the block bounded by Liberty, Second, William, and First streets. She reported that it had enjoyed a mix of industrial and residential uses from as far back as 1880, when a tannery and several houses were located on the block. In 1966 the block had already evolved to the basic appearance of its mid 2000s shape, when the Liberty Lofts project was approved: a very large manufacturing building (the Eaton factory), plus three smaller structures: the service station at 325 W. Liberty, and the houses at 307 and 311 Second. These are the three structures that Morningside is seeking permission to demolish.

Thacher also provided specifics on the individual properties. The service station, she said, appears in city directories in 1938 as the Silkworth Oil Company filling station, and before that there had been a house on the site, dating at least back to 1880. [Editor's note: The fact that some structure has been at that site since 1880 weighed heavily in some of the subsequent commentary.] The house referred to throughout the discussion as either "the beige house" or "the tan house" was built around 1910, Thacher said. Frederick Heusel, the manager of City Bakery, and his wife Edith lived there from 1910 until 1915, and were succeeded by a variety of other workers. In 2002 vinyl siding was used to cover the house's wood siding, and vinyl windows were installed.

The "blue house" next door dates from the same period as the beige house. It had frequent turnover until 1936 when a worker at the King-Seeley manufacturing plant moved in – he lived there until 1957.

Where exactly is this block? Thacher described some familiar surrounding landmarks, including the rear of the 415 W. Washington property and a car wash across Liberty Street, as well as the old Moveable Feast house (more recently Daniels on Liberty, and now housing Identity Salon & Spa). The railroad tracks cut across the northeast corner of the property. Thacher also highlighted the seven houses on the opposite side of Second Street from the structures proposed for demolition. The elevation change from the corner at Liberty and Second where the service stations stands down to the existing parking lot is 6-8 feet, Thacher estimated. The existing parking lot, just to the east of the structures proposed for demolition, would be expanded to create an additional 30 spaces, bringing the total to 84.

Applicable standards from the Secretary of the Interior's standards for rehabilitation, which were identified by Thacher as relevant to the application, are the following:

- (1) A property will be used as it was historically or given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- (2) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property will be unimpaired.

Thacher also provided the recommendations from the Secretary of the Interior's guidelines on rehabilitating historic buildings – first with respect to a broader geographic context than just the building:

District or Neighborhood Setting

Recommended: Identifying, retaining, and preserving buildings, and streetscape, and landscape features which are important in defining the overall historic character of the district or neighborhood. Such features can include streets, alleys, paving, walkways, street lights, signs, benches, parks and gardens, and trees.

Retaining the historic relationship between buildings, and streetscape and landscape features such as a town square comprised of row houses and stores surrounding a communal park or open space.

Removing nonsignificant buildings, additions, or streetscape and landscape features which detract from the historic character of the district or the neighborhood.

Not Recommended: Removing or radically changing those features of the district or neighborhood which are important in defining the overall historic character so that, as a result, the character is diminished.

Destroying streetscape and landscape features by widening existing streets, changing paving material, or introducing inappropriately located new streets or parking lots.

Removing or relocating historic buildings, or features of the streetscape and landscape, thus destroying the historic relationship between buildings, features and open space.

Thacher also provided the relevant Secretary of the Interior guidelines for the specific building site:

Building Site

Recommended: Identifying, retaining, and preserving buildings and their features as well as features of the site that are important in defining its overall historic character.

Not Recommended: Removing or radically changing buildings and their features or site features which are important in defining the overall historic character of the property so that, as a result, the character is diminished. Removing or relocating buildings or landscape features thus destroying the historic relationship between buildings and the landscape.

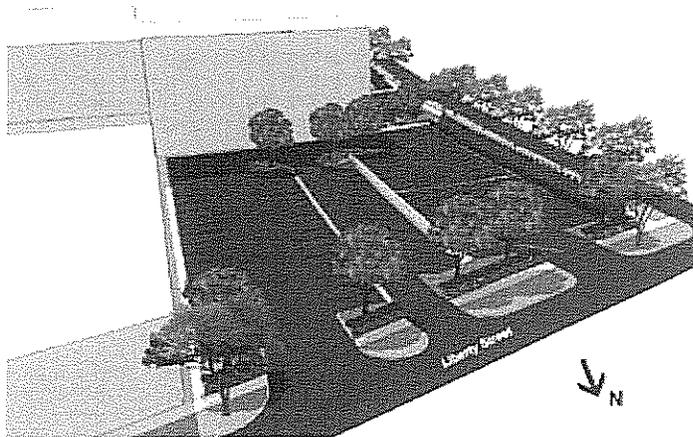
Thacher concluded that the service station, for which permission for demolition was sought by Morningside, was a non-contributing resource. It's fairly modern, she said, having been radically altered from the way it looked in the 1930s. What would be most appropriate, she said, would be to take down the gas station and put up another structure (given that some structure had occupied the corner for more than a hundred years).

In contrast, Thacher found that the two houses for which permission for demolition was sought are contributing resources in the Old West Side historic district. They have a similar size, massing, character, and age as other houses in the district, she said, and help define the historic character of the neighborhood. She

pointed to the 130 years of coexisting residential and manufacturing use and the mix of single-family and manufacturing structures – even though they’re not currently being used for their originally intended purpose.

Thacher said that the work proposed – demolition of the two houses and creation of a parking lot with landscaping – would not be reversible, and thus did not meet standard number (10).

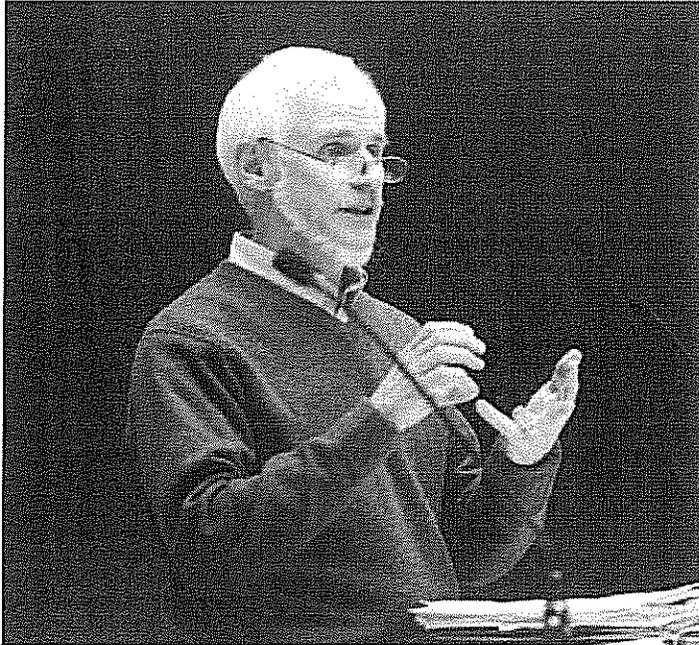
The HDC’s review committee on the application consisted of Jim Henrichs and Ellen Ramsburgh. Henrichs agreed with Thacher’s observations, saying it’s fairly clear that the gas station is not a contributing structure. He noted that the age and character of the houses means the houses are contributing. Henrichs said that there was, to him, a bit of a dilemma, in light of the desire to make the large amount of square footage in the greenhouse structure more viable. “Maybe I’m being overly optimistic,” he said, but he thought there might be other options in addition to the black-and-white choice to demolish or not. He suggested that re-locating the houses instead of demolishing them might be another solution.



Rendering showing how the parking lot would look when expanded. To get an idea of the grade change from west to east, note the retaining wall dividing the two sections. Cars would be able to loop around to the right at the back (south end) of the lot, where the two halves' grades would meet.

As for the service station, Henrichs said a lot of people would be happy if that wasn't there any longer. And he noted that it's not possible to extend the parking if the service station were removed, but the houses left in place. This has to do with the grading and slope of the land. [The architect's plans show the transition from the lower elevation of the existing lot to the higher elevation of the proposed expansion as achieved through a connection on the southern-most end of the combined lots, which is at about the same elevation.]

Ramsburgh agreed with Thacher and Henrichs, noting that the dilemma arose because the commission had supported what has been done with Liberty Lofts property, saying it was a great example of re-use and re-hab. However, the commission had to keep in mind, she said, that all these many years, the block has had an interesting mix: residential, commercial and industrial. The mix, she said, speaks to the historical nature of the neighborhood. Replacement of the buildings with a parking lot would be a dramatic departure from the Secretary of the Interior standards, she said. While the petitioner emphasized in the written application that it's a commercial block, Ramsburgh stressed that it's always been a commercial-residential mix: a factory abutted by residences. To replace the buildings with a parking lot, she said, would be difficult to support.



Greg Jones, architect for the project, enumerates the places he shops downtown.

The Applicant's Case

Ronald Mucha of Morningside was joined by architect Greg Jones (who several years ago served on Ann Arbor's historic district commission, including a turn as chair in 1999) to make their case for the application for permission to demolish the three structures. Jones began by saying he appreciated the challenge in front the commission that night, having in the past sat in their position himself.

He then addressed the reason for wanting to increase the available on-site parking by 30 spaces to 84 spaces: The greenhouse building (currently sitting empty) offers 19,000 square feet of "destination retail" space, a use specifically allowed with the current C3 zoning of the property, Jones said. Jones' colleague, Ron Mucha, would clarify later in the meeting that for destination retail, a basic rule of thumb is 4 or 5 spaces per 1,000 square feet – which puts the 84 spaces Morningside would like in the middle of the 76-95 range given by the rule of thumb.

Jones said they were asking for permission to demolish the structures under criteria (b) in the list of criteria for a notice to proceed [see above], because they are a deterrent to a project that will be a substantial benefit to the community. He then set about to describe what that benefit was. The additional parking, Jones said, would enhance the viability and role of an iconic building – a reference to the greenhouse building. And the way to enhance buildings, Jones continued, is to bring life to them. The Liberty Lofts project is a billboard project for rehabilitation of historic buildings, he said, plus it's brought residents downtown, which is a community goal.

At the time that the Liberty Lofts project was proposed, Morningside wanted to proceed without dealing with the three structures currently proposed for demolition, Jones noted. Morningside thought it would work with that amount of parking space (54 spaces), but prospective tenants are looking for additional parking relative to the amount of retail space.

Jones said that the work would benefit the downtown district and the Old West Side, because it would bring people downtown who don't live near the area, but who want to support downtown. Jones said that he personally shops at Downtown Home and Garden (one block north of the greenhouse building), Zingermans,

Kerrytown and the farmers market, because he supports downtown businesses. If there were retail at the greenhouse building, he'd try to patronize that, too, he said. In that regard, he said, it's not just a benefit to the owner or just to the people in the immediate area.

The removal of the three structures was not something that they took lightly, Jones said, but their loss was balanced out by the addition of parking that would improve the image and vitality of another large and iconic structure (the greenhouse building), a major face of the Old West Side to the downtown area. There's currently no life there, Jones said, even though it's been rehabilitated. The revitalization of the greenhouse structure was the "last piece of the puzzle" to the rehabbing of the old Eaton factory and the demolition of the tannery, which was undertaken as a residential project.

Jones said historic preservation is about more than saving a particular building: "We talk all the time about how historic preservation is good for the community, enhances the community economically." The benefits of the proposed parking lot expansion, he said, go beyond the individual building or individual neighborhood by bringing a solid retail tenant downtown. This can reinforce that goal of rehabilitation, can provide jobs downtown, and increase the attractiveness of the Old West Side.



Ron Mucha of Morningside shows Jill Thacher, the city's historic preservation coordinator, drawings with the floodway and floodplain boundaries of his firm's proposed project.

Jones pointed out that all of the residents on Second Street, across from the buildings proposed for demolition, have expressed their support through letters or by appearing before the commission that evening. Further, Jones said, there was no opposition to the proposed demolition among the 68 residents of Liberty Lofts.

