

Topic 1: Landmark Designation, Municipal Code Chapter 14, Articles 1 and 2

Designation Process	<p>Clarion: Reevalue interim control provision and potentially allow design review applications during the designation process (p. 8)</p> <ul style="list-style-type: none">• CAC: Supports. LPC should be able to approve alterations if appropriate during the interim control period. (Ch. 14-30)• LPC: Supports. Agrees with Clarion and CAC. Work needs LPC approval
Designation Criteria	<p>Clarion: Better integrate the criteria for designation with the decision-making process for designation (p. 11)</p> <ul style="list-style-type: none">• CAC: Agrees.• LPC: Agrees. <p>Clarion: Consider including a criterion that qualifies properties listed or eligible for the National or State Register for local landmark designation (p. 12)</p> <ul style="list-style-type: none">• CAC: Majority not in favor; if implemented, could result in treating some properties differently than others; if retroactive, should require appropriate public process.• LPC: Does not support. Concern that this borders on a non-consensual designation.
Owner Consent to Designation	<p>Clarion: Consider the inclusion of additional criteria for decision-makers to use when reviewing a nonconsensual designation (p. 15)</p> <ul style="list-style-type: none">• CAC:<ul style="list-style-type: none">- Review length of process; look for process improvements that would fulfill goals while simplifying the process- Spell out in the code the steps taken to investigate a property's eligibility for designation. (Ch. 14-21)- Clarify what the phrase "benefits to the City" means (Ch. 14-21).- Add sustainability as a benefit.- Signatures of three residents on application initiating consideration of non-consensual designation is appropriate number; do not change. Note: Clarion did not recommend raising the number.- No fee should be charged.- Application does not designate a property; it brings to attention of the LPC and Council.• LPC: Agrees with CAC on all the above
Alternative Types of Designation	<p>Clarion: Consider additional types of designation such as conservation districts or structures of merit (p. 17)</p>

	<ul style="list-style-type: none"> • CAC: Investigate conservation districts further. Also consider if there should be separate processes for commercial vs. residential properties; for single property designation vs. district designation. • LPC: Not worth investigating now. Structures of Merit-type program would add significantly to staff workload and impact financial programs.
Linking Zoning & Preservation	<p>Clarion: Consider historic overlay zoning as a way to better integrate preservation and zoning (p. 19)</p> <ul style="list-style-type: none"> • CAC: Investigate. Provides more flexibility while providing options for maintaining character. Creates predictability. Would like more information. • LPC: Interesting idea. Investigate. Preserves overall character with less regulation. Would like Clarion to study. <p>Clarion: Provide searchable map of landmarks and districts for development review applicants to check early on whether their property is landmarked (p. 19)</p> <ul style="list-style-type: none"> • CAC: Supports. Strongly noted need for additional survey and staff. • LPC: Supports. Need for additional survey and staff.
Commission Membership	<p>Clarion: Consider more specific requirements for commission members (p. 21)</p> <ul style="list-style-type: none"> • CAC: Requirements are sufficient (are federal CLG requirements) but should be repeated or referenced in Chapter 14. • LPC: Same. CLG requirements; are more rigorous than other City boards. Need to publicize better.
Historic Surveys	<p>Clarion: Specify that one of the duties of the Landmark Preservation Commission is to direct historic surveys to be completed and regularly updated (p. 24)</p> <ul style="list-style-type: none"> • CAC: Supports. Strongly notes need for additional survey. Far behind. • LPC: Supports. Critical need for funding for on-going survey <p>Clarion: Develop partnership with other organizations to develop a program for regularly surveying historic properties (p. 24)</p> <ul style="list-style-type: none"> • CAC: Supports • LPC: Supports <p>Clarion: Prioritize the completion of survey work and regular updating of existing surveys (p. 24)</p> <ul style="list-style-type: none"> • CAC: Supports. Survey should be highest priority. Requires consistent on-going funding and support in City budget. • LPC: Supports. Survey is highest priority. Foundation of all other work. Need for on-going funding.

