

Chapter 18.07 Historic Preservation

Article 1 General Provisions

18.07.101 Purpose

The purpose of this chapter is:

- (a) To protect the historic integrity of Reno for the citizens of the community, visitors, investors, and property owners;
- (b) To promote the economic, cultural, historical, and educational well-being of the community;
- (c) To enhance pride in the historic accomplishments within the City of Reno;
- (d) To provide mechanisms for identifying and preserving the historic and architectural resources of the City of Reno which represent elements of the city's cultural, social, economic, political, and architectural history; and
- (e) To educate the citizens of Reno to the benefits of historic preservation of structures, areas, sites, neighborhoods, and other historic resources, thereby correcting existing and preventing further urban blight.

18.07.102 Administration

There is hereby created a Historical Resources Commission (HRC) to administer this chapter. See Section 18.08.904 for a description of the HRC's powers and duties under this chapter and Title.

18.07.103 Review of Premises

As part of its review procedure in designating an historic resource or district, or in considering a certificate of appropriateness or demolition certificate, the HRC shall have the right to enter onto a parcel under consideration at any reasonable time and may seek the advice of the state historic preservation officer or such other expert(s) as it may deem necessary under the circumstances.

18.07.104 Discretionary Uses Allowed

- (a) For properties listed on the City Register of Historic Places (City Register) and/or as contributing properties within a local historic district, the Administrator may make a determination allowing any use that is not expressly allowed by-right in the underlying zoning district if the following findings can be made:
 - (1) The use would not be detrimental to the surrounding neighborhood.
 - (2) The use would contribute to the protection and preservation of the architectural, cultural, or landmark value of the structure, site, or district.
- (b) The Administrator may add conditions of approval to ensure the proposed use meets the required findings.

18.07.105 Destruction of Premises

If any structure listed on the City Register or a contributing property within a local historic district is damaged or partially destroyed by natural calamity, such structure may be rebuilt to its original state for the same use.

18.07.106 Use of Outside Experts

At its discretion, the HRC may call outside experts to assist in reviews of matters under the HRC's powers and duties as deemed necessary. The HRC shall determine that the expert is licensed, professionally certified, or has demonstrable experience in the field of expertise.

Article 2 Designation of Historic Resources and Districts

18.07.201 Criteria for Designation

The City shall maintain a City Register and local historic districts that possess both significance and physical integrity to their historic period.

(a) **Significance**

Sites, buildings, objects, or properties eligible for historic resource or historic district designation shall possess significance in at least one of the following categories:

(1) **Historic Listing**

The site, building, object, or property is listed on the National or State Register of Historic Places.

(2) **Historic Significance**

The site, building, object, or property:

- a. Is associated with events that have made a significant contribution to the broad patterns of local, county, state, or national history; or
- b. Is associated with the lives of persons who contributed significantly to the community, county, state, or country.

(3) **Architectural Significance**

The site, building, object, or property:

- a. Embodies the distinctive characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials; or
- b. Represents the work of a master builder, architect, landscape architect, artist, engineer, or other design professional whose individual work has influenced the development of the community, county, state, or country; or
- c. Embodies elements of design, detailing, materials, or craftsmanship that render it architecturally significant; or
- d. Represents a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance.

(4) **Informational Significance**

The site, building, object, or property has yielded, or there exists very strong evidence that the resource may be likely to yield, information important in Reno prehistory or history; or

(5) **District Significance**

The site, property, or area possesses a significant concentration or continuity of land uses, landscapes, buildings and structures, roads and water ways, and natural features with heritage and cultural characteristics.

(b) **Integrity**

A property that is eligible for designation shall retain physical qualities that date from the period when the property attained its significance. Integrity is based on the degree to which a property retains all or some of seven qualities listed below. All seven qualities need not be present for a property to be eligible as long as the overall sense of past time and place are evident. For archaeological sites, integrity is determined based on the degree to which remaining evidence can provide important information.

(1) **Location**

The place where the historic property was constructed or the place where the historic event occurred.

(2) **Design**

The combination of elements that create the form, plan, space, structure, and style of a property.

(3) **Setting**

The character of the place in which the property is located. Setting refers to the relationship of the historic property to surrounding buildings, features, and open space.

(4) **Materials**

The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form an historic property.

(5) **Workmanship**

The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

(6) **Feeling**

A property's expression of the aesthetic or historic sense of a particular period of time.

(7) **Association**

The direct link between an important historic event or person and an historic property.

18.07.202 Procedures for Nomination and Designation

Nomination and designation of an historic resource or historic district shall follow the following procedures:

(a) **Initiation of Nominations of Historic Resources and Historic Districts**

Nominations shall be made to the HRC by the commission itself, the owner(s) of record for the nominated property, an authorized designee for the owner(s) of record for the nominated property, or the City Council on the appropriate form established by the Administrator as set forth in Section 18.08.303, *Application Submittal and Handling*.