Jones concluded by saying that the Secretary of the Interior standards do permit alteration of existing properties to accommodate new uses. The character-defining features of the property, Jones said, are its industrial scale, massing, and character. The use of the property had been primarily industrial for the last 70 to 80 years, and the removal of these properties would not affect the essential character of the block.

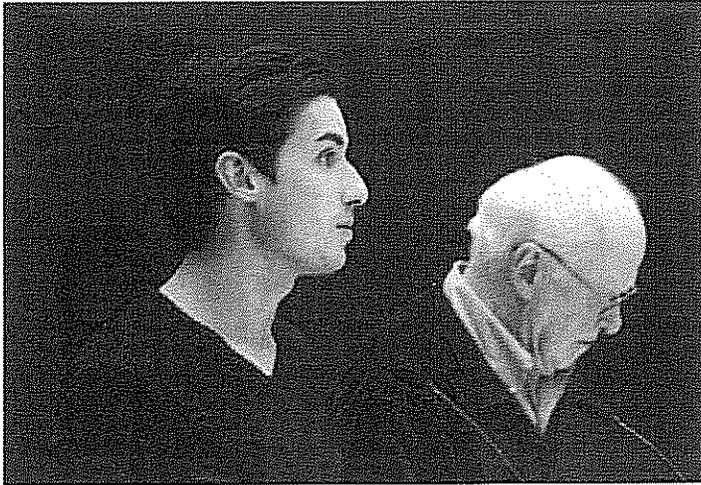
Queried by commissioner Robert White, Mucha said that Morningside would certainly make the houses available at no cost if someone wanted to move them to an alternate location, but that they could not commit to undertaking the moving. The cost of creating the parking, Mucha said, worked out to about the same cost per

space as it would cost to build them in a parking deck, once land acquisition costs were factored in. He could, therefore, not layer the cost of moving the houses on top of the cost to create the parking.

Public Hearing

Several members of the public spoke about the project. Though it doesn't match the chronology of speakers at the meeting, we've grouped together comments of those who spoke in support followed by those who opposed it. Also, we've inserted the rebuttal by Mucha and Jones of specific points made by speakers opposing the proposed parking expansion. Chronologically, these rebuttals came lumped at the end.

Nancy Goldstein: Goldstein said she and her husband had seen a lot of changes in this corner in the 36 years they'd live within view of the block. She said she'd served on the Old West Side Association board for 12 years, and could therefore sympathize with the commissioners' dilemma. Still, she said, she thought the proposed parking lot expansion would enhance the neighborhood. "We have big hopes for this corner," she said. She pointed out that when the tannery building was demolished to make the Liberty Lofts project possible, that change was supported. She allowed that there's always been a mixture of uses in the neighborhood, and that was exactly what they were hoping for: to create an amenity for people walking or driving to the location.



Tony Lupo (left) and Ray Detter overlapped at the podium as Detter signed in following his speaking turn.

Goldstein said she felt the two houses were not significant as structures. She said she could sit on her porch and imagine the proposed landscaping and figured it might inspire neighbors to improve their landscaping as well.

Bob Gilardi and John Chamberlin: Gilardi and Chamberlin brought a letter of support, written on behalf of the Liberty Lofts Homeowners Association. They said there had been several meetings to give people in the building an opportunity to have discussion, and that their position [of support] was in the letter.

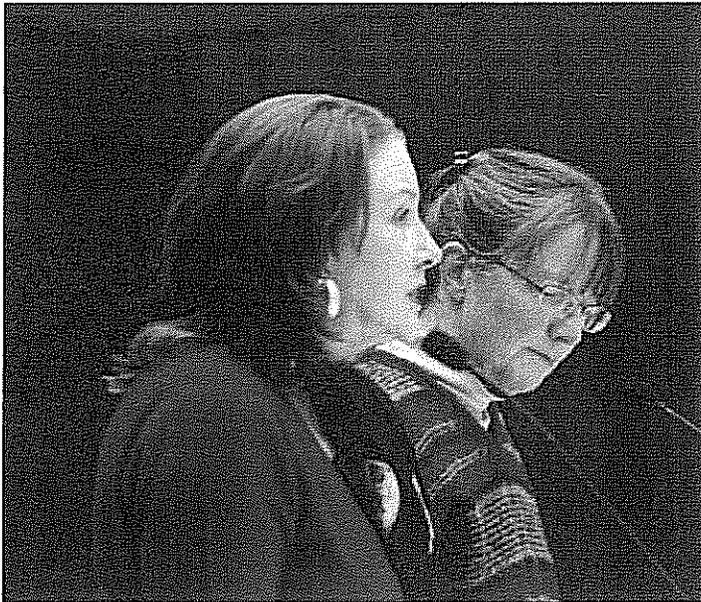
Wendy Rich: Rich said she owned two houses in the 300 block of Second Street and was supportive of Morningside's proposal. She said they did a beautiful job on Liberty Lofts and she was excited to see the service station come down, especially because it's now empty.

Kevin Hawkins: Hawkins said the two houses proposed for demolition look out of place, and that they don't contribute to the area. He suggested there's a clear boundary to the neighborhood – running down the middle of the street. Removal of the structures, he said, would make the block look better.

Tony Lupo: Lupo is director of sales and marketing for SalonVox, located east on Liberty from the site. He'd appeared earlier in the meeting on a request (which was denied) for permission to replace the front door on the salon. Lupo said he hadn't planned on speaking about the proposed demolition, but said "I'm excited that I stayed!" He said he lived in Liberty Lofts and that the service station is an absolute eyesore. While he allowed that the houses have some historic value, he said they're nestled really awkwardly into the space. He noted that there's a lot of community interest in seeing the space of the greenhouse building become an exciting destination – based on inquiries he receives from people who know he lives in the adjoining Liberty Lofts building.

Ethel Potts: Potts began by saying that the wonderful rehab of the Eaton factory into Liberty Lofts is really special. But she said that demolishing the buildings would be a change to the corner. For people coming down the hill, she said, the service station stands out – there's always been a structure there. A parking lot, however well-landscaped, she continued, would be different. It would be a bare corner. To have houses only on one side with no hint of residential on the other side would be a change. Potts said that the neighborhood edges are fragile: It's very easy to whittle away the edges, she feared.

But Potts' biggest concern is the slope of the land. She was concerned that the dropoff would take a great deal of grading, and a great deal of earthmoving. Potts concluded by returning to her initial point: it will make a change in the streetscape. Specifically, instead of having a building on this prominent corner, there would be a parking lot.



Chris Crockett (left) and Rita Mitchell both spoke against the idea of creating parking in place of the three buildings.

Rita Mitchell: Mitchell posed a question: Why is the first choice parking? Always choosing parking is the wrong way to go, she said. She wanted the project to succeed, she said, and Liberty Lofts is a great project. Mitchell said she's sorry that the greenhouse hasn't been filled with a tenant yet, but that people should be walking there, as opposed to driving.

In response to the walkability question, Mucha would later say, "Walkability is something we all support, but if you only rely on the Old West Side, it won't work." Mucha spoke in terms of the number of rooftops in the

OWS. "There's good incomes in those rooftops, but the reality is there's not enough of those rooftops to support this commercially," Mucha said.

Christine Crockett: Crockett appeared representing the Ann Arbor Preservation Alliance. She began by thanking the city's historic preservation coordinator, Jill Thacher, for her report. Crockett emphasized that these decisions are not governed by likes and dislikes, or whether this is economically expedient for the developer, but rather by the law, the Secretary of the Interior's standards, and the central area plan of the city, which calls for the preservation of the character of the neighborhoods.

Crockett responded to the comments of Goldstein and others about the relative historical significance of the houses. She said that people denigrate them by saying that they're not special, but that it's the *neighborhood* that has been deemed special by the law. The houses reflect working-class Ann Arbor, where people lived close to where they worked. To say that they're not significant, she said, denigrates the importance of having the rhythm of the streetscape recognized.

Crockett noted that Morningside already had 54 spaces on site and that parking lots aren't lively 24-7, but rather represent dead space. She noted that there were 244 additional parking spaces planned for the City Apartments project at First and Washington. As far as the idea of attracting a food emporium by offering more parking, she pointed out that the People's Food Coop has no parking, yet it's vibrant and vital.

She said she supported the staff report, and given the grade problems, recommended no demolition for the service station until there's a plan to construct a building there.

Mucha would respond to Crockett's characterization of the project as "economically expedient" by stressing that it's not economical to create the additional parking, which is why demolition is contingent on finding a tenant who requires the additional parking. Parking will be constructed, Mucha said, only if parking is the missing piece to a possible deal with a tenant.

Mucha said that some potential tenants from outside the Ann Arbor market don't think 54 spaces are adequate for the amount of retail space. He said that they do explain to potential tenants that 244 spaces are going to be built at First and Washington and that there are spaces at the DDA's temporary lot at 415 W. Washington, but that to date, those facts have not led to a deal.

Mucha drew a distinction between the central business district downtown and a destination retail location. "This is not CBD," Mucha said, "this is destination retail, and it's a different game than downtown."

Ray Detter: Detter spoke for the Downtown Area Citizens Advisory Committee. He began by congratulating Ron Mucha for rehabilitating the Eaton factory into Liberty Lofts. But Detter contended that the current application had little to do with Liberty Lofts. He congratulated Jill Thacher on the conclusions in her report and said that the proposed demolition violates Secretary of the Interior standards.

Responding to the many speakers – including some commissioners – who had spoken of a "dilemma," Detter said flatly: "There should be no dilemma: it's clear." Even though many people in the neighborhood might think it's nice to have something other than a service station there, Detter said, "We're here to follow the Secretary of the Interior standards." He said that the service station should be replaced with something appropriate, not an extension of an unwelcoming and inappropriate parking lot. Detter went on to explain how the proposal is in conflict not just with historic district requirements, but also with the downtown plan and central area plan. Noting that the two houses are residential properties, Detter quoted from the section of the central area plan that calls on new development to "protect, preserve and enhance the scale and character of existing housing in established residential areas, recognizing the distinctive qualities of each neighborhood."

But Detter did not spend much time quoting from city planning documents, and offered this: "If tearing down a historically designated house is a major improvement, which the developers claim in this particular case, and will enhance the commercial vitality of downtown Ann Arbor, then *historic preservation in this town has no future!*" That same argument, said Detter, will be used to destroy Ann Arbor's residential neighborhoods.

On the question of parking in particular, Detter said, "Parking lots are abominations in the downtown!" and expressed his amazement at the remarks of Nancy Goldstein, who Detter said "made a career at one particular point going around saying you didn't need more parking in the downtown." What we need, Detter said, is a better approach to parking and transportation.

The call for big grocery stores downtown, said Detter, comes from people who don't live downtown [Detter is a downtown resident]. "They say we need a big grocery store, a big CVS. *We don't don't need a big grocery store and we don't need a big CVS!* That's contrary to what downtowns are all about! You can walk to Downtown Home and Garden, you can walk to People's Coop, you can walk to Knight's Market, you can walk to White's and that's what downtown living is all about, not driving your car into a big parking lot that belongs somewhere out on Stadium Boulevard or Plymouth Road where we have those kinds of businesses."

Jones would respond to Detter's implication that they wanted to characterize the demolition of two houses as a good thing by saying, "Tearing down housing is not an improvement – that's not what we're telling you." What Jones said he wanted to tell the commission is that a parking lot makes it possible for *another* building (the greenhouse building) to bring life to a neighborhood.

Commission Deliberations

The first step was to determine the question of contributing versus non-contributing for the three structures.

Outcome: The commission made quick work of the service station, voting unanimously to declare it a non-contributing resource.