Topic 2: Designated Resources: Processes & Standards for Review

Design Review Generally	<p>Clarion: Rename the design review process as a “certificate of appropriateness” process (p. 8).</p> <ul style="list-style-type: none">• CAC: Prefers “Certificate of Approval” and “Landmark Alteration Review”• LPC: Prefers “Certificate of Appropriateness” and “Landmark Alteration Review,” for consistency with other programs across country. <p>Clarion: Develop a decision matrix to increase predictability of required review processes (p. 8).</p> <ul style="list-style-type: none">• CAC: Agrees. Also develop decision matrices for paint and for murals. Paint colors should be part of both decision matrices; approval on case-by-case basis; reversibility and historic material preservation key points• LPC: Agrees. Need to investigate a better way of determining minor work from major work, rather than using aspects of integrity.
Commission Review	<p>Clarion: Make conceptual review an optional step (p. 11)</p> <ul style="list-style-type: none">• CAC: Supports.<ul style="list-style-type: none">- Also offer multiple conceptual reviews, rather than one. All conceptual review comments should be presented at LPC Final Review- Add the ability for LPC to make conditional approvals like P&Z does- Offer Design Review Subcommittee meetings as alternate option; LPC members who participate in Design Review Subcommittee should be allowed to participate in Final Review, as done with DDA• LPC: Supports. Add the ability for LPC to make conditional approvals like P&Z does<ul style="list-style-type: none">- Offer Design Review Subcommittee meetings as alternate option; LPC members who participate in Design Review Subcommittee should be allowed to participate in Final Review, as done with DDA- Works in conjunction with clearer standards; focus on specificity of what is required for approval.- Add more information on what would likely be supported or denied. <p>Clarion: Consider establishing a time limit for final review (p. 11)</p> <ul style="list-style-type: none">• CAC: Agrees.• LPC: Agrees. Adds predictability; strengthens process. <p>Clarion: Consider more specific requirements for appellants (p. 11)</p> <ul style="list-style-type: none">• CAC: Agrees, but not sure what these would be.• LPC: Does not agree. This is not an issue; no change necessary. Why make it harder for owner to appeal the LPC’s decision?

Administrative Review	<p>Clarion: Adopt guiding document that identifies specific types of work that can be delegated to staff for review. (p. 13)</p> <ul style="list-style-type: none"> • CAC: Agrees. • LPC: Agrees. <ul style="list-style-type: none"> - Develop matrices of review processes, identifying routine, minor and major work. - Need to investigate a better way of determining minor work from major work, rather than using aspects of integrity
Review Standards Generally	<p>Clarion: Establish mandatory approval criteria rather than “considerations” (p. 18)</p> <ul style="list-style-type: none"> • CAC: Agrees. • LPC: Agrees. Change language that LPC “must consider” to “must meet.” Make clear in code what criteria are. <p>Clarion: Add specificity to the “standards of the City” reference in the criteria for approval (p. 18)</p> <ul style="list-style-type: none"> • CAC: Agrees. • LPC: Agrees. Clarify in codes what standards the City has adopted, by name, and reference in codes whenever applicable
Review Standards for Demolition	<p>Clarion: Consider additional criteria for the approval of demolition proposals (p. 18-19)</p> <ul style="list-style-type: none"> • CAC: Add criteria to code. The answer to all proposals to demolish landmark designated properties should be no, except in cases of non-contributing buildings in districts; non-contributing reviewed same as infill in district • LPC: Change codes to reflect that site cannot sit fallow following demolition. Clarify in code when a Landmark may be demolished; add standards for acceptable new construction consistent with Secretary of the Interior’s Standards & Guidelines. Revisit hardship standards to make sure they are appropriate
Review Standards for Compatible Infill	<p>Clarion: Consider codifying general compatibility standards for new construction (p.24)</p> <ul style="list-style-type: none"> • CAC: Agrees. Code should better reference Secretary of Interior Standards and Guidelines for examples of how to apply. Make both Ch. 14 and LUC 3.4.7 clear that literal replication is not desired, same with great divergence; what is desired is invention within a style and abstract reference to context. • LPC: Agrees. Adopt standards for compatible new construction consistent with 2017 Secretary of Interior’s Standards & Guidelines update. <p>Clarion: Clarify the role of the adopted design guidelines and standards (p. 24)</p> <ul style="list-style-type: none"> • CAC: Agrees. • LPC: Agrees.