(b) **Owner Consent**

Owner consent is required to designate an historic resource.

(c) **Notification of Nomination**

When a complete nomination has been received by the HRC, the commission shall schedule and notice any required public hearing as set forth in Table 8-1, *Summary Table of Review Procedures*, and Section 18.08.305, *Scheduling and Notice of Public Hearings*.

(d) **Public Hearing**

The HRC shall hold a public hearing and make a decision on the completed nomination within 45 days of receiving a completed application, allowing for:

- (1) Oral or written statements concerning the significance of the nominated historic resource or district,
- (2) Presentation of expert testimony or evidence regarding the compliance of the nominated resource or district with the criteria for consideration of a nomination,
- (3) Presentation of evidence by the HRC or the owner of any nominated historic resource or of any property within a nominated historic district regarding significance, and
- (4) Public comment.

(e) **Findings of Historical Resources Commission**

The HRC shall adopt findings that the nominated historic resource or historic district does or does not meet the criteria for designation. The findings of the HRC shall be filed with the City Clerk for recommended action by City Council and sent by mail to the owner(s) of record of a nominated historic resource(s), all property owners within a nominated historic district, and to the nominator within seven days following the determination. The following findings shall be made by the HRC prior to recommending a nomination to the City Council:

- (1) The nominated historic resource or historic district possess at least one criteria of significance; and
- (2) The nominated historic resource or historic district possesses enough defining characteristics to adequately convey the resource's significance.

(f) **Determination of Significant Features**

- (1) The significant exterior architectural or character-defining features of the nominated historic resource that should be protected when reviewing future certificates of appropriateness and/or demolition permits; and
- (2) The types of construction, alteration, demolition, and removal that should be reviewed for appropriateness.

(g) **Initiation of Zoning Map Amendment**

- (1) If the HRC determines that the nominated resource or district meets all findings in subsection (e), above, they shall initiate a Zoning Map Amendment to add the Historic Landmark (HL) overlay designation to the property. The Zoning Map Amendment shall accompany the HRC recommendation for action by the City Council.
- (2) The HRC shall not have the authority to initiate a Zoning Map Amendment for any zoning designation other than the HL overlay.
- (3) Any initiation of a Zoning Map Amendment shall be in association with a recommendation on a City Register nomination.

(h) **Action by City Council**

- (1) Within 60 days of the HRC determination, the City Council shall hold a public hearing to:
 - a. Accept, accept with specified conditions, or reject the HRC recommendation for the designation of an historic resource or district subject to the findings in 18.07.202(e).

- b. Consider the Zoning Map Amendment to add the Historic Landmark (HL) Overlay zoning designation subject to all findings in 18.08.503(d), *Rezoning (Zoning Map Amendment)*. This shall not be required if the nomination historic resource or district is rejected.
 - (2) If the property or district is accepted for designation as a resource, the City Council shall conduct a second reading and formally adopt the ordinance within the time specified in code.
 - (3) Following City Council approval, the approved ordinance shall be recorded with the County Recorder.
 - (4) The City Clerk shall provide written notification of the City Council's decision to the Planning Commission, the HRC, the Administrator, the nominator, and the owner(s) of record of the nominated historic resource or of all property within a nominated historic district.
- (i) **Amendment or Rescission of Designation**

Any historic resource or district on the City Register may be amended or rescinded upon petition to the HRC and City Council, following the designation procedure and according to the findings below, except that issuance of a demolition certificate for all historic resources on a site shall result in the automatic removal from the City Register or changed to a non-contributing resource within a local historic district.

(1) **Findings for Delisting**

The HRC shall make a recommendation to the City Council for removal of the property or district from the City Register, or to change the status of a resource within a district to non-contributing subject to at least one of the following findings:

- a. The property has ceased to meet the criteria for listing on the City Register because the qualities which caused it to be originally listed have been lost or destroyed, or such qualities were lost subsequent to nomination and prior to listing.
- b. Additional information shows that the property does not meet the City Register criteria for evaluation.
- c. Information used in the nomination of the historic resource is found to be false and without said information, the resource no longer meets the criteria for listing.
- d. The property meets the economic hardship findings in Section 18.07.305(b)(4) and staff supports the HRC recommendation.

(2) **Removal of Historic Landmark (HL) Overlay Zone**

a. **Individually Listed**

If a property that is individually listed on the City Register is recommended for delisting, the HRC shall also initiate a Zoning Map Amendment to remove the HL overlay zoning designation. Given that the purpose of this zoning designation is for properties listed on the City Register, the zoning designation is no longer applicable.

b. **Local District**

If an individual property within a local historic district is changed from contributing to non-contributing, it shall retain the HL overlay designation. If an entire district is

recommended for delisting, the HRC shall also initiate a Zoning Map Amendment to remove the HL overlay zoning designation.