The two houses, on the other hand, prompted lengthy discussion about whether they were contributing resources.

Commissioner Diane Giannola said she didn't think the houses were architecturally significant. She noted they didn't have their original windows and one had been clad in vinyl siding. "They're not that special," she said. The blue building she characterized as "a commercial building in the shape of a house." She agreed with the sentiments of some members of the public, who said the houses seem out of place there.

Sarah Shotwell, who chairs the commission, said she understood what Giannola was saying, but that it was important to distinguish between the notions of "significant" versus "contributing" Shotwell said the context, the historic use, and the land they sit on make them contributing, taking care to emphasize that the determination of the contributing/non-contributing status of the houses was separate from the question of demolition.

Commissioner Jim Henrichs said the houses met the definition for being contributing, and that the question would be whether the project is a benefit to the overall community or not – a question that the commission would deliberate as a separate matter.

Commissioner Robert White pointed to the neighbors who feel the houses are not contributing and are in fact kind of an eyesore. "They're the one's who'll be looking at this," said White.

Shotwell posed the rhetorical question of whether the houses had had so many repairs and changes that they're basically no longer the same building? Her answer: No. She thus concluded the houses were contributing resources.

Commissioner Ellen Ramsburgh agreed with Shotwell, saying the historical context in which the houses have existed for 100 years is the way the block has been all these years. Ramsburgh echoed the call from Detter and Crockett to decide the issue based on Secretary of the Interior standards, not on whether the houses look prestigious, or significant, or based on popularity.

White returned to the issue of the vinyl siding and windows, saying that to him these changes raised the question of whether the houses retained their historic significance. Commissioner Patrick McCauley noted that the 2002 renovation of the tan house would have needed HDC approval, and that an HDC-approved change should not affect whether the house was contributing or non-contributing. But Shotwell observed that the 2002 decision would have been made under the old OWS ordinance [a streetscape standard] not the new uniform code across all historic districts currently in place [a 360-degree standard].

A brief interlude on the question of vinyl siding in the Old West Side ensued. [Editor's note: The Chronicle's headquarters in the OWS was sided with vinyl by a previous owner.]

Ramsburgh returned the discussion to the level of the neighborhood by asking her colleagues to consider the houses on the opposite side of the street. Those houses are similar to the two houses under discussion, she said, and if you say that the two are non-contributing, then the houses across the street are non-contributing, too.

Outcome: A motion declaring the two houses to be contributing structures to the OWS historic district passed with McCauley, Ramsburgh, Henrichs, and Shotwell supporting it. White and Giannola dissented.

The commission next considered a certificate of appropriateness for the demolition of the service station. Ramsburgh expressed concern that a parking lot was not an appropriate contribution to a historic district. She said that without a plan to replace it with anything other than a parking lot would be detrimental to the OWS.

McCauley wanted to know how the floodplain affected redevelopment of that corner. Thacher advised that the properties are either in the floodway or the floodplain, and that any re-development would be difficult. Mucha produced maps to show where the floodway and floodplain boundaries ran.

Giannola and Henrichs both expressed their strong support for the idea of the service station coming down. Giannola said that nobody is going to take up the environmental costs to take it down and to put up some other structure. If a condition was placed on demolition to put up another structure, she said, the building would sit vacant, which would be a detriment to the OWS.

Henrichs ventured that some kind of public seating area or amenity on that corner that would bring the community more into the site would be nice, but said the commission doesn't do the design work. A first step, said Henrichs, was that the service station should come down.

Outcome: The motion to issue a certificate of appropriateness for the demolition of the service station was approved with no audible dissent.



Intersection of Second and William streets, looking northeast, with Liberty Lofts in the foreground. Behind the blue house is another similar house and a service station, all three of which the developer of Liberty Lofts has requested Historic District Commission permission to demolish.

The commission then tackled the question of the two houses. It was not an option to issue a certificate of appropriateness [see discussion above], because they had determined that they were contributing resources. In describing the motion to postpone the application – a postponement that was necessary if the commission wanted to consider issuing a notice to proceed – Thatcher noted that the applicant could only qualify for a notice to proceed under letter (d).

This was a source of confusion and frustration for Jones and Mucha, who wanted a chance to respond to Thatcher's statement. They felt they might also qualify under (b). But Shotwell, who was chairing the meeting, informed them that the public hearing segment had been closed and that it was not possible at that time to hear them out. Giannola then moved to suspend the rules to reopen the hearing. Henrichs suggested there be a time limit, and in the end Mucha and Jones had another crack at the lettered criteria. We repeat letters (b) and (d) from above for readability:

(b) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.

(d) Retaining the resource is not in the interest of the majority of the community.

It was Mucha's contention that the language in the second half of (b) was not meant to be taken literally, because it was not possible for an applicant to have completed environmental clearances, for example, until work had begun to determine what remediation might be required. In the case of the service station, Mucha said, the required environmental remediation couldn't be determined until the underground tanks had been dug up.

Kristine Kidorf, who was present as the city's consultant, indicated that the rationale behind criterion (b) was to prevent the unnecessary loss of a historic resource, by ensuring that after demolition there was a project that would redevelop the property.

It was then indicated that the city attorney's office would provide guidance before the next commission meeting in March on the question of the (b) standard.

Outcome: The motion to postpone the application was then passed with support from White, Giannola, Henrichs, and Shotwell supporting it. McCauley and Ramsburgh dissented.

NOTICE OF Worksession Historic District Commission

The Historic District Commission will hold a Worksession on Wednesday, January 20, 2010 at 3:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

The Commission will discuss the following:

1. Demolition Procedures for Contributing Buildings
2. Misc.

This notice was posted by Denise J. Blakeslee to comply with Sections 4 & 5 of the Michigan Open Meetings Act (P.A. 267 of 1976) at 12:00 Noon., Tuesday, January 12, 2010 on the bulletin board at the south entrance to City Hall.

Signed: 
Denise J. Blakeslee

SAVE THE DATE

Friday, February 26th 1 – 4:30 p.m.

Preservation Rehabilitation Tax Credit Workshop

Learn how to maximize federal and state tax credits on the rehabilitation of your historic commercial property

WHAT: A half-day workshop that will teach you the basics of rehabilitation tax credits for historic commercial property maintenance and redevelopment. Learn how to qualify, apply, and attain federal and state tax credits, and walk through an actual case study in a historic commercial building in downtown Manistee.

WHO SHOULD ATTEND: Historic commercial property owners, developers, DDA directors and board members, planners, city managers, economic development professionals, Real estate professionals, CPAs, Main Street managers and attorneys.

WHERE: Manistee City Council Chambers, 70 Maple Street.

PRESENTED BY: Manistee Main Street/DDA, Michigan Historic Preservation Network and National Trust for Historic Preservation and State Historic Preservation Office.

Additional information, including registration details, will be coming soon.

MORE INFORMATION: Travis Alden, Manistee Main Street/DDA tbalden@manisteedowntown.com 231-398-3262, Bryan Lijewski, SHPO lijewskib@michigan.gov 517-373-1361, or Nan Taylor, Michigan Historic Preservation Network and National Trust for Historic Preservation, 231-920-6901, taylor@mhpn.org

Chapter 15.60

HISTORIC BUILDING DEMOLITION ORDINANCE

Sections:

- 15.60.010 Findings and Purpose
- 15.60.020 Definitions
- 15.60.030 Demolition Prohibited
- 15.60.040 Exemptions
- 15.60.050 Evaluation Thresholds and Review Requirements
- 15.60.060 Historic Resource Evaluation Report
- 15.60.070 Criteria for Determination of Historical
- 15.60.080 Review Process
- 15.60.090 Appeals
- 15.60.100 Severability
- 15.60.110 Penalty
- 15.60.120 Fees

15.60.010 Findings and Purpose.

The Mayor and City Council find and declare:

- A. The City of Grass Valley General Plan, adopted on November 23, 1999, includes an Historical Element which provides a basis for historic preservation in the City of Grass Valley. The General Plan includes an objective for the preservation of buildings of historic and/or architectural merit; identify and record historic neighborhoods and their characteristics in order to protect and preserve those characteristics (2-HO), and policies that include, investigate and implement procedures to protect historic structures from demolition (8-HP); and where historic and prehistoric cultural resources have been identified, the City shall require that development be designed to protect such resources from damage, destruction, or defacement (10-HP).
- B. The "small town" quality and feel of the town are heavily shaped by the attributes, integrity, historical character and design scale of existing residential and commercial neighborhoods. The preservation, enhancement and continued use of structures with historic, architectural, cultural and/or aesthetic importance are essential in retaining this community character.
- C. By imposing the requirements of the Demolition Ordinance, the City will have a provision which facilitates a more efficient and effective method of review for Demolition Permit Applications while the Historic Preservation Ordinance is being completed.

15.60.020 Definitions.

For the purpose of carrying out the intent of this Chapter, the words, phrases and terms set forth herein shall be deemed to have the meaning ascribed to them in this Chapter.

Building - Any structure having a roof and walls built and maintained to shelter human activity or property.

Demolition/Demolished - To teardown, remove or destroy any building or structure so that it is no longer standing or functional.

- Historical Building Code – Provision of state building code that provides flexibility for buildings that are listed in or eligible for listing in the National Register of Historic Places, or designated a historic structure under an appropriate state or local law.
- Historic Resource Evaluation Report - A report that evaluates the historical significance of a resource based upon established criteria. To be used baseline information regarding the types and locations of resources, approximate construction dates, representative architectural styles, construction materials, and contextual historical themes.
- Resource - A building or structure as defined in this Chapter.
- Structure - Anything constructed or erected, the use of which requires attachment to the ground, attachment to something located on the ground, or placement on the ground.
- 1872 Townsite- The City of Grass Valley's boundaries in the year 1872. This area includes the downtown area and surrounding environs.

15.60.030 Demolition Prohibited.

No buildings and structures constructed over 50 years of age shall be demolished unless a valid demolition permit has been issued in accordance with this Chapter.

15.60.040 Exemptions.

The requirements of this chapter shall not apply in the following situations:

- a. Permitted Replacement Structure. Any structure that has a previously approved discretionary entitlement, or a Building Permit issued to construct a building or structure, or a demolition permit for a building or structure that took place prior to the adoption of this chapter.
- b. Redevelopment Projects. The demolition or relocation of structures required as part of a redevelopment project which an agreement has been approved and executed shall not be subject to the requirement of this Chapter and the City shall issue a demolition permit.
- c. Demolition of Dangerous or Substandard Structures. Demolition of dangerous or substandard structures undertaken by the public or the City shall not be subject to the requirement of this Chapter and City shall issue a demolition permit. Evidence is required that the structure represents a dangerous or substandard structure as determined by the Building Official and/or Community Development Director. If evidence is found that the structure has been neglected, an exemption may not be issued, and additional conditions may be added that could include restoration.
- d. Demolition of Accessory Structures. Demolition of accessory structures (As defined in 17.44.20 in the Development Code) shall not be subject to the requirement of this Chapter and the City shall issue a demolition permit. If the accessory structure is identified as having historical significance due to its architectural character and consistency with a previously identified on-site historic building, a historic evaluation shall be required.

e. Demolition of Other Structures over 50-years of age. Demolition Permit Applications for buildings and structures over 50-years of age shall not require a Historic Resource Evaluation Report upon a finding by the Community Development Director based upon evidence presented by the applicant and/or property owner that the site does not include historical or cultural resources. Prior to the issuance of the Demolition Permit, the exemption for the building or structure shall include notification of the Historical Commission. When required, Historic Resource Evaluation Reports shall be prepared in accordance with Section 15.60.060 of this Chapter.

