

17.32.080 – Certificates of appropriateness

A. Concept Review

1. Purpose

A concept plan may be submitted for the purpose of obtaining the Historic Preservation Commission's comments and recommendations prior to the owner spending significant time and expense in the preparation of detailed plans and architectural drawings and applying for a Certificate of Appropriateness.

2. Procedure

The property owner requesting a concept review shall submit a preliminary drawing of any exterior alterations or construction, current photographs of the property, a map or survey showing locations of all structures on the property, and a list of proposed materials. The owner shall present the concept plan at a Historic Preservation Commission meeting.

3. After discussion with the owner, the Historic Preservation Commission may make a preliminary determination whether the proposed work complies with the established criteria, and may make recommendations as to any changes that would bring the proposal into compliance.

B. Certificate of Appropriateness: When Required

1. Except as provided herein, a Certificate of Appropriateness is required prior to issuance of a permit for construction, alteration, repair, demolition, relocation or other material change that affects the exterior architectural appearance of any structure or site within an historic district or of any designated landmark building or site.

2. Prior to the issuance of a Certificate of Appropriateness for demolition or relocation of a building or structure, a plan for the use of the property being vacated by the proposed demolition or relocation shall be submitted and approved by the Commission, or upon appeal, by the City Council. The approval of a Certificate of Appropriateness for demolition or relocation may be conditioned on issuance of a Certificate of Appropriateness for the new construction on the site.

3. A Certificate of Appropriateness may be issued administratively upon the approval of the Director of Community Development in consultation with the Chairman or Vice-Chairman of the Historic Preservation Commission for minor repairs, alterations or other changes that will have no impact on historic and architectural resources. From time to time, the Historic Preservation Commission may recommend, and the City Council may approve, a description of such minor repairs, alterations or other changes for which a Certificate of Appropriateness may be issued administratively.

4. The requirement for a Certificate of Appropriateness may be waived in emergency circumstances which require immediate relief, repair, or demolition, where the Fire Chief or Building and Code Enforcement Division Manager certifies that such conditions exist and that said conditions can be eliminated as quickly as is needed only if the Certificate of Appropriateness is waived. Emergencies are defined as life or health threatening conditions requiring immediate attention, as determined by the Fire Chief or Building and Code Enforcement Division Manager. This subsection shall apply only in cases where it is impractical for the Historic Preservation Commission to review a Certificate of Appropriateness.

(Ord. 2010-Z-4 § 5.)

5. Any above-grade attachment or other physical connection between a building located within an historic district or a landmark site, and any other building, structure, above-ground improvement, open space or other portion of a property not located within the district or landmark site (excluding public and private utility wires, poles and related appurtenances), shall be deemed an Alteration and/or an Addition to the building located within the historic district or landmark site that is subject to the Certificate of Appropriateness requirements hereunder. Such attachments or connections include, but are not limited to, an addition to a building located in the district or landmark site that extends across the district or landmark site boundaries or an outdoor deck and stairs from a building in the district or landmark site that extends across the district or landmark site boundaries. The plans and specifications submitted for the Certificate of Appropriateness shall include the existing and proposed improvements to the property located outside the district or landmark site boundaries to which the attachment or connection extends. In determining whether an attachment or physical connection to a building outside the district meets the applicable criteria of this Chapter, the Historic Preservation Commission may take into account the improvements existing on or proposed for such property outside the district or landmark site.

(Ord. 2010-Z-4 § 3.)

C. Certificate of Appropriateness: Procedure

1. Where a Certificate of Appropriateness is required, the Building and Code Enforcement Division Manager shall furnish building permit applicants with an application for a Certificate of

Appropriateness.