18.07.203 Interim Control During Nomination Process

No permit shall be issued by the City for alteration, construction, demolition, or removal of a nominated historic resource or of any property or structure within a nominated historic district from the date on which a nomination form is first submitted to the HRC until the final disposition of the nomination, unless such alteration, removal, or demolition is authorized by the City Council as necessary for public health, welfare, or safety. In no event shall the delay be for more than 120 days.

Article 3 Applicable Procedures and Standards for Development

18.07.301 Applicability and Related Procedures

(a) **Applicability**

Any real property that is individually listed on the City Register or within a local historic district shall be subject to the standards and procedures of this article.

(b) **Related Procedures**

- (1) An applicant for a certificate of appropriateness shall obtain any conditional use permit, variance, or other applicable development application required by the provisions of this Title, in addition to any required certificate of appropriateness, unless a determination is made by the Administrator for an alternative discretionary use per Section 18.07.104, *Discretionary Uses Allowed*. A certificate of appropriateness shall be obtained prior to a decision on any other related development applications.
- (2) The applicant may request that a certificate of appropriateness be processed concurrently with other development applications. However, approval of a certificate of appropriateness does not guarantee any other form of approval under this Title.
- (3) When the HRC recommends a change to a plan that requires any entitlement or approval by Planning Commission or City Council, the HRC recommendation shall not be binding on the Planning Commission or City Council in their review of the application.

(c) **Exclusions**

(1) **National or State Registers of Historic Places**

Properties listed on the National or State Registers of Historic Places, but not on the City Register shall not be governed under the provisions of this Title. Should a Section 106 review be triggered under the provisions of the National Historic Preservation Act, the HRC shall only act as an advisory body offering comments on the Section 106 review.

(2) **Interior Arrangement Not Considered**

The HRC shall not consider interior arrangement or require a certificate of appropriateness for interior changes. However, this does not excuse the property owner from obtaining any required building or other permit for interior work.

(3) **Certain Changes Not Prohibited**

- a. This chapter shall not be construed to prevent the ordinary maintenance or repair of any exterior architectural feature located on a property that is on the register or within an historic district that does not involve a substantial change in design, material, or outer appearance, provided any required permit is obtained. This includes

maintenance activities such as painting, replacement siding with the same materials and dimensions, and similar work that does not involve the erection, alteration, movement, demolition, or partial demolition of an historic structure.

- b. This chapter shall not be construed to prevent the alteration, construction, restoration, reconstruction, or demolition of any feature that the appropriate public safety official requires to be removed in an emergency because of an unsafe or dangerous condition. Any action taken pursuant to this section shall be reported to the HRC by the public safety official in a letter describing the circumstances within ten days following the action.
- c. This chapter shall not be construed to prevent the alteration, construction, restoration, reconstruction, or demolition of any feature necessary to comply with the Americans with Disabilities Act (ADA). City staff shall work with the applicant to ensure a reasonable accommodation can be made while also maintaining compatibility with the historic resource to the greatest extent feasible. Reasonable accommodations should be designed in a manner so that they can be removed without damage to the historic resource.

18.07.302 Historical Resources Commission Recommendation on Related Zoning Applications

- (a) The HRC shall review development applications under the following circumstances:
 - (1) All major site plan review, conditional use permit, variance, major deviation, alternative compliance, and zoning map amendment applications for parcels on the register or within historic districts;
 - (2) All applications for a property to be added to the City Register of historic resources; and/or
 - (3) Any development on a parcel adjacent to an historic resource listed on the City Register or within a local historic district for which Planning Commission or City Council review is required.
- (b) In such cases, the HRC shall determine whether the proposed development would adversely affect the historic character and integrity of the adjacent historic resource or surrounding historic district, as outlined by Section 18.07.201, *Criteria for Designation*. HRC review of such related zoning applications shall be advisory to the Planning Commission and/or City Council. The HRC shall complete its review during the regular process for the zoning application and shall not require a delay in processing. If the HRC fails to provide a recommendation during the regular review process, the project may proceed without a recommendation from the HRC.

18.07.303 Demolition Certificate

- (a) **Applicability**

From and after the designation of a building or site as an historic resource or inclusion within an historic district, complete demolition of character-defining buildings or elements shall not occur without the approval of a demolition certificate by the HRC. Partial demolitions require approval of a certificate of appropriateness per Section 18.07.304. An applicant for a Demolition Certificate from the HRC shall obtain a demolition permit in accordance with Section 18.08.606(c), *Demolition Permit*, before commencing demolition.