15.60.050 Evaluation Thresholds and Review Requirements.

Buildings and structures constructed over 50 years of age proposed for demolition shall be evaluated to determine historical significance. The level of review required shall be determined in accordance with the following thresholds and requirements which are based upon a structure's historic significance and the City's Historic Resources Survey.

A. A Historic Resource Evaluation Report (Report) shall be required for any structure over 50-years of age in the 1872 Townsite; identified on any state, federal or local list as a Historic Structure or Landmark; listed on a Historical Inventory; or located within an area identified as being potentially eligible for Historic District designation and listed as a contributing resource.

B. A Historic Resource Evaluation Report may be required for any structure over 50-years of age outside of the 1872 Townsite. Using the criteria established in Section 15.60.070 of this Chapter, the Community Development Director shall evaluate demolition proposals for these resources to determine the requirement for a Report.

15.60.060 Historic Resource Evaluation Report.

A Historic Resource Evaluation Report shall be submitted with a Demolition Permit Application and shall contain the following elements:

- A. Purpose and Scope
- B. Methods of Evaluation: Field and Archival
- C. Location and Setting
- D. Architectural Description of the Resource
- E. Historical Background
- F. Discussion of Eligibility for listing on National and/or State Register of Historic Resources
- G. Statement of Significance
- H. Conclusions
- I. Recommendations (may include proposed mitigation)
- J. Archival Documentation (Appendices)

The Statement of Significance element (Item G. above) shall be made using the criteria listed in Section 15.60.070 of this Chapter and shall include a discussion of the related historical contextual themes. The archival documentation (Item J. above) of the resource shall include a completed Department of Parks and Recreation DPR 523 Form and archival quality photo documentation. This information shall be included as an appendix to the Report. Preparation and submittal of the Report shall be the responsibility of the applicant. All Reports shall be prepared by consultants who meet the professional qualification standards for the field of Historic Preservation as described in the Federal Register.

15.60.070 Criteria for Determination of Historical Significance.

For the purpose of determining the historical significance of a structure the following criteria shall apply:

1. The building or structure has character, interest or value as a part of the heritage of the City of Grass Valley; or,
2. The location of the building or structure is the site of a significant historic event; or,
3. The building or structure is identified with a person(s) or group(s) who significantly contributed to the culture and development of the City of Grass Valley; or,
4. The building or structure exemplifies a particular architectural style or way of life important to the City; or,
5. The building or structure exemplifies the best remaining architectural type in a neighborhood; or,
6. The building or structure is identified as the work of a person whose work has influenced the heritage of the City, the State or the United States; or,
7. The building or structure reflects outstanding attention to architectural design, detail, materials or craftsmanship; or,
8. The building or structure is related to landmarks or historic districts and its preservation is essential to the integrity of the landmark or historic district; or,
9. The unique location or singular physical characteristics of the building or structure represent an established and familiar feature of a neighborhood; or,
10. The building, structure or site has the potential to yield historical or archaeological information.

15.60.080 Review Process.

1. Community Development Director Review - The Community Development Director shall determine whether to issue a Demolition Permit for an Application which does not require a Historic Evaluation Report in accordance with Evaluation Thresholds B and C. and the requirements specified in Section 15.60.050 of this Chapter. All Demolition Permit Exemptions pursuant to 15.60.040 are not included in the review process 15.60.080.
2. Environmental Review (CEQA) - An Initial Study (pursuant to the California Environmental Quality Act) shall be prepared for a Demolition Permit Application when a Historical Resource Evaluation Report is required in accordance with Section Evaluation Thresholds and Review Requirements. The Report may be included as an attachment to the Initial Study or referenced in the Initial Study. The Initial Study shall be reviewed by the Decision making body for an environmental determination following the project being deemed complete, as defined under (CEQA).
3. Historical Commission - The Historical Commission shall receive notification of Demolition Permit Applications for its review and make recommendations to the Development Review Committee regarding the historic significance of resources and the approval or denial of applications.
4. Development Review Committee - A Demolition Permit Application shall be scheduled for review by the Development Review Committee within forty-five (45) days of the environmental determination. The Development Review Committee shall review Demolition Permit Applications to determine the historical significance of the resource based upon the criteria set forth in Section 15.60.070 of this Chapter. The Development Review Committee may also consider the National Register criteria for evaluation.

Based upon the information provided, the Development Review Committee shall take action on the environmental determination and approve or deny the issuance of the Demolition Permit. If the Development Review Committee approves the Demolition Permit Application, the Demolition Permit shall be issued in accordance with the Development Review Committee action and following compliance with the provisions of this Chapter and all other City requirements.

5. Historical Building Code – If the building is determined to be historically significant under any State, Federal, Regional or Local criteria, the building shall be subject to the Historical Building Code. Any improvements to the historic structure either on-site or at a relocated site shall be eligible to be evaluated and regulated by the Historical Building Code.

6. Potential Conditions of Approval – If the building is determined to be historically significant under any State, Federal, Regional or Local criteria. The property owner may be required to advertise in at least two publications for the potential relocation of the structure. The demolition of the structure shall not take place until 60-days from the date of the publications.

7. Effective Date of Permit - Demolition Permits shall become effective 16 days following the final date of action (i.e., approval) by the Development Review Committee unless an appeal has been filed pursuant to Section (Appeals), which shall stay the issuance of the Demolition Permit until after the Appeal is decided.

15.60.090 Appeals.

Any person may appeal the decisions of the Community Development Director or the Development Review Committee pursuant to this Chapter to the Planning Commission. Decisions of the Planning Commission pursuant to this Chapter may be appealed to the City Council.

An appeal must be submitted in writing with the required appeal fee (if applicable) to the Community Development Department within fifteen (15) days following the final date of the action for which an appeal is made. The written appeal shall include the reason(s) why the Historic Resource Evaluation Report should or should not be required; or why the Demolition Permit Application should be granted, denied or exempt from the provisions of this ordinance.

15.60.100 Severability.

If any section, subsection, sentence, clause or phrase or any portion of this ordinance is for any reason declared invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declare that it would have adopted this ordinance and each and every section, subsection, sentence, clause or portion thereof irrespective of the fact that any phrase, or any portion thereof, would be subsequently declared invalid or unconstitutional.

15.60.110 Penalty.

Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this Chapter is guilty of a misdemeanor, which upon conviction thereof is punishable in accordance with the

provisions of Sections _____ of this Code in addition to any other civil or administrative remedies.

15.60.120 Fees.

Upon submittal of a Demolition Permit Application to the Planning and Building Services Department, the applicant shall pay all applicable Planning Division fees as adopted by the City Council for an Initial Study and for the Planning Commission review. The applicant shall pay all required Building Inspection Division fees as adopted by the Mayor and Common Council prior to issuance of a Demolition Permit.

SECTION VIII. REQUESTS FOR DEMOLITION, RELOCATION OF BUILDINGS, PROVISION FOR ECONOMIC HARDSHIP AND APPEALS

CERTIFICATES OF APPROPRIATENESS FOR DEMOLITION

The act of demolition is an irreversible act that requires the utmost consideration and search for alternatives. As a result, the conditions under which the Historic Preservation Board would allow the demolition of a historic structure are strictly regulated.

The guidelines to evaluate requests for demolition of a historic property include:

- a. Is the structure of such interest or quality that it would reasonably fulfill criteria for designation for listing in the *National Register of Historic Places*?
- b. Is the structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or economically unviable expense?
- c. Is the structure one of the last remaining examples of its kind in the neighborhood, city or designated historic district?
- d. Would retaining the structure promote the general welfare of the city of Delray Beach by providing an opportunity to study local history, architecture and design, or by developing an understanding of the importance and value of a particular culture or heritage?
- e. Are there definite plans for immediate reuse of the property if the proposed demolition is carried out, and what effect will those plans have on the character of the surrounding area?

Following a public hearing at which the demolition request is made, the Historic Preservation Board may:

1. Grant a Certificate of Appropriateness for demolition of an individually designated site, or a contributing building within a historic district, with a delayed effective date of up to six (6) months from the date of the Board's action (Ordinance 13-87 Sec. 31-18 (5)).
2. Grant a Certificate of Appropriateness for the demolition of a non-contributing building within a historic district with a delayed effective date of up to three (3) months from the date of the Board's action (Ordinance 13-87 Sec. 31-18 (5)).
3. If the Board refuses to issue a COA, the applicant has the option to appeal to the City Commission within ten (10) days following the Board's action.

The purpose of the demolition delay period is to allow the Board to take actions that may result in the preservation of the structure. Those actions may include: consultation with community groups, public agencies and interested citizens; making a recommendation that the property be acquired by either public or private entities; and exploring the possibility of moving the structure to another location.

Undue Economic Hardship

No decision of the Board can result in undue economic hardship for the property owner. To claim an economic hardship, certain documentation and financial disclosures must be made. Contact the Historic Preservation Planner for further information.



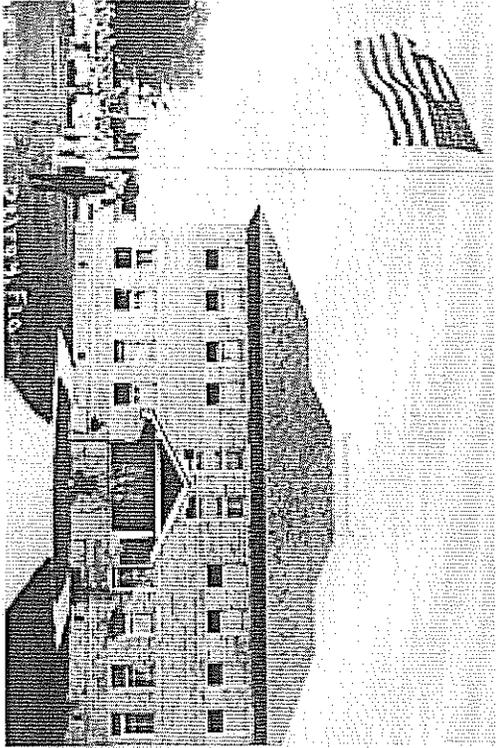
landscape features. For instance, a building *in situ* overlooking the beach would not be appropriately relocated along a major commercial or transportation corridor, such as Atlantic Avenue.

APPEALS OF HISTORIC PRESERVATION BOARD DECISIONS

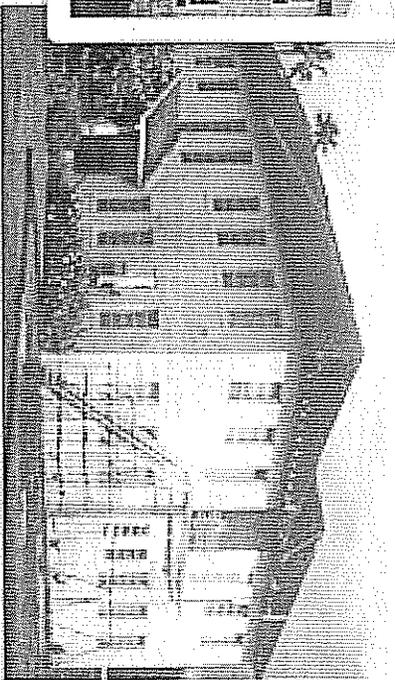
If the Historic Preservation Board fails to recommend a property for local historic designation, a written appeal must be filed within 10 working days following the date of the Board's action. Only the actual property owner will have the right to appeal a denial by the Board.

Decisions of the Board regarding applications for Certificates of Appropriateness may be appealed by applying to the City Commission on or before 30 calendar days following the date of the Board's action. The City Commission will then consider the Board's decision and its written explanation of the Board's action and hold a hearing within a reasonable time following the filing of an appeal. At this hearing, the applicant may address the application and any supporting material presented to the Board; however, no new material or evidence shall be presented to the Board. The City Commission will vote upon the appeal and any approval or disapproval of the appeal must be approved by a majority vote of the City Commission.

