

MEMORANDUM

DATE: _____, 2020

FROM: Historic Conservation Board

SUBJECT: The duties, obligations, and scope associated with the Board's delegation of authority to the Urban Conservator.

I. Purpose

On February 27, 2017, the Historic Conservation Board (the "Board") passed a resolution delegating to the Urban Conservator discretion to act on certificate of appropriateness applications related to minor alterations. The Board resolved that this delegation of authority will improve the customer experience by shrinking building permit-related timelines and reducing building permit-related costs, without sacrificing the continued preservation of the City's Historic Assets.

The Board's delegation of authority is likely to increase efficiencies while preserving transparency. The Urban Conservator's reviews are flexible because it is a role that is more accessible than the Board. The Board convenes 24 times in a year, but the Urban Conservator is a dedicated government official available to the public daily. Also, review times will decrease because applications come before the Urban Conservator faster than they come before the Board. Projects subject to Board review increase project timelines by at least 60 days from application date, but the Urban Conservator must ~~take action~~ **act** within 30 days of an application. The delegation of authority will preserve transparency, as well. The Urban Conservator must continue to provide notice of applications to community councils and all persons who own real property within 200 feet of a subject property. Similarly, persons affected by determinations made by the Urban Conservator have the option to bring his or her concerns to the Board for a public hearing. Ultimately, this process change will benefit the permit process without impacts to due process or civic engagement.

II. Delegation Terms

Section 1. Duration. This delegation of authority is effective from the time that a quorum of Board members present at the meeting vote by majority to approve the delegation of authority, until the end of the day of the last scheduled regular meeting of the Board term. The Board must vote to renew the delegation of authority annually at the last regular meeting of each Board term. "Board term" means one full calendar year commencing on January 1 and ending December 31. If the Board is unable to consider renewal of its delegation of authority at the last regular meeting of the Board term, the Urban Conservator has the authority to determine applications until the end of the day of the next regular meeting, at which meeting the Board must reconsider the delegation of authority.

Section 2. Geographic Scope. The Board authorizes the Urban Conservator to approve certificates of appropriateness in each historic district.

Section 3. **Decisions.** CZC Section 1435-09-1-C governs the Urban Conservator’s discretion.

Section 4. **Document Compliance and Administrative Reporting.** The Urban Conservator must maintain an application table, which list must include a property address, historic district, applicant name, application date, scope of work, and determination date. The Urban Conservator must provide to the Board a copy of the application table at the last regular meeting of each month.

Section 5. **Revocation.** The Board may revoke its delegation of authority at any time.

Section 6. **Scope.** The Board retains authority over all matters not expressly delegated to the Urban Conservator. The Board delegates to the Urban Conservator discretionary authority to approve, approve with condition, or deny certificate of appropriateness applications involving those minor alterations listed in Schedule 6.2 and Schedule 6.3, whereby each certificate of appropriateness application approval must substantially conform to the applicable historic guidelines.

The Board also delegates to the Urban Conservator discretionary authority to approve, approve with conditions, or deny