(b) **Application Procedure**

(1) **Application**

An application shall be submitted at least 45 days prior to the meeting of the HRC at which the application is to be discussed, subject to the provisions of Section 18.08.303, *Application Submittal and Handling*.

(2) **Notice**

All property owners within 750 feet of the subject property and a minimum of 30 property owners shall be notified by mail at least ten days prior to the meeting.

(3) **Public Hearing**

The HRC shall hold a public hearing concerning the application.

(4) **Criteria for Determining Appropriate Mitigation Measures**

In reviewing a demolition certificate and appropriate mitigation measures, the HRC shall take into account the historic or architectural significance and integrity of the structure under consideration, as well as the effect of such demolition upon other structures in the vicinity. The following criteria shall be used to help determine appropriate mitigation measures:

- a. Whether the structure is of such architectural or historic significance that its demolition or removal would be detrimental to the public interest and contrary to the general welfare of the people of the City and the State;
- b. Whether the structure, although not itself an historic structure, contributes to the distinctive architectural or historic character of the historic district as a whole and therefore should be preserved for the benefit of the people of the City and the State;
- c. Whether demolition or removal of the subject property would be contrary to the purpose of this ordinance and/or to the objectives of the historic preservation policies within the Master Plan;
- d. Whether the structure is of such old and unusual or uncommon design, method of construction, or material that it could not be reproduced or be reproduced only with great difficulty and/or expense;
- e. Whether retention of the structure would promote the general welfare of the people of the City and the State by encouraging study of American history, architecture, and design, or by developing an understanding of American culture and heritage;
- f. The condition of the property and whether any deterioration of the property is self-created or is the result of a failure to maintain the property; and
- g. Whether any new structure proposed to be constructed or change in use proposed to be made is compatible with the surrounding historic resources of the historic district in which the subject property is located, or if outside an historic district, compatible with the mass and scale of buildings adjacent to the boundary of the historic site.

(5) **Decision**

A demolition certificate shall be deemed approved 120 days after acceptance of a complete application, except when the time limit has been extended by mutual agreement between the applicant and the HRC. During this 120-day period the HRC may

negotiate with the owner and with any other parties in an effort to find a means of preserving the building mitigating the loss.

(6) Demolition Permit Required

Following the issuance of a Demolition Certificate, the applicant shall obtain a demolition permit in accordance with Section 18.08.606(c), *Demolition Permit*. A Demolition Certificate is not authorization to demolish the building; it shall be considered authorization to obtain a demolition permit.

(c) Mitigation of Historic Resource Loss or Alteration

If the loss of an historic resource is unavoidable, the HRC may require the implementation of mitigation measures to attempt to provide a public benefit that balances the loss or alteration of the historic resource. Mitigation of impacts to historic resources shall be tailored to the type, scale, location, significance, and integrity of the affected resource and consider the needs of all parties impacted and the public benefit of the mitigation measures. Any mitigation shall directly address the loss of the resource, be accessible to the public, and be economically and technically feasible. Mitigation measures shall be offered to the property owner, generally in the following order or priority. If the property owner does not accept any mitigations outlined in items 1-6 below, item 7 shall be mandatory.

- (1) Purchase offer for the historic resource (for terms proposed by buyer, if any);
- (2) Relocation of the historic resource on-site;
- (3) Relocation of the historic resource off-site;
- (4) Salvage and reuse of architectural features and materials of the structure, combined with documentation of the resource and how the features are being preserved and re-used with high resolution photography, written narrative, and aerial photography;
- (5) Salvage and donation or sale of architectural features to museums or other facilities displaying historic resources combined with documentation of the resource and how the features are being preserved and re-used with high resolution photography, written narrative, and aerial photography;
- (6) Establishment of a memorial or mitigation fund in an amount determined by the HRC, combined with documentation of the resource and how the features are being preserved and re-used with high resolution photography, written narrative, and aerial photography;
- (7) Implement an alternative mitigation plan with agreement of the property owner and the City.

(d) Removal of Historic Landmark (HL) Overlay Zone and De-listing

The following shall occur upon issuance of a demolition certificate:

(1) Individually Listed

- a. Any individually listed property shall be removed from the City Register upon issuance of a Demolition Certificate.
- b. A Zoning Map Amendment to remove the HL overlay shall be initiated upon issuance of a Demolition Certificate. Given that the purpose of this zoning designation is for properties listed on the City Register, the zoning designation is no longer applicable.

(2) Local District

- a. If an individual property within a local historic district is issued a demolition certificate, it shall be changed from a contributing to non-contributing resource within the City Register. The HL Overlay zone for property shall be retained.
- b. If all contributing resources within a local historic district are issued a demolition certificate, the district shall be removed from the City Register and a Zoning Map Amendment to remove the HL overlay shall be initiated. If all contributing resources are removed from the City Register, the zoning designation is no longer applicable.