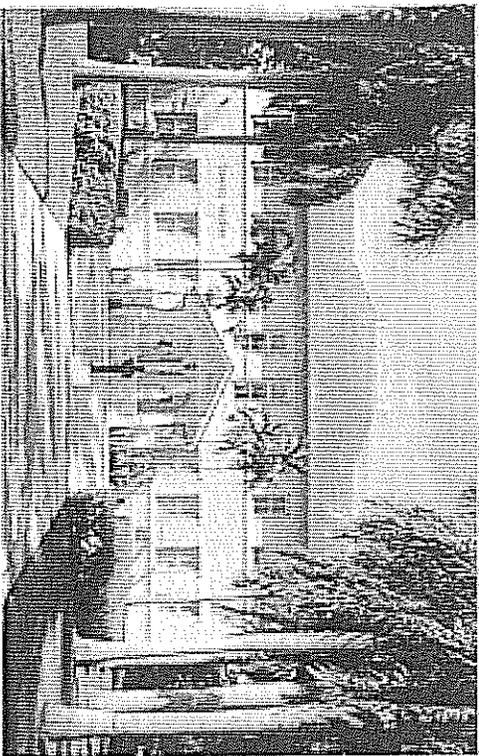




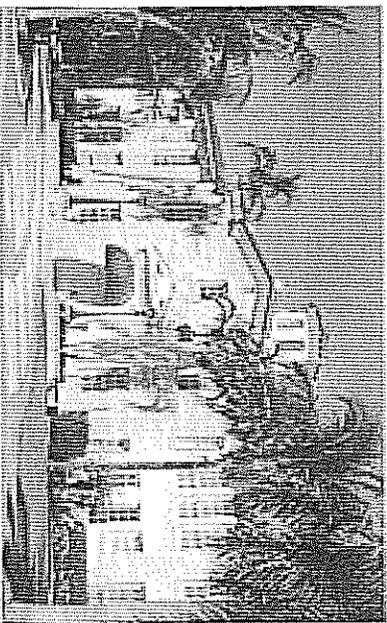
1913 photograph of Delray Elementary School



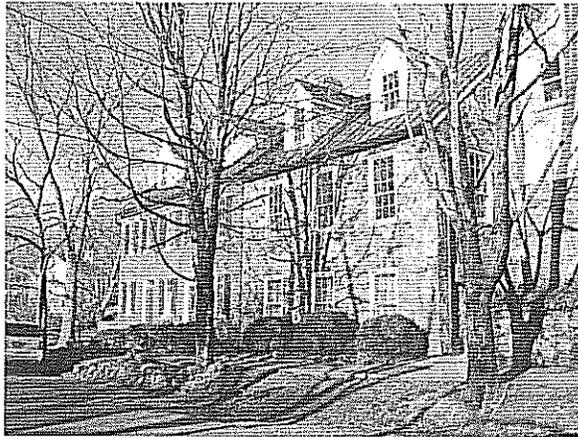
1980s photograph of Delray Elementary School taken prior to its conversion to a museum



Current Photograph of Delray Museum (formerly Delray Elementary School), part of the Old School Square Historic District

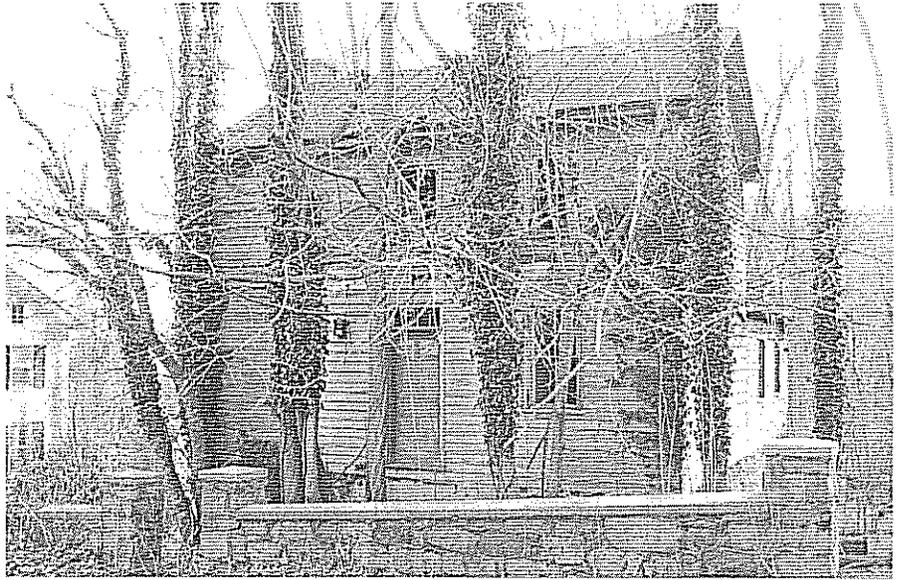


1989 photograph of Crest Theater, formerly Delray High School, now part of the Old School Square Historic District



CHAPTER
10
GUIDELINES FOR
DEMOLITION AND MOVING

Historic buildings are irreplaceable community assets. Once they are gone, they are gone forever. With each successive demolition, the integrity of a district is further eroded. The loss of even one building creates a noticeable gap in the historic fabric of the villages and rural areas.



Left susceptible to invasive vegetation, vermin, and weather, this structure may soon be beyond rehabilitation.

A. INTRODUCTION

Historic buildings are irreplaceable community assets. Once they are gone, they are gone forever. With each successive demolition, the integrity of a district is further eroded. The loss of even one building creates a noticeable gap in the historic fabric of the villages and rural areas.

The HDRC is given the responsibility of reviewing Certificates of Appropriateness (CAPP) to raze, demolish, move or relocate any historic landmark, building, or structure in Section 6-307 and the authority to do so in Section 6-1900 of the Zoning Ordinance. The HDRC will consider most applications for Certificates of Appropriateness for partial demolition as exterior alterations rather than demolition.

B. DEMOLITION

Through the adoption of these guidelines by the Board of Supervisors, the HDRC will use the criteria listed below in evaluating the appropriateness of requests for demolition of historic structures, sites, and objects. An application for demolition will be approved if the preservation of a structure, site, or object is found to be either physically or economically unfeasible under the provisions of the Zoning Ordinance.



B. DEMOLITION, continued

1. Demolition Criteria

A decision by the Committee approving or denying a CAPP for the demolition of any historic landmark, building, or structure shall be guided by:

- a. The historic, scenic, cultural, aesthetic or architectural significance of the building, structure, site, or object.
- b. The importance of the historic structure, site, or object to the ambiance of the district.
- c. The difficulty or the impossibility of reproducing such a building, structure, site, or object because of its design, texture, material, detail, or unique location.
- d. Whether the historic structure, site, or object is one of the last remaining examples of its kind in the district.
- e. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.
- f. Whether reasonable measures can be taken to save the historic structure, site, or object from collapse.
- g. Whether the historic structure, site, or object is capable of earning reasonable economic return on its value.
- h. The condition of the structure and its probable life expectancy.
- i. Whether or not the proposed demolition could potentially affect adversely other historic buildings or the character of the historic district.
- j. The reason for demolishing the structure and whether or not alternatives exist.
- k. Whether or not relocation of the structure would be a practical and preferable alternative to demolition.
- l. The public necessity of the proposed demolition.
- m. The public purpose or interest in the land or building(s) to be protected.

■ GUIDELINES

1. Demolish a historic structure only after all preferable alternatives have been exhausted.
2. Document the building thoroughly through photographs and measured drawings. File this information with the Loudoun County Department of Planning and the Virginia Department of Historic Resources.
3. Maintain any empty lot appropriately so that it is free of hazards and trash and is well tended if the site is to remain vacant for any length of time.

C. MOVING

The moving of any building from its original site should be avoided if at all possible. Once a building has been moved from its original site, it loses its association with the site, and thus loses its place in time. Each of Loudoun County's Historic and Cultural Conservation Districts is a unique entity, with a variety of building traditions that represent the long history of development in the county.

Moving a building should be considered only after it is determined that, should it remain at its original site, it would meet sure demolition. All other avenues should be explored if the purpose is the preservation of the structure. If there is no other option to save a building from demolition, careful plans should be undertaken to find a suitable site for the structure.

The first choice for relocation should be a vacant site in the same historic district. Such a site will allow the building to continue to contribute to the character of the district and help to ensure compatibility with existing structures. If the building must be moved outside of the historic district, a suitable site should be chosen after consulting *Chapter 4: Guidelines for New Construction*.

Since the relocation of a historic structure is a rare occurrence in a historic district, the following *criteria* may serve as a guide for both the property owner and the HDRC in a discussion of the relocation request.

i. Moving Criteria

A decision by the HDRC approving or denying a Certificate of Appropriateness (CAPP) for the relocation of a historic structure, or object, shall be guided by:

- a. The historic, scenic, cultural, aesthetic or architectural significance of the building, structure, site, or object.
- b. The importance of the historic structure, site, or object to the ambiance of a district.
- c. Whether there are definite plans for the property to be vacated and what the effect of those plans on the character of the surrounding area will be.
- d. Whether the historic structure or object can be moved without significant damage to its physical integrity.

- e. Whether the proposed relocation area is compatible with the scenic, cultural, aesthetic, historical, and architectural character of the building, structure, site, or object.
- f. The public necessity of the proposed move.
- g. The public purpose or interest in the land or building(s) to be protected.
- h. The effect of the vacant lot on the continuity of the district and its character.
- i. The condition of the structure and its probable life expectancy.
- j. The view of the structure from a public street.
- k. Whether relocation is the only practical means of saving the structure from demolition.

■ GUIDELINES

1. Move buildings only after all alternatives to retention have been examined, but prior to demolition.
2. Seek guidance from the Department of Planning for information about moving buildings and documenting the building on its original site before undertaking the move.
3. Contact the Virginia Department of Historic Resources for assistance prior to moving the building if there is a desire for it and the district to remain listed on the Virginia Landmarks Register and the National Register of Historic Places.
4. Photograph the building and the site thoroughly and also measure the building if the move will require substantial reconstruction.
5. Assess the building's structural condition in order to minimize any damage that might occur during the move.
6. Select a contractor who has experience in moving buildings and check references with other building owners who have used this contractor.
7. Secure the building from vandalism and potential weather damage before and after its move.
8. Improve the empty lot in a manner consistent with other open space in the historic district if the site is to remain vacant for any length of time.



HISTORIC WILMINGTON FOUNDATION and WILMINGTON DOWNTOWN, INC

JOINT COMMITTEE ON PRESERVATION INITIATIVE – OUTLINE OF RECOMMENDATIONS FOR CBD

Recommendations for Land Development Code amendments in Central Business District
Committee Chair – Bruce Bowman, AIA October 2009

WHY PROPOSE THESE CHANGES:

- Prevent razed building sites from remaining undeveloped for extended periods.
- Neutralize debate over what structures are considered significant.
- Provide criteria for partial redevelopment.
- Incentivize preservation with minimal impact to property owners.

CURRENT RULES IN EFFECT:

Current rules allow for demolition without any redevelopment proposed.

Current rules in effect can only delay demolition of Contributing historic structures:

- 365 days in Locally Designated District through HPC
- 90 days in remainder of CBD
- Any structure or portion of structure may be demolished after these time frames have expired unless preserved by covenant or Landmark status.

COMMITTEE'S OBJECTIVES:

1. Require development plan for any structure to be demolished.
2. Provide objective criteria to identify significant historic structures.
3. Incentivize full preservation of these structures by allowing transfer of foregone developable building rights.
4. Allow for partial redevelopment of these structures to currently permitted building heights if portion fronting on the public way is retained.
5. Limit full redevelopment of these structures to be no taller than the historic structure to be demolished.