2. The Historic Preservation Commission shall review an application for a Certificate of Appropriateness within twenty-two (22) days following receipt of the application. Plans and specifications for exterior work submitted with a permit application shall be made available to the Historic Preservation Commission. The Director of Community Development shall notify the applicant of the time and place of the meeting. Failure of the Historic Preservation Commission to act upon an application for a Certificate of Appropriateness within twenty-two (22) days shall constitute approval and no other evidence shall be needed. Tabling the application shall be considered action by the Historic Preservation Commission, provided, however, that any such delay shall not exceed twenty (22) days unless the applicant has not provided the additional documentation or expert technical advice requested.
3. The Historic Preservation Commission may table the application for a Certificate of Appropriateness if it finds that additional documentation or expert technical advice from outside its membership is needed to properly evaluate the application. The Commission shall hold an additional meeting or meetings to consider the application not more than twenty-two (22) days from receipt of all requested documentation and technical advice.
4. If the Historic Preservation Commission finds, on a preliminary basis, that the work proposed in the application does not meet the applicable criteria of this Chapter, it may recommend changes to the applicant that would cause the proposed work to meet the applicable criteria, and may confer with the applicant and attempt to resolve any differences between the applicant's plan and the applicable criteria.

Ord. 2010-Z-4 § 4.)

D. Historic Preservation Commission Findings and Recommendations

1. If the Historic Preservation Commission finds that the work proposed in the application meets the applicable criteria of this Chapter, it shall approve a Certificate of Appropriateness.
2. If the Historic Preservation Commission finds that the work proposed in the application does not meet the applicable criteria and will therefore adversely affect or destroy historically or architecturally significant features of a landmark or of a building, structure or site within a designated historic district, it shall recommend to the City Council denial of the Certificate of Appropriateness. The Historic Preservation Commission's recommendation for denial shall be in the form of a resolution stating its findings and reasoning. The Director of Community Development shall forward the application for Certificate of Appropriateness and the Historic Preservation Commission's Resolution to the City Council.
3. The applicant may submit an amended application to address the Historic Preservation Commission's findings and recommendations. If the Historic Preservation Commission finds that the amended application conforms with the applicable criteria, it shall issue a Certificate of Appropriateness, and no action by the City Council shall be required.

E. City Council Resolution

1. The City Council may deny a Certificate of Appropriateness in accordance with the recommendations of the Historic Preservation Commission. Upon review of the Commission's resolution, its minutes and the application, if the City Council finds that the applicable criteria of this Chapter for granting a Certificate of Appropriateness will be met, it may disregard the Historic Preservation Commission Commission's recommendation and approve a Certificate of Appropriateness.
2. The applicant may submit an application for a certificate of economic hardship pursuant to Section 17.32.090, "Economic Hardship". The City Council shall not deny a Certificate of Appropriateness until a determination has been made concerning the certificate of economic hardship.

F. Invalidity. A Certificate of Appropriateness shall be invalid if:

1. Changes have been made to the plans as approved by the Historic Preservation Commission or City Council
2. The permit issued for the work becomes invalid. A Certificate of Appropriateness remains in force for the same period of validity as the permit.

G. Certificate of Appropriateness: Criteria

In making a determination whether to approve or to recommend denial of an application for a Certificate of Appropriateness, the Historic Preservation Commission shall be guided by the following criteria:

1. Significance of a Site, Structure or Building
 - a. The Historic Preservation Commission shall apply the maximum flexibility allowed by this Chapter in its review of applications for new construction and for alteration, removal or demolition of structures that have little architectural or historic significance. However, if the new construction, alteration, removal or demolition would seriously impair or destroy historically or architecturally significant features of a landmark or of a building, structure or site within a