18.07.304 Certificates of Appropriateness

(a) Purpose

It is the intent of these regulations to ensure that buildings, structures, or districts on the register shall be in harmony with their surroundings. It is not the intention of these regulations to require the reconstruction or restoration of individual or original buildings, to prohibit the demolition or removal of such buildings, or to impose architectural styles from particular historic periods. In considering new construction, the HRC shall encourage contemporary design that is harmonious with the character of the district or historic resource.

(b) Applicability

A Certificate of Appropriateness shall be required for modifications made to a historic resource listed on the City Register or located within the boundaries of a local historic district as outlined below:

(1) Exempt

The following improvements to a historic resource shall be exempt from a Certificate of Appropriateness or any staff review as outlined in subsection 18.07.301(c):

- a. Interior modifications;
- b. Maintenance or repair that does not result in any substantial modifications, structural changes, additions, or change in materials;
- c. Landscape or hardscape, unless expressly outlined in the listing as a significant historic feature; and
- d. Any alteration, construction, restoration, reconstruction, or partial demolition necessary to prevent an imminent threat of life and safety or to temporarily preserve the integrity of the building as authorized by the Administrator.

(2) Staff Review

- a. The following improvements to a historic resource shall be exempt from a certificate of appropriateness, but shall be subject to review by the Administrator, or authorized designee:
 1. Exterior modifications that result in a like for like replacement both in material and dimensional characteristics;
 2. Exterior modifications that do not result in any structural changes or additions to the listed resources or do not modify any significant features listed in the property listing;

3. Exterior modifications to any non-contributing structure within a local historic district. Modifications to non-contributing structures shall be complimentary in mass, scale, and use of material to surrounding historic structures within the district; or
 4. Any application deemed to have no significant impact by the HRC subcommittee per subsection 18.07.304(d).
- b. All modifications reviewed by staff shall be noted with a memo to the City Register listing. Staff shall review the application per the design standards in subsection 18.07.304(c).

(3) Certificate of Appropriateness Required – HRC Review

- a. No exterior portion of any building or other exterior feature shall be erected, altered, moved, or partially demolished until after an application for a certificate of appropriateness has been approved by the HRC, except as provided in subsections 18.07.301(c), 18.08.304(b)(1), and 18.08.304(b)(2).
- b. In an historic district, street widening, utility, street lighting, and bridge replacement projects, which involve undergrounding or relocation of aboveground facilities, or sidewalk projects, which involve relocation or widening, shall require a certificate of appropriateness. Such a certificate shall be obtained prior to the issuance of a building permit for the purpose of constructing, altering, moving, or partially demolishing historic resources, but shall be required whether or not a building permit is required. Any permit not issued in conformity with this section shall be invalid.

(c) Design Standards and Guidelines

(1) The Secretary of the Interior’s Standards for the Treatment of Historic Properties

When not specifically referenced in this section, the Secretary of Interior’s Standards for Rehabilitation shall be used to guide appropriate modifications to historic resources.

(2) Character

- a. Any improvements made to a building or site listed on the City Register or as a contributing property to a local historic district shall be in character with the architectural style or historic period represented by the building, portion of the building, site, and/or resource being preserved.
- b. Repairing of existing materials shall be prioritized over replacement. When a character defining feature of a building or site is too deteriorated to repair, the feature shall be replaced in kind using the remaining physical evidence or historic documentation as a model to guide the new work. If using the same kind of material is not technically or economically feasible, then a substitute material may be considered.
- c. Modifications to existing structures (e.g., windows, roof, doors, entrances, etc.) shall not be made in such a manner to diminish the historical significance of the property.

(3) Site Design and Landscaping

- a. The historic setting of the site shall be determined by the historic listing, context statement, or other reference document.
- b. New parking shall be designed so that it is as unobtrusive as possible to the main historic resource and the historic setting of the site.

- c. Non-significant buildings may be removed to accommodate parking or additional landscaping in an effort to ensure the historic resources or historic setting on the site is maintained.
- d. If the required parking is not achieved, the Administrator shall determine the necessary off-street parking at his or her sole discretion.