REDEVELOPMENT PLAN:

Objective 1 – Redevelopment Plan

- Applicants seeking demolition for any structure in the CBD must first submit a redevelopment plan demonstrating that the proposed redevelopment satisfies the Land Development Code prior to receiving approval to demolish.
- Demolition permit will be released only after all other permits are obtained for the redevelopment.

CRITERIA FOR HISTORIC STRUCTURES:

Objective 2 – Criteria for historic structures of Significance

Only structures meeting all of the following criteria are affected

- Structure is located in the Central Business District.
- Structure has Contributing status on the National Historic Register.
- Structure scores 50% or higher on the evaluation criteria.

EVALUATION CRITERIA:

Contributing Structures are evaluated in the following four categories:

- Contextual merit
- Architectural merit
- Cultural merit
- Structural merit

Contributing Structures are to be scored on an individual basis.
Non-Contributing Structures are not subject to evaluation and scoring.

SCORING PROCESS:

Contributing Structures will be scored from 0 – 3 in whole numbers in each category

- 0 – Doesn't meet criteria
- 1 – Partially meets criteria
- 2 – Mostly meets criteria
- 3 – Fully meets criteria

Maximum score is 12
Score of 6 or more establishes Significant status for the structure

INCENTIVE FOR FULL PRESERVATION:

Objective 3 – Incentivize full preservation through transfer of height bonus

Historic structures with significant status that are preserved into perpetuity may transfer foregone building volume, as measured between the height of the existing historic structure and the maximum allowable building height, to other sites in the CBD.

Contributing historic structures with Significant status that are razed after October 1, 2009 may not be a receiving site.

Transferred volume is measured above the maximum tabular building height for the receiving site.

PARTIAL REDEVELOPMENT:

Objective 4 – Allow partial redevelopment of Significant historic structures if portion fronting on the public way is retained.

- The depth of the portion retained is to be a minimum of 30' or one-half of the frontage as measured back from the right-of-way. This establishes the Reconstruction Setback.
- The Reconstruction Setback is reduced by one-half for secondary frontages on corner lots.
- The balance of the site behind the Reconstruction Setback may be redeveloped to the current height standards for structures without Significant status.

FULL REDEVELOPMENT

Objective 5 – Full redevelopment of historic structures is discouraged but will still be permitted.

Significant historic structures that are demolished and redeveloped may only be reconstructed to the building height of the structure razed as applicable to the footprint area of that structure.

REQUIREMENTS FOR PARTIAL REDEVELOPMENT:

Requirements for portions of Significant structures that remain along public way:

- Stabilize historic structure
- Reverse non-historic alterations

Redeveloped portions:

- Comply with Land Development Code
- Differentiate new from historic portions

ADMINISTRATIVE RECOMMENDATIONS:

- Sites within the Locally Designated District (Historic District Overlay) are recommended to be administered through the Historic Preservation Commission and Staff.
- Sites in other portions of the CBD:
 - Redevelopment plans are recommended to be reviewed by staff for compliance with the Land Development Code.
 - A Council appointed Advisory Board of 3 – 5 people is recommended to score buildings and evaluate partial redevelopment submittals for Significant structures.
 - Staff reports (finding of facts) are prepared for Contributing structures for architectural, cultural and contextual criteria which are then considered by the Advisory Board along with any information furnished by the applicant.
 - The engineering report portion of the evaluation is to be prepared by a structural engineer acceptable to the staff if applicant chooses to have the structural soundness included in the scoring process.

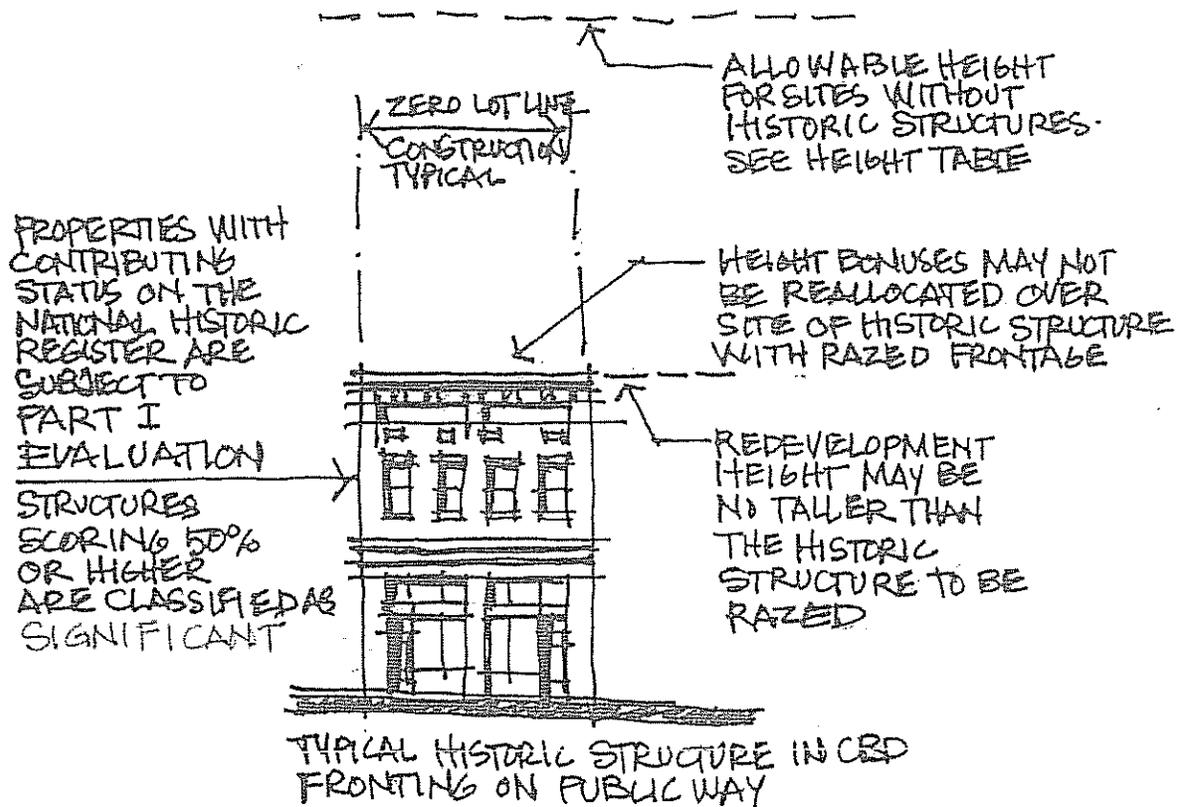


DIAGRAM A

HEIGHT LIMIT OF RAZED HISTORIC STRUCTURES
THAT DO NOT RETAIN AND MAINTAIN FRONTAGE

DEMOLITION PERMIT NOT RELEASED UNTIL OTHER PERMITS
ARE ACQUIRED FOR REDEVELOPMENT

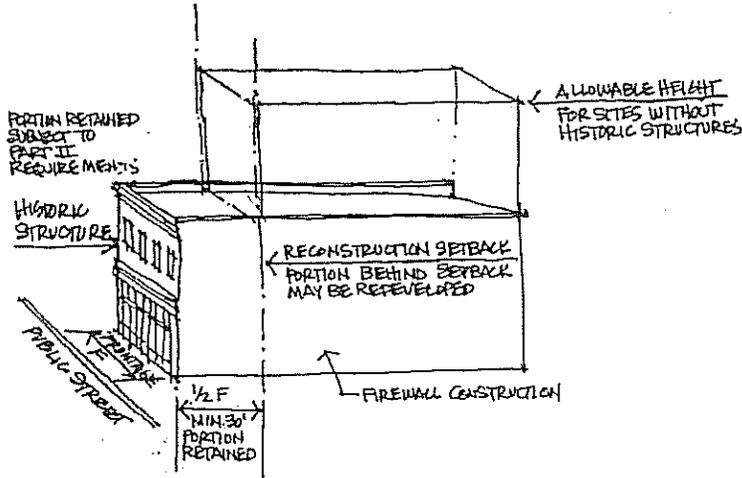


DIAGRAM B
 MINIMUM LIMITS FOR HISTORIC FRONTAGE TO BE RETAINED
 DEMOLITION PERMIT NOT RELEASED UNTIL OTHER PERMITS ARE
 ACQUIRED FOR REDEVELOPMENT

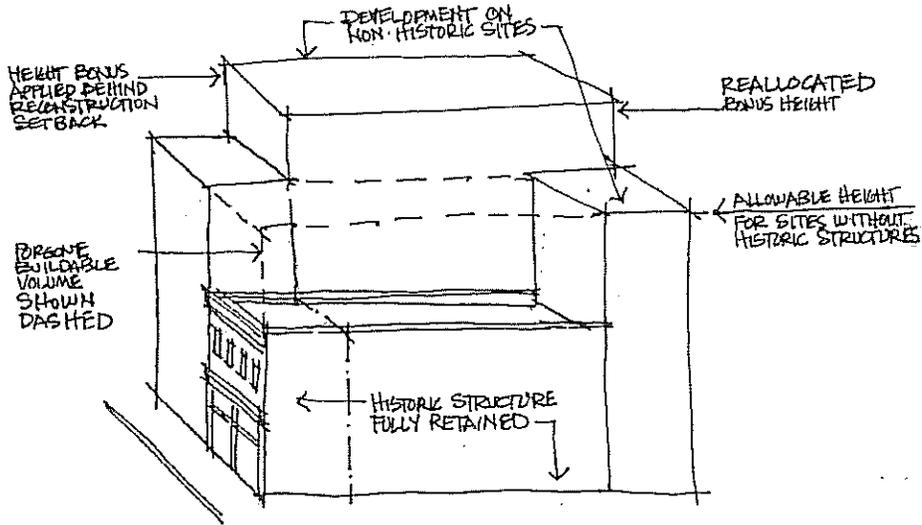


DIAGRAM C
 HISTORIC STRUCTURE FULLY RETAINED

PROPERTY ELIGIBLE FOR
 • LOCAL LANDMARK STATUS - DEFERRED PROPERTY TAX
 • FACADE EASEMENT DONATION - FEDERAL TAX CREDIT
 BONUS HEIGHT MAY BE REALLOCATED TO OTHER NON-HISTORIC SITES
 WITHIN C. B. D. WITH DEEDED RIGHTS

DEMOLITION APPLICATION PROCEDURE

THE COMMISSION FOR HISTORICAL AND
ARCHITECTURAL PRESERVATION

(PROCEDURE ADOPTED 1988)

DEMOLITION APPLICATION PROCEDURE

In accordance with the ordinance of the Commission for Historical and Architectural Preservation, Article 6 of the Baltimore City Code, the commission may adopt rules and regulations, as it may deem necessary for the proper transaction of its business, (Article 6, Section 2-4 a.) The following rules and regulations outline the procedure that is to be followed by applicants to the commission who wish to demolish structures within Baltimore City historic districts or structures designated to the Baltimore City Landmark List.

Historic districts in Baltimore City are areas "wherein there are located structures which have historical, cultural, educational and/or architectural value, the preservation of which is deemed to be for the educational, cultural, economic and general welfare of the inhabitants of Baltimore City." (Preamble to ordinance). Since its creation in 1964, the commission has been vested with powers and duties related to the designation and design review of structures located within historic districts. Since 1967 the commission has also been responsible for the designation and design review of plans affecting buildings included in the Baltimore City Landmark List. As stated in Article 6, Section 3-2, the commission shall give the same priority in the exercise of its powers to these structures as to structures located in historic districts. Since the purpose of the commission's ordinance is to protect significant properties in historic districts and included in the Baltimore City Landmark List, demolition of such buildings is generally inappropriate and should be avoided whenever possible. Unusual circumstances may require the consideration of demolition. The process below will offer direction in such cases.