Clarion: Develop design guidelines for additional districts or general design guidelines (p. 24)

- **CAC:** Agrees.
- **LPC:** Agrees. Develop district-specific design standards and guidelines for each new and existing historic district.

Topic 3: Development Review and Historic Resources: Processes & Standards for Review

Development Review Process

Clarion: Clarify the purpose and intent of the historic resources component of the Development Review process (p. 10)

- **CAC:** Agrees. Area of adjacency identifies significant historic properties that could be affected by new development. These resources provide the context. New development different but compatible.
- **LPC:** Agrees. Review serves dual goals: 1. Retains eligibility of historic resources; 2. Promotes compatibility with existing character.

Clarify the procedural requirements to obtain a recommendation from the LPC. (p. 10)

- **CAC:** Agrees.
- **LPC:** Agrees.

Clarion: Use new terminology, such as “Historic Resource Compatibility Review,” instead of “Development Review.” (p. 10)

- **CAC:** Agrees.
- **LPC:** Agrees.

Applicability of Process

Clarion: Establish a consistent and predictable geographic limit for the review, such a Historic Resource Compatibility Review matrix. (p. 15-18)

- **CAC:** No difference in treatment of designated and eligible properties. Supports set radius, regardless of height. More review criteria for abutting development. Discussed radius ranging from abutting only to 500+ feet.
- **LPC:** No difference in treatment of designated and eligible properties. Supports set radius, regardless of height. More review criteria for abutting development. Support for 200-foot radius – ½ typical block.

Clarion: Develop context-based standards that are not based on eligibility to ensure compatibility in certain areas of the city. (p. 18)

	<ul style="list-style-type: none"> • CAC: Agrees. Building's status does not change importance to community. Treating both equally recognizes contribution to character, offers more predictability, simplifies review. • LPC: Agrees with Clarion and with CAC. Also develop standards & guidelines for different areas in town based on areas' character <p>Clarion: Consider reviewing impact on eligible resources only if they are on-site or abutting a development project. (p. 18)</p> <ul style="list-style-type: none"> • CAC: Disagrees. Retention of context important. Development can be different but should still be good neighbor. • LPC: Disagrees. Would not promote context - Sense of Place. Development can be different but should still be reviewed to ensure good neighbor. <p>Clarion: Focus on survey work to develop an inventory of eligible historic resources. (p. 18)</p> <ul style="list-style-type: none"> • CAC: Agrees. Should be highest priority. This will not work unless surveys and contexts are getting funding. Need City commitment of on-going funding • LPC: Agrees. Foundation of all other work. Need funding, staff to manage.
Clarity and Organization	<p>Clarion: Redraft Section 3.4.7 for clarity and to improve the organization, clarifying the purpose, applicability, and standards of the process. (p. 22)</p> <ul style="list-style-type: none"> • CAC: Agrees. • LPC: Agrees.

Topic 4: Demo/Alt Review, Demolition by Neglect, Dangerous Buildings

Demolition/Alteration Review Process	<p>Clarion: Clarify the role of the Design Review Subcommittee (DRS). (p. 11)</p> <p>CAC: Agrees. LPC members participating in DRS should still be able to participate in later LPC hearings on item, like DDA does.</p> <p>LPC: Agrees. LPC members participating in DRS should be able to participate in later hearings on item. DRS should be utilized more, offered as alternative to conceptual design review of changes to landmarks and for preliminary reviews of new development.</p> <p>Clarion: Consider using a decision matrix to more clearly differentiate between minor and major alterations. (p. 11)</p> <p>CAC: Agrees.</p> <p>LPC: Agrees.</p> <p>Clarion: Reevaluate the criteria for approval and potentially add an economic hardship determination. (p. 11)</p> <p>CAC: Disagrees with Clarion. Does not support adding economic hardship as a criterion. Very difficult, adds complexity. Potentially unfair; different</p>
--------------------------------------	--