(4) New Additions or New Structures

- a. The new addition or structure shall be placed so that there is the least possible loss of historic materials and so that character-defining features are not obscured, damaged, or destroyed.
- b. The new addition or structure shall be located to the rear or on an inconspicuous, non-character defining elevation of a historic building; and its size and scale shall be limited relative to the historic building.
- c. The new addition or structure shall be complimentary to the historic character of the listed resource but shall not attempt to replicate an historic appearance. New additions shall make clear what is historic and what is new. Matching materials can be used but are not required.
- d. The new addition may be contemporary in nature but shall reference design motifs from this historic resource including, but not limited to architectural features, complimentary materials, colors, mass, relationship of solids to voids.
- e. Any additional stories on an existing historic building shall be set back from the existing wall plane such that they are as inconspicuous as possible when viewed from the street.
- f. New mechanical equipment shall be installed so that it causes the least possible impact to the exterior elevation and the least damage to the historic resource's material. Mechanical equipment shall be obscured in such a manner that is compatible with the historic resource and will not result in excessive moisture and accelerated deterioration of historic materials. Window installations should be considered only when all other viable heating and cooling systems would result in significant damage to historic materials.

(5) Design Guidelines

The City, in consultation with the HRC, may adopt additional design guidelines to assist owners in maintaining, restoring, or rehabilitating their historic resources.

(d) Application Procedure

All Certificate of Appropriateness applications shall adhere to the application procedures of this subsection. Per Section 18.07.304(d)(4), modifications that are determined to have no significant impact may be issued a certificate of appropriateness following staff review, while modifications that are determined by staff to create a significant impact or potential detriment shall additionally be required to meet the standards and procedures of Sections 18.07.304(d)(5) – (10).

(1) Pre-Application Meeting

a. Purpose

The pre-application conference is intended to provide an opportunity for the owner or applicant to meet informally with City staff to review applicable submittal requirements, review procedures, and to identify any issues associated with the proposed alteration.

b. Procedure

Pre-application conferences shall follow the following procedures:

1. The applicant shall submit a request for a pre-application conference.
2. The Administrator or staff designee shall schedule the pre-application conference and notify appropriate staff, the HRC subcommittee, and the applicant of the time and location of the conference.
3. At least five days prior to the scheduled pre-application conference, the applicant shall submit:
 - [a] A completed application;
 - [b] Proof of ownership;
 - [c] A written description of the proposed project; and
 - [d] Conceptual drawings showing the location, layout, and primary elements of the proposal.

(2) HRC Subcommittee

It shall be the policy of the HRC, in regard to applications involving new structures or extensive alterations and additions to existing structures, that a committee of the HRC shall be available to meet informally with the applicant or their agent at an early stage in the design process to advise them concerning the HRC guidelines, the nature of the area where the proposed work is to take place and other relevant factors. The committee, collectively and individually, shall refrain from any indication of approval or disapproval of the proposal, but shall not be barred from a reasonable discussion of the applicant's proposals. No advice or opinion given, or reported as having been given, by any member of the committee at such informal meeting shall be in any way official or binding upon the HRC. A meeting of the committee shall be called at the request of an applicant.

(3) Application

Applications for a Certificate of Appropriateness shall follow the standards in Section 18.08.303, *Application Submittal and Handling*.

(4) Staff Review and Action

Within 10 business days after a complete application is filed, one city staff member and the HRC subcommittee, consisting of two rotating regular members, shall convene as a three member panel to determine whether the proposed work would have a significant impact upon or be potentially detrimental to the historic resource or historic district pursuant to the review findings in Section 18.07.304(d)(7), below.

- a. **No Significant Impact**
If it is determined that there would be no significant impact or potential detriment, a certificate of appropriateness shall be issued to the applicant and the HRC shall be notified of such issuance.
 - b. **Historical Resources Commission Referral**
If it is determined that the proposed work would create a significant impact or potential detriment, the application shall be referred to the HRC.
- (5) **Notice**
All property owners within 750 feet of the subject property shall be notified by mail at least ten days prior to the HRC hearing.
- (6) **Public Hearing**
The HRC shall hold a public hearing concerning the application.
- (7) **Findings**
In reviewing a certificate of appropriateness, the HRC shall take into account the historic or architectural significance of the structure under consideration, the exterior form and appearance of any proposed additions or modifications to that structure, as well as the effect of such change or additions upon other structures in the vicinity and shall make findings related to the following standards, which are based upon the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation:
- a. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature shall be avoided, when possible.
 - b. All buildings, structures, and sites shall be recognized as products of their own time. There are no alterations with no historical basis in the resource's significance proposed.
 - c. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right. The proposed project recognizes and respects the significance of historically significant changes that may have taken place over the life of the historic resource.
 - d. The proposed project treats the distinctive stylistic features or examples of skilled craftsmanship that characterize the building, structure, or site with sensitivity.
 - e. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features is based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - f. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials are not proposed.

