

MEMORANDUM

TO: Heritage Preservation Commission
FROM: Lisa Steiner, Senior City Planner, (612) 673-3950
DATE: January 5, 2016
SUBJECT: Proposed Preservation Ordinance Text Amendment: Certificate of Appropriateness Findings

BACKGROUND

Council Member Warsame has introduced an ordinance to amend the existing preservation regulations in order to simplify the required findings for Certificate of Appropriateness applications. Recently, a [Business Made Simple Report](#) initiated by Mayor Hodges recommended that the City simplify the list of requirements for issuing a Certificate of Appropriateness under the preservation ordinance.

CURRENT FINDINGS

The current Certificate of Appropriateness findings were adopted as part of a significant overhaul of the preservation ordinance in 2009. Prior to that, between 2001 and 2009, the required findings for a Certificate of Appropriateness were limited to the following paragraph in the preservation ordinance:

Before approving a certificate of appropriateness, the commission shall make findings that the alteration will not materially impair the integrity of the landmark, historic district or nominated property under interim protection and is consistent with the applicable design guidelines adopted by the commission, or if design guidelines have not been adopted, is consistent with the recommendations contained in The Secretary of the Interior's Standards for Rehabilitation, except as otherwise provided in this section.

When the existing Certificate of Appropriateness findings were adopted in 2009, the significantly more detailed findings were intended to bolster the content to allow for a more thorough analysis of projects by both applicants and staff and to allow for better communication.

ISSUES IDENTIFIED

While the current findings helpfully reference several materials utilized by staff in preservation reviews, many of the findings are repetitive or are only slightly different from one another. In administering the ordinance, staff has found that the wording of the findings at times can be difficult for applicants to understand. Staff believes simple opportunities exist to consolidate the existing findings and simplify the language in order to thoughtfully and efficiently analyze projects.

FEEDBACK REQUESTED

Staff is seeking feedback from the HPC regarding the proposed amendments to the Certificate of Appropriateness findings. Draft text is attached with staff's initial recommendations. In the upcoming months, staff will bring forward a proposed text amendment and a public hearing would be held before the Heritage Preservation Commission.

ATTACHMENTS – HPC INFORMATION ITEM

Business Made Simple Report and Recommendations

Simplify the List of Requirements for Issuing a Certificate of Appropriateness under Historic Preservation Ordinance:

City ordinances (Section 599.350) govern the factors for issuing a Certificate of Appropriateness to allow alteration of a property in a historic district, a nominated property or a designated landmark. This section contains at least 13 different factors, some of which are overlapping and/or could be made more clear. This section could be simplified, making it easier to understand and administer without compromising historic protections and review authority.

Existing Regulations

599.350. Required findings for certificate of appropriateness.

(a) *In general.* Before approving a certificate of appropriateness, and based upon the evidence presented in each application submitted, the commission shall make findings based upon, but not limited to, the following:

- (1) The alteration is compatible with and continues to support the criteria of significance and period of significance for which the landmark or historic district was designated.
 - (2) The alteration is compatible with and supports the interior and/or exterior designation in which the property was designated.
 - (3) The alteration is compatible with and will ensure continued integrity of the landmark or historic district for which the district was designated.
 - (4) The alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the applicable design guidelines adopted by the commission.
 - (5) The alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the recommendations contained in The Secretary of the Interior's Standards for the Treatment of Historic Properties.
 - (6) The certificate of appropriateness conforms to all applicable regulations of this preservation ordinance and is consistent with the applicable policies of the comprehensive plan and applicable preservation policies in small area plans adopted by the city council.
- (b) *Destruction of any property.* Before approving a certificate of appropriateness that involves the destruction, in whole or in part, of any landmark, property in an historic district or nominated property under interim protection, the commission shall make findings that the destruction is necessary to correct an unsafe or dangerous condition on the property, or that there are no reasonable alternatives to the destruction. In determining whether reasonable alternatives exist, the commission shall consider, but not be limited to, the significance of the property, the integrity of the property and the economic value or usefulness of the existing structure, including its current use, costs of renovation and feasible alternative uses. The commission may delay a final decision for

a reasonable period of time to allow parties interested in preserving the property a reasonable opportunity to act to protect it.

- (c) *Adequate consideration of related documents and regulations.* Before approving a certificate of appropriateness, and based upon the evidence presented in each application submitted, the commission shall make findings that alterations are proposed in a manner that demonstrates that the applicant has made adequate consideration of the following documents and regulations:
 - (1) The description and statement of significance in the original nomination upon which designation of the landmark or historic district was based.
 - (2) Where applicable, Title 20 of the Minneapolis Code of Ordinances, Zoning Code, Chapter 530, Site Plan Review.
 - (3) The typology of treatments delineated in the Secretary of the Interior's Standards for the Treatment of Historic Properties and the associated guidelines for preserving, rehabilitating, reconstructing, and restoring historic buildings.
- (d) *Additional findings for alterations within historic districts.* Before approving a certificate of appropriateness that involves alterations to a property within an historic district, the commission shall make findings based upon, but not limited to, the following:
 - (1) The alteration is compatible with and will ensure continued significance and integrity of all contributing properties in the historic district based on the period of significance for which the district was designated.
 - (2) Granting the certificate of appropriateness will be in keeping with the spirit and intent of the ordinance and will not negatively alter the essential character of the historic district.
 - (3) The certificate of appropriateness will not be injurious to the significance and integrity of other resources in the historic district and will not impede the normal and orderly preservation of surrounding resources as allowed by regulations in the preservation ordinance. (2001-Or-029, § 1, 3-2-01; 2009-Or-023, § 11, 3-27-2009)

Proposed Revisions (Draft)

(a) The heritage preservation commission shall make each of the following findings before granting a certificate of appropriateness:

- (1) The alteration is compatible with the designation of the landmark or the historic district.
- (2) The alteration will ensure the continued integrity of the landmark or the historic district.
- (3) The alteration is consistent with the applicable design guidelines adopted by the commission.
- (4) The alteration is consistent with the applicable recommendations contained in *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.
- (5) The alteration is in keeping with the spirit and intent of the preservation ordinance, is consistent with the applicable policies of the comprehensive plan, and is consistent with applicable small area plans adopted by the city council.

→ **For destruction findings, separate so they are only addressed when applicable (like a CUP for height) and add multi-level lists for clarity:**

(b) In addition to the findings in subsection (a) above, before approving a certificate of appropriateness that involves the destruction, in whole or in part, of any landmark, property in an historic district or nominated property under interim protection, the commission shall make findings that:

- (1) The destruction is necessary to correct an unsafe or dangerous condition on the property, or
- (2) That there are no reasonable alternatives to the destruction. In determining whether reasonable alternatives exist, the commission shall consider, but not be limited to:
 - a. The significance of the property,
 - b. The integrity of the property, and
 - c. The economic value or usefulness of the existing structure, including its current use, costs of renovation and feasible alternative uses.