	<p>results between savvy investors with large portfolios, lawyers and accountants, vs Mom and Pop owners.</p> <ul style="list-style-type: none"> - Develop intermediate options for LPC between must approve or non-consensual landmark designation. <p>LPC: Disagrees with Clarion. Does not support adding economic hardship as a criterion. Noted that this is Council policy, affects all city codes.</p> <ul style="list-style-type: none"> - Agrees with CAC on intermediate options between two extremes. <p>Clarion: Consider increasing the amount of time that the LPC can delay a decision in order to find alternatives to demolition. (p. 11)</p> <p>CAC: Agrees. Concern that easy to miss deadline, such as by a meeting cancelled for weather or lack of quorum. Make sure timing is adequate.</p> <p>LPC: Agrees. Staff needs to address as part of review of overall timing.</p>
Determinations of Eligibility	<p>Clarion: Focus on completing survey work to proactively identify eligible resources. (p. 16)</p> <p>CAC: Strongly agrees. Notes that each of Clarion's reports states need for far more survey.</p> <p>LPC: Strongly agrees. Would greatly benefit predictability; aid developers and property owners.</p> <p>Clarion: Create an inventory of eligible historic resources. (p. 16)</p> <p>CAC: Agrees.</p> <p>LPC: Agrees.</p> <p>Clarion: Reconsider the five-year period of validity. Consider a process for property owners to obtain a certificate of ineligibility with a five-year limit on validity. (p. 16)</p> <p>CAC: Clarify. Clarion appears to say that all buildings are eligible until determined not to be. Not sure how this would help. Request more information.</p> <p>LPC: Currently no presumption of a building's eligibility. More information needed to understand why Clarion recommends this change.</p>
Demolition by Neglect	<p>Clarion: Specify the types of repairs that are required to prevent demolition by neglect. (p. 21)</p> <p>CAC: Agrees. Proactive enforcement before they become imminently dangerous. Neglected/dangerous buildings should have to go through city's processes, not be able to circumvent.</p> <p>LPC: Agrees with CAC. Noted that how repairs are done could damage integrity of building.</p> <p>Clarion: Increase penalties for properties undergoing demolition by neglect. (p. 21)</p>

	<p>CAC: Agrees. Way to circumvent City processes. Penalties within certain time frame should also be cumulative rather than treated as separate incidents.</p> <p>LPC: Agrees with CAC. Used as way to circumvent City processes.</p> <p>Clarion: If an inventory of eligible resources is created, extend maintenance requirements to eligible structures on the inventory. (p. 21)</p> <p>CAC: Agrees.</p> <p>LPC:</p> <p>Clarion: Incorporate preservation-related requirements in the general property maintenance standards. (p. 21)</p> <p>CAC: Agrees.</p> <p>LPC: Agrees.</p> <p>Clarion: Develop additional financial incentives to assist with required property maintenance. (p.21)</p> <p>CAC: Agrees. Bigger carrots to incentivize rehabilitation.</p> <p>LPC: Agrees. Also use to address energy efficiency.</p>
Public Safety Exclusions	<p>Clarion: Clarify the requirement to fix dangerous conditions when deemed repairable by the building official. (p. 25)</p> <p>CAC: Agrees. City should have distinction between dangerous and imminently dangerous.</p> <p>LPC: Agrees with Clarion and CAC.</p> <p>Clarion: Review relevant building code definitions. (p. 25)</p> <p>CAC: Need definition of dangerous and imminently dangerous; reference in all relevant codes. City Attorney's Office will prepare definition.</p> <p>LPC: Agrees with Clarion and CAC. CAO crafting definition good; defensible.</p> <p>Clarion: Improve coordination between the LPC/preservation staff and the building official in regards to dangerous buildings. (p. 25)</p> <p>CAC: Agrees.</p> <p>LPC: Agrees. More coordination helpful in both preventing and resolving issues.</p>