- g. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
 - h. Proposed contemporary alterations and/or additions do not destroy significant historical, architectural or cultural material, and the design of such alterations and/or additions are compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- (8) Decision**
- a. The HRC shall approve, approve with conditions, or deny a certificate of appropriateness within 60 days after acceptance of a complete application, except when the time limit has been extended by mutual agreement between the applicant and the HRC. The certificates may be issued subject to reasonable conditions necessary to carry out the purposes of this chapter.
 - b. If a certificate for economic hardship is requested, the final decision of the HRC will not occur until a decision on such request has been made per the timeline outlined in Section 18.07.305. The City Council shall not consider any action regarding the subject property, including appeals, until a final determination is made on a certificate of economic hardship.
- (9) Economic Hardship Finding**
- In the event that the HRC denies a certificate of appropriateness, the applicant shall have the ability to request a certificate for economic hardship under the criteria listed in Section 18.07.305. A request must be filed with the Administrator within ten business days of the filing of the HRC decision with the City Clerk.
- (10) Notification of Decision**
- The decision of the HRC shall be sent by personal delivery, first class mail, or electronic mail to the applicant within seven days following the HRC's action. A copy of the decision shall also be forwarded to those departments or divisions responsible for the issuance of permits.
- (11) Appeal**
- a. A decision by the HRC to approve shall be a final decision. A decision by the HRC to approve with conditions or to deny a certificate of appropriateness may be appealed to the City Council by completing an appeal form and filing it with the City Clerk within ten business days of the date that the final decision is filed with the City Clerk. As noted in subsection 18.07.304(d)(9), the final decision of the HRC shall be upon a finding of economic hardship per Section 18.07.305. A public hearing shall be held not less than 14 days and not greater than 45 days from the end of the appeal period.
 - b. Upon receipt of an appeal on the appropriate form accompanied by the service charge approved by the City Council for appeals, the City Clerk shall give notice by personal delivery, first class mail, or electronic mail to the applicant and all property owners within 750 feet of the subject property at least ten business days prior to the date of the public hearing. Said notice shall contain the date, time, place, and purpose of the public hearing and the street address or approximate location of the subject property.

- (e) **Repeat Applications**
If the HRC denies an application for a certificate of appropriateness, a new application affecting the same property may be submitted within one year of the denial only if either a substantial change is made in the plans for the proposed alteration, construction, restoration, reconstruction, moving, or demolition or other conditions related to the register or surrounding uses have changed substantially.
- (f) **Concurrent Approvals**
The HRC shall use all reasonable efforts to expedite any concurrent process with the State Historic Preservation Officer (SHPO), if such a process is desired by the applicant for the purpose of securing both a certificate of appropriateness and a federal historic preservation tax credit.
- (g) **Expiration of Certificate of Appropriateness**
If a permit has not been issued, when required, and construction commenced within 18 months of issuance of the certificate of appropriateness by the HRC, the certificate shall expire, unless a time extension has been granted by the HRC prior to the expiration date. If work on an approved project is begun and then suspended for more than one year, the certificate of appropriateness shall expire unless the applicant applies for and receives approval of a time extension from the HRC.

18.07.305 Economic Hardship

- (a) **Applicability**
This process shall only be applicable to certificates of appropriateness applications denied by the HRC. Should the applicant contest a particular condition of approval associated with the certificate of appropriateness, the appeal process outlined in subsection 18.07.304(d)(11) shall apply.
- (b) **Procedure**
 - (1) **Submittal**
The applicant shall file a request for a certificate of economic hardship within ten days following the HRC hearing denying the certificate of appropriateness outlining how the project meets the findings in subsection 18.07.305(c).
 - (2) **Notice**
Upon receipt of a request for a certificate of economic hardship, public notice shall be provided by personal delivery, first class mail, or electronic mail to the applicant and all property owners within 750 feet of the subject property at least ten days prior to the date of the public hearing. Said notice shall contain the date, time, place, and purpose of the public hearing and the street address or approximate location of the subject property.
 - (3) **Public Hearing**
The certificate of economic hardship request shall be heard, and a decision shall be made by the HRC within 45 days or at the next regularly scheduled HRC meeting, whichever occurs first. The HRC shall provide a decision at this hearing unless continued by the applicant.

(4) Findings

The owner shall provide sufficient evidence that the denial of a certificate of appropriateness will result in an economic hardship. The HRC shall consider the following findings before issuing a certificate of economic hardship:

- a. The property is incapable of earning a reasonable return in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible.
- b. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.
- c. Earnest and reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- d. The property cannot be moved or relocated to another, similar site or, for contributing properties within an historic district, to a new location within the historic district.

(5) Exclusions

Claims of economic hardship by the owner shall not be based on conditions resulting from:

- a. Purchasing the property for substantially more than market value at the time of purchase;
- b. Failure to perform normal maintenance and repairs;
- c. Failure to diligently solicit and retain tenants; or
- d. Failure to provide normal tenant improvements.