- designated historic district, the Historic Preservation Commission shall give due consideration to protection of those historically and architecturally significant features.
- b. The following properties are presumed to have architecturally or historically significant features:
 - i. Properties within a designated historic district that are classified as architecturally or historically significant by a survey conducted pursuant to Section 17.32.070.
 - ii. Properties designated as landmarks pursuant to Section 17.32.300.
 - iii. All properties listed on the National Register of Historic Places.
 - c. The following properties will sometimes have architecturally or historically significant features - properties within a designated historic district that are classified as architecturally or historically contributing by a survey conducted pursuant to Section 17.32.070.
 - d. The following properties will usually have little architectural or historic significance - properties within a designated historic district that are classified as architecturally or historically non-contributing by an architectural survey conducted pursuant to Section 17.32.070.
2. General Architectural and Aesthetic Guidelines
- a. Height
The height of any proposed alteration or construction should be compatible with the style and character of the structure and with surrounding structures.
 - b. Proportions of the Front Facade
The relationship between the width of a building and the height of the front elevation should be compatible with surrounding structures.
 - c. Proportions of Windows and Doors
The proportions and relationships between doors and windows should be compatible with the architectural style and character of the building.
 - d. Relationship of Building Masses and Spaces
The relationship of a structure to the open space between it and adjoining structures should be compatible.
 - e. Roof Shapes
The design of the roof, fascia and cornice should be compatible with the architectural style and character of the building and with adjoining structures.
 - f. Scale
The scale of the structure after alteration, construction or partial demolition should be compatible with its architectural style and character and with surrounding structures
 - g. Directional Expression
Facades in historic districts should blend with, and reflect, the dominant horizontal or vertical expression of adjacent structures. The directional expression of a building after alteration, construction or partial demolition should be compatible with its original architectural style and character.
 - h. Architectural Details
Architectural details, including types of materials, colors and textures, should be treated so as to make a building compatible with its original architectural style and character, and to enhance the inherent characteristics of surrounding structures.
 - i. New Structures
New structures in an historic district shall be compatible with, but need not be the same as, the architectural styles and general designs and layouts of the surrounding structures.
3. Secretary of the Interior's Standards for Rehabilitation
- a. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal change to the defining characteristics of the building, structure or site, and its environment, or to use the property for its originally intended purpose.
 - b. The distinguishing original qualities or historic character of a building, structure or site, and its environment, shall be retained and preserved. The removal or alteration of any historic materials or distinctive architectural features should be avoided when possible.
 - c. All buildings, structures or sites shall be recognized as physical records of their own time, place and use. Alterations that have no historical basis, or which seek to create an earlier appearance, shall be avoided.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive stylistic features, finishes and construction techniques or examples or skilled craftsmanship, which characterizes a building, structure or site, shall be preserved.
 - f. Deteriorated historical features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in

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design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be based on accurate duplications substantiated by documentary, physical or pictorial evidence, and not conjectural designs or the availability of different architectural elements from other buildings or structures.

- g. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. Sandblasting and other physical or chemical treatments which will damage the historic building materials shall not be used.
 - h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize a property. Contemporary design for the new work shall not be discouraged when such alterations and additions are differentiated from the old, and are compatible with the massing, size, scale, color, material and character of the property and its environment.
 - j. New additions, and adjacent or related new construction, shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
4. Design Guidelines

Advisory recommendations for applying the criteria of the above subsections “2. General Architectural and Aesthetic Guidelines” and “3. Secretary of the Interior’s Standards for Rehabilitation” to neighborhoods, Historic Districts, Landmarks, or to specific types of structures or sites. Design Guidelines shall be recommended by the Historic Preservation Commission and adopted by the City Council.

(Ord. 2011-Z-3 § 3.)

5. Code Conflicts

Where there are irreconcilable differences between the requirements of the building code, life safety code, or other codes adopted by the City and the requirements of this Chapter, conformance with those codes shall take precedence, and therefore the Historic Preservation Commission shall approve a Certificate of Appropriateness. In so doing, however, the Historic Preservation Commission shall be obligated only to approve those portions of the proposed work that are necessary for compliance with the applicable codes, as determined by the Building and Code Enforcement Division Manager or Fire Chief.

(2011-Z-3 : § 2; 2010-Z-4 : § 5)