HEARING I

As stated in Article 6, Section 4-5, the commission may issue a Notice to Proceed for plans that are inappropriate, but "without substantial detriment to the public welfare and without substantial derogation from the intents and purposes of this ordinance, and denial of the application will result in substantial hardship to the applicant." As the intents and purposes of this ordinance are to preserve the historical, cultural, educational and/or architectural value of designated buildings in districts or included in the Landmark List, the commission shall make a public determination in a regularly scheduled commission hearing as to whether or not a structure is contributing or non-contributing to the historic district in which it is located, or to the landmark, of which it is a part. This determination shall be made prior to the commission's consideration of a completed demolition application and new plans for the site. Such a decision by the commission shall be based solely on its evaluation of the architectural and/or historical importance of the structure. This evaluation shall be made by applying the commission's "Standards for Designation", as follows:

An historic district should include historic sites, buildings, structures, or landscapes in their original setting which:

- (1) contribute to the heritage of the community.
- (2) represent one or more periods or styles of architecture, landscape architecture, building, or construction which has significant character, interest, or value as part of the development, heritage, or culture of the City of Baltimore.
- (3) contain a sufficient number of structures of related or similar characteristics to make a recognizable entity within logical geographical boundaries. Including, but not limited to parks or squares.
- (4) provide certain historic or scenic value significant to the area.

A Baltimore City Landmark, may be a site, structure, landscape, building (or portion thereof), place, work of art, or other object which:

- (1) dates from a particular period having a significant character, interest, or value, as part of the development, heritage, or culture of the City of Baltimore; or
- (2) is associated with the life of an outstanding historical person or persons; or
- (3) is the site of an historic event with a significant effect upon the cultural, political, economic, social, or historic heritage of the City of Baltimore; or
- (4) is significant of the architectural period in which it was built and has distinguishing characteristics of an architectural style, method of construction, or engineer, artists, or architect whose individual genius influenced his age; or
- (5) contributes information of historical, cultural, or social importance relating to the heritage of the community; or
- (6) has yielded, or may be likely to yield, archeological information important in history or prehistory.

The standards for consideration of structures within districts shall be those identified above and individual buildings within historic districts shall be evaluated by considering their contribution to the historical and architectural character and importance to the district as a whole. Contributing structures in districts may meet one or more of the standards for district designation cited above. The landmark criteria identified above shall be applied only to designated landmark buildings and shall not be applied to individual buildings designated as part of an historic district, unless such a building is also a designated landmark.

During or after this initial public hearing, the commission may decide that a structure in a historic district or a landmark structure may be demolished because it does not contribute to the historic district or the landmark. In that case, a Notice or Proceed shall be issued. If the commission determines that a structure contributes to an historic district or to a landmark, the following procedure is to be followed by the applicant and the commission.

HEARING II

A completed application for a Notice to Proceed, including the following information, must be submitted to the commission at least one month prior to its regularly scheduled meeting. The information is required to assist the commission in its evaluation of the demolition application and determine whether or not denial of a demolition permit would create "substantial detriment to the public welfare" and "substantial hardship to the applicant". Substantial hardship occurs when a property cannot be put to reasonable beneficial use. The commission may also request additional information from the applicant that is relevant to its determination and may seek professional comments, regarding the applicant's submittal. The commission may also make its own study of the points listed below, in order to obtain additional information for its decision.

The commission shall not schedule such an application for demolition for a public hearing, until it is determined that an application is complete. It is the responsibility of the applicant to prove that demolition is necessary to avoid "substantial hardship" and/or to avoid "substantial detriment to the public welfare". The commission shall consider whether a structure can be put to reasonable beneficial use without the approval of demolition and, in the case of income producing properties, the commission shall also consider whether a reasonable return from the existing building can be attained.

INCLUDE IN APPLICATION
(Where Applicable)

The commission reserves the right to present the following information to consultants, as needed:

- (1) Form of ownership of the property.
- (2) Cost of the proposed demolition or removal and an estimate of any additional costs that would be incurred to comply with recommendations of the commission for changes necessary for the issuance of a Notice to Proceed.
- (3) A report from a licensed engineer in the State of Maryland as to the structural soundness of the structure and its adaptability for rehabilitation. Any dangerous conditions should be identified.
- (4) Fair market value of the property to be presented through an appraisal by a qualified professional expert. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.
- (5) An itemized breakdown from a professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
- (6) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any items of financing between the seller and buyer. (Include Settlement Sheet), remaining balance on any mortgage or other financing secured by property and annual debt service, if any, for the previous two years.
- (7) If the property is income-producing, the annual gross income from the property for the previous two years; the itemized operating and maintenance expenses for the past two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- (8) Price asked and offers received, if any, within the previous two years. Most recent assessed value of the property and real estate taxes.
- (9) The commission may request other information specific to the project.

Should the applicant for demolition of a contributing structure satisfy the commission that he will suffer substantial hardship if a demolition permit is not recommended and the demolition of the structure in question is without substantial detriment to the public welfare, a Notice to Proceed shall be issued. If the applicant fails to demonstrate substantial hardship, the commission shall deny the application and set forth its reasons for doing so in writing.

HEARING III

In cases involving proposed new construction, new design shall not be considered until a determination has been made by the commission regarding hardship. Unless conditions that eminently threaten health or safety exists in the structure, a Notice to Proceed allowing demolition shall not be issued until replacement plans are approved by the commission and other reviewing agencies of Baltimore City. Financial proof of the ability to complete the replacement project, including but not limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution must be submitted. All plans for new construction will be evaluated for their compatibility with architectural style, general design, arrangement, texture, material and color of the exterior architectural features of other structures in the immediate neighborhood. Both conceptual and final plans shall be submitted.

HARDSHIP AND DEMOLITION APPLICATIONS

The Commission is sensitive to the needs of property owners and considers that substantial hardship occurs when a property cannot be put to reasonable beneficial use. In the cases of demolition applications, the commission shall consider whether a structure can be put to reasonable beneficial use without the approval of demolition and, in the case of income producing properties, the commission shall also consider whether a reasonable return from the existing building can be attained. The following information is necessary to the commission's decision-making process.

INCLUDE IN APPLICATION (Where Applicable)

The commission reserves the right to present the following information to consultants, as needed:

- (1) Form of ownership of the property.
- (2) Cost of the proposed demolition or removal and an estimate of any additional costs that would be incurred to comply with recommendations of the commission for changes necessary for the issuance of a Notice to Proceed.
- (3) A report from a licensed engineer in the State of Maryland as to the structural soundness of the structure and its adaptability for rehabilitation. Any dangerous conditions should be identified.
- (4) Fair market value of the property to be presented through an appraisal by a qualified professional expert. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.
- (5) An itemized breakdown from a professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
- (6) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any items of financing between the seller and buyer. (Include Settlement Sheet). Remaining balance on any mortgage or other financing secured by property and annual debt service, if any, for the previous two years.
- (7) If the property is income-producing, the annual gross income from the property for the previous two years; the itemized operating and maintenance expenses for the past two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- (8) Priced asked and offers received, if any, within the previous two years. Most recent assessed value of the property and real estate taxes.
- (9) The Commission may request other information specific to the project.

1988 BALTIMORE CITY COMMISSON FOR HISTORICAL AND ARCHITECTURAL PRESERVATION

SONOMA COUNTY
LANDMARKS COMMISSION

2550 Ventura Avenue ■ Santa Rosa, California 95403 ■ (707) 525-7383 ■ FAX (707) 525-8343

GUIDELINES FOR DEMOLITION OF HISTORIC STRUCTURES

(Adopted May 15, 1979)

(Revised June 30, 2008)

Potential Decisions

In making a decision on a request for a demolition permit to demolish an Historic Landmark structure or a structure in an Historic District, the Landmarks Commission will make one of the following decisions:

- (a) approve the demolition permit
- (b) modify the demolition permit
- (c) delay a decision on the demolition permit for a period not to exceed 180 days

Factors Considered

The Landmarks Commission will consider the following factors in evaluating the request for a demolition permit:

- The historic and architectural significance of the building.
- The contribution of the building to its immediate surroundings and to the character of the historic property or the Historic District as a whole.
- The impact of demolition of the building on the historic and architectural environment of the neighborhood.
- The structural condition of the building.

Required Materials

In addition to the request for a demolition permit, the following materials must be provided to the Landmarks Commission for its review:

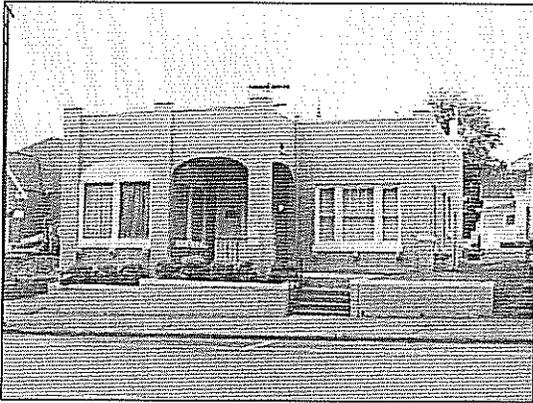
1. A professional assessment of the structural condition of the building by a qualified architect, structural engineer, or construction contractor.
2. Any plans for replacement of the building or redevelopment of the site.

Chapter 6.0

Demolition and Relocation

6.1 Demolition

Demolishing a historic structure within the district has the potential to irreversibly change the character of the district and can compromise the quality and sense of place of the entire district. Historic structures represent a tangible link to a community's past. They are physical expressions of architectural style, building technology, and personal taste. Demolition of a historic structure is strongly discouraged, and any time a demolition is proposed, alternatives must be carefully explored.



Historic house converted into office

Certificate of Appropriateness for Demolition

The Historic Preservation Commission can deny a Certificate of Appropriateness that requests the demolition of a building only when the structure is determined by the State Historic Preservation Officer as having *statewide* significance, as defined by of the National Register of Historic

Places level of significance evaluation. In all other cases, the Commission cannot deny a COA request for a demolition, but it can issue a temporary delay of demolition while preservation alternatives are being explored. The COA, then, would be approved but with an effective date of up to 365 days from the date of approval. The delay would occur when the HPC finds that the structure has historic significance on a local, state or national level or is representative of a distinct architectural style or elements of that style. During the delay, the Commission should actively explore options for preservation that might include negotiations with the property owner to determine other viable uses, helping identify a buyer who could preserve the property, or assisting the owner in relocating the building within the district.

If the Commission determines that the building in question has no historic significance or value, the COA can be approved without delay. In rare instances, a structure may be deteriorated beyond repair to the point that it poses a threat to public safety and welfare. In these extreme cases, the City will have adopted a condemnation ordinance under the minimum housing code. These demolition requests still must go before the Commission.

Demolition by Neglect

City Council can determine that, due to the failure of an owner to conduct routine maintenance over time, the structure is continually deteriorating to the point that it is effectively being demolished by neglect. In such a case, City Council can issue an ordinance causing the property owner to repair those conditions requiring the continued deterioration.

Demolition Guidelines

6.1.1 Prior to undertaking demolition work, the property owner shall approach the Historic Preservation Commission to determine the historic significance of the structure and its relationship to the district.

6.1.2 If the HPC determines that the structure is historically significant, it shall delay the demolition for an appropriate time in order for staff and the Commission to work with the property owner to seek viable alternatives to demolition. Alternatives to demolition include, among other things:

- If a building is in disrepair, working with the property owner to develop a rehabilitation plan and identify funding assistance such as rehabilitation tax credits that would allow the building to be rehabilitated.
- If a building does not fit the owner's required needs, determining if the structure could be adaptively reused.
- Working with the property owner to locate a buyer who will

use the property without demolishing the structure.

- As a last resort, finding a suitable location within the district for the historic building to be moved and working with the property owner to develop a plan for relocation.

6.1.3 If all alternatives for preservation have been exhausted, the HPC shall work with the owner to make a permanent record of the historic resource including photography, an architectural description of the building, chain of title, floor and site plans, or collection of other historic documentation that is available. Since Washington is a Certified Local Government, it must make an annual report to the Department of Archives and History that includes a list of all demolitions and provide historic data on the demolished properties.

6.1.4 When a demolition is proposed, the applicant must submit a landscaping plan illustrating proposed landscaping and other site development to be completed within six (6) months after demolition.

6.1.5 If a property is subject to demolition by neglect, the City Council has the authority to adopt a demolition by neglect ordinance that requires the property owner to repair the conditions causing the deterioration.

6.2 Relocation

Removing a contributing structure from its historic setting can compromise the integrity of the building and the district as a whole. Often, however, relocation is the only method to preserve a structure that is faced with demolition. Relocation should be considered only when all other preservation alternatives have been eliminated. Occasionally, a structure may be moved *into* the historic district.

In planning the move of a structure, consideration must be given for how the relocated building will impact surrounding structures and fit into its new setting. Often, architectural features are compromised when moving a structure. Only an experienced house mover should be used so that damage to the historic building itself, significant vegetation, or buildings along the route is minimized. Prior to moving a structure, the property owner is advised to contact the State Historic Preservation Office to determine what measures need to be taken to ensure that the contributing status of the building is not jeopardized.

Relocation can be looked at in much the same way as new construction in that the building being introduced into a new environment must complement the character of its surroundings in architectural style, size, scale, orientation, and landscaping. Much like new construction, the applicant should submit a plan for relocation including a site plan and drawings of the building in its new environment.

Relocation Guidelines

- 6.2.1 Relocation of a building within the historic district should only be considered as an alternative to demolition when all other preservation options have been exhausted.
- 6.2.2 Prior to the act of relocation, the HPC shall work with the owner to document through photography, drawings, and other means the existing location and environment of the historic structure. Measured drawings should be made particularly if there is to be any reconstruction once the building is moved.
- 6.2.3 The HPC will work with the property owner to identify a contractor experienced in moving historic structures.
- 6.2.4 Character-defining elements and significant architectural features shall be protected during the relocation process. Should any damage occur, it should be repaired.
- 6.2.5 The relocated building must be compatible with the surrounding structures in its architectural style, scale, height, side and front setback, and orientation.
- 6.2.6 Significant vegetation, such as mature trees, should be protected on the new site and appropriate landscaping consistent with the surrounding historic properties should be installed.

6.2.7 Guidelines for new construction should be followed whenever relocating a structure in the historic district.

6.2.8 Moving accessory structures that have historic significance should follow these same guidelines.

6.2.9 Once the building has been removed, any improvement to the vacant lot (former building site) shall be compatible with the surrounding historic properties.

GUIDELINES FOR DEMOLITION

INTRODUCTION

This section explains the type of work considered in this plan to be demolition as well as the criteria to be used when reviewing applications for Certificates of Appropriateness that include demolition. Before receiving any permits or undertaking any work that constitutes demolition, a Certificate of Appropriateness or Authorization from the Indianapolis Historic Preservation Commission must be issued.

DEMOLITION DEFINITION

For the purpose of this plan, demolition shall be defined as the razing, wrecking, or removal by any means of the entire or partial exterior of a structure. The following examples are meant to help define demolition and are not all-inclusive:

1. The razing, wrecking, or removal of a total structure.
2. The razing, wrecking, or removal of a part of a structure, resulting in a reduction in its mass, height, or volume.
3. The razing, wrecking, or removal of an enclosed or open addition.

Some work that may otherwise be considered demolition may be considered rehabilitation and is not reviewed by the IHPC under this plan. Examples include:

1. The removal or destruction of exterior siding and face material, exterior surface trim, and portions of exterior walls.
2. The removal or destruction of those elements that provide enclosure at openings in any exterior wall (e.g., windows, doors, panels).
3. The removal or destruction of architectural, decorative, or structural features and elements that are attached to the exterior of a structure (e.g., parapets, cornices, brackets, chimneys).

Examples of work not included in demolition:

1. Any work on the interior of a structure.
2. The removal of exterior utility and mechanical equipment.
3. The removal, when not structurally integrated with the main structure, of awnings, gutters, downspouts, light fixtures, open fire escapes, and other attachments.
4. The removal of signs.
5. The removal of paint.
6. The removal of site improvement features such as fencing, sidewalks, streets, driveways, curbs, alleys, landscaping, and asphalt.
7. The replacement of clear glass with no historic markings.

DEMOLITION OF PRIMARY STRUCTURES

Primary Structure: Any structure in which the principal use of the property is conducted.

SUBJECT TO REVIEW AND APPROVAL

- Demolition of any primary structure.
- Demolition or removal of additions to primary structures.
- Partial demolition of any primary structure.

GENERAL CRITERIA FOR DEMOLITION

The IHPC shall approve a Certificate of Appropriateness or Authorization for demolition as defined in this chapter only if it finds one or more of the following:

1. The structure poses an immediate and substantial threat to the public safety.
2. The historic or architectural significance of the structure or part thereof is such that, in the Commission's opinion, it does not contribute to the historic character of the structure and the district, or the context thereof.
3. The demolition is necessary to allow new development that, in the Commission's opinion, is of greater significance to the preservation of the district than its retention of the structure, or portion thereof, for which demolition is sought.
4. The structure or property cannot be put to any reasonable economically beneficial use for which it is or may be reasonably adapted without approval of demolition.

The IHPC may ask interested individuals or organizations for assistance in seeking an alternative to demolition.

When considering a proposal for demolition, the IHPC shall consider the following criteria for demolition as guidelines for determining appropriate action:

Condition:

Demolition of an historic building may be justified by condition, but only when the damage or deterioration to the structural system is so extensive that the building presents an immediate and substantial threat to the safety of the public. In certain instances demolition of selective parts of the building may be authorized after proper evaluation by the Indianapolis Historic Preservation Commission.

Significance:

The Commission has the responsibility of determining the significance of a structure and whether it contributes to the district. It shall consider the architectural and historical significance of the structure individually, in relation to the street, and as a part of the district as a whole. These same considerations will be given to parts of the building. The

Commission will also consider how the loss of a building, or a portion thereof, will affect the character of the district, the neighboring buildings, and in the case of partial demolition, the building itself. Buildings that are noted in the plan as non-contributing or potentially contributing shall be researched to confirm that there is no obscured architectural or historical significance. In making its determination of significance, the Commission shall consider the following:

1. Architectural and historical information included in this plan.
2. Information contained in the district's National Register nomination.
3. Information contained in any other professionally-conducted historic surveys pertaining to this district.
4. The opinion of its professional staff.
5. Evidence presented by the applicant.
6. Evidence presented by recognized experts in architectural history.

Replacement:

Demolition of a structure may be justified when, in the opinion of the Commission, the proposed new development with which it will be replaced is of greater significance to the preservation of the district than retention of the existing structure. This will only be the case when the structure to be demolished is not of material significance, the loss of the structure will have minimal effect on the historic character of the district, and the new development will be compatible, appropriate, and beneficial to the district. To afford the Commission the ability to consider demolition on the basis of replacement development, the applicant shall submit the following information as required by the Commission or its staff:

1. Façade and floor plans.
2. A scaled streetscape drawing showing the new development in its context (usually including at least two building on either side).
3. A site plan showing the new development and structure(s) to be demolished.
4. A written description of the new development.
5. A time schedule for construction and evidence that the new construction will occur.
6. Any other information that would assist the Commission in determining the appropriateness of the new development and its value relative to the existing structure(s).

Economics:

If requested by the applicant, the Commission shall consider whether the structure or property can be put to any reasonable economically beneficial use for which it is or may be adapted including (for income-producing property) whether the applicant can obtain a reasonable economic return from the existing property without the demolition. The owner has the responsibility of presenting clear and convincing evidence to the Commission.

The Commission may prepare its own evaluation of the property's value, feasibility for preservation, or other factors pertinent to the case. To afford the Commission the ability to consider the economic factors of demolition, the applicant shall submit the following information when required by the Commission:

1. Estimate of the cost of the proposed demolition and an estimate of any additional costs that would be incurred to comply with recommendations of the Commission for changes necessary for the issuance of a Certificate of Appropriateness.
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation.
3. Estimated market value of the property both in its current condition and after completion of the proposed demolition, to be presented through an appraisal by a qualified professional appraiser.
4. An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure.
5. For property acquired within twelve years of the date an application for a Certificate of Appropriateness is filed: amount paid for the property, the date of acquisition, and the party from whom acquired, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was acquired, and any terms of financing between the seller and buyer.
6. If the property is income-producing, the annual gross income from the property for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
7. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
8. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
9. Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years.
10. Copy of the most recent real estate tax bill.
11. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other method.
12. Any other information that would assist the Commission in making a determination as to whether the property does yield or may yield a reasonable return to the owners, e.g. proforma financial analysis.

DEMOLITION OF ACCESSORY STRUCTURES

Accessory Structure: Any structure associated with a property's primary structure, but is subordinate in use, size, bulk, area, and/or height to the primary structure.

SUBJECT TO REVIEW AND APPROVAL

Demolition of any garage and/or other large accessory structures, located anywhere.

NOT SUBJECT TO REVIEW AND APPROVAL

Demolition of small storage sheds or accessory buildings, provided the total square footage of the structure does not exceed 144 square feet and that it is not built on a permanent foundation.

Listed below are criteria for the demolition of accessory structures. It should be noted that every case is unique and reviewed on an individual basis. In many cases, a combination of the below-listed criteria may be used to justify the demolition of an accessory structure.

GENERAL CONSIDERATIONS FOR THE DEMOLITION OF ACCESSORY STRUCTURES

Historical Significance:

Because the preservation plan does not identify non-contributing accessory structures, the IHPC will determine whether the structure contributes to the historic character of the primary structure or district based on historical and architectural research.

Architectural Significance:

The IHPC will consider whether or not the structure exhibits stylistic detailing that contributes to its uniqueness. For example, the design of a garage may reflect the architectural style of the property's house. The structure may also be significant for its construction method if it represents a variation, evolution, or transition of construction practices.

Architectural Integrity:

The IHPC will consider if the architectural design of the structure has been altered and/or sufficient historic material has been removed in such a way that it compromises the overall integrity of the building. This may include a combination of the following:

- Removal or alteration of original door and/or window openings
- Removal or alteration of original garage/barn/pedestrian doors
- Installation of artificial siding
- Alteration of the original building footprint and/or roofline
- Loss of original materials due to removal and/or deterioration

Functionality:

The IHPC will consider whether or not the structure can be put to any reasonable use. For example, an historic one-car garage may be too small to house a modern-day vehicle, but

may still function as storage. When assessing reasonable use, the following factors may be considered:

- Costs associated with maintaining the historic structure in relation to the extent to which it can be reasonably used
- Proposed replacement plans
- Alternatives to demolition that could accomplish the desired use

Structural Condition:

The IHPC will consider if one or more significant structural problems exist and whether or not rehabilitation of that structure would result in most of the historic materials being replaced, resulting in essentially a new building. Factors considered may include, but are not limited to, the following:

- Quality of original construction
- Bowing walls
- Lack of a foundation
- Extensive siding repair
- Termite damage
- Rotted wood
- Integrity of roof system

Location on the Property:

The IHPC may consider the building's location on the property and whether or not it is visible from the public right-of-way when assessing the impact that demolition will have on a historic district. However, location alone typically does not justify demolition.