(6) Decision

- a. If the HRC determines that there is an economic hardship, the HRC shall:
 1. Approve the certificate of appropriateness as proposed;
 2. Approve the application with modified conditions of approval as mutually agreed with the applicant; or
 3. Develop a mitigation plan with the criteria outlined in subsection 18.07.305(c).
- b. The noted decision shall be clearly indicated in the certificate of economic hardship.
- c. If the HRC determines that there is no economic hardship for a certificate of appropriateness, then its original decision stands and can be appealed to City Council per subsection 18.07.304(d)(11). There is no appeal for a City Register or local district listing since the decision to list a property or district is the responsibility of City Council.

(c) Mitigation Plan

- (1) The applicant shall consult in good faith with the HRC and City staff, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts shall be demonstrated to the HRC at the hearing.
- (2) The HRC and staff should consult with the applicant to develop mitigation measures that both further preservation of the property and reduce the economic hardship on the applicant.

- (3) A mitigation plan shall be developed within 60 days following the hearing for the certificate of economic hardship. If the HRC fails to timely submit a plan, or if a mutually acceptable plan cannot be developed, or if the City Council fails to approve a plan submitted by the HRC, the City Council shall make a final decision to proceed or not proceed with mitigation measures outlined in subsection 18.07.303(c), above. The City Council shall also decide on the final approval of the certificate of economic hardship and the certificate of appropriateness application.

18.07.306 Maintenance Obligation and Demolition by Neglect

(a) **Maintenance Obligation**

Every owner of an historic resource listed on the City Register, improvement on an historic site listed on the City Register, or improvement in a local historic district shall do all the following:

- (1) Protect the improvement against exterior decay and deterioration.
- (2) Keep the improvement free from structural defects.
- (3) Maintain interior portions of the improvement, the deterioration of which may cause the exterior portions of such improvement to fall into a state of disrepair.
- (4) Refrain from actions that cause or may cause exterior decay and deterioration of an historic resource, improvement on an historic site, or improvement in an historic district that is located on a directly abutting property.

(b) **Enforcement**

- (1) The Administrator may issue an official written notice to a property owner, requiring the property owner to correct a violation of Section 18.07.306(a), above, by a date specified in the notice, and may issue an official written notice to a property owner who is in violation of subsections 18.07.306(a)(4) and (5), above.
- (2) Whenever a property owner fails to correct a violation by the compliance date specified in an official notice, the Administrator shall initiate proceedings outlined in subsection 18.07.306(c), below.

(c) **Demolition by Neglect**

The owner of an historic resource listed on the City Register, improvement on an historic site listed on the City Register, or improvement in a local historic district, may not allow the resource or improvement to undergo demolition by neglect.

(1) **Notice of Demolition by Neglect**

If the Administrator believes that a resource or improvement is undergoing demolition by neglect, the Administrator shall give written notice of that belief to the owner of the resource or improvement. The Administrator shall give a copy of the notice to the HRC.

(2) **Public Hearing**

Upon receiving a notice, the HRC shall hold the public hearing within 90 days. The HRC shall issue a hearing notice by personal delivery, first class mail, or electronic mail to all property owners of property within 750 feet of the subject property at least ten business days prior to the HRC hearing.

(3) **Finding**

If, after a public hearing, the HRC finds that a resource or improvement is undergoing demolition by neglect, it shall provide written notice of its finding to the owner and shall

report its finding to the City Council and the Administrator. An HRC finding of demolition by neglect is evidence of demolition by neglect for purposes of any administrative or civil court action, and also constitutes a determination that a public nuisance exists.

(4) Appeal of Historic Resource Commission Finding

- a. An appeal from an HRC finding under subsection 18.07.306(c)(3) may be taken to the City Council by the owner of the affected resource or improvement.
- b. An appeal shall be filed with the City Clerk within ten days after the decision letter is filed with the City Clerk. The appeal shall specify the grounds for appeal. The City Clerk shall forward the petition to the City Council, which shall hold a public hearing not less than 14 days and not greater than 45 days from the end of the appeal period.
- c. Following a public hearing, the City Council may reverse or modify the HRC finding, with or without conditions, or may refer the matter back to the HRC with or without instructions, if it finds that the HRC's decision is contrary to applicable standards under this subchapter.

(5) Mitigation of Historic Resource Loss

If the HRC finds under subsection 18.07.306(c)(3) that a resource or improvement is undergoing demolition by neglect, the City Council may authorize the City to initiate proceedings for the mitigation of historic resource loss or alteration as specified in subsection 18.07.303(c).

18.07.307 Incentives for Historic Resource Preservation

By December 31, 2021, the HRC should submit to City Council for its consideration and possible approval an incentive plan for properties on the City Register to encourage property owners and developers to protect and redevelop the City's most valuable historic resources. Special consideration should be given to incentivize the preservation of existing building stock through adaptive reuse in new and creative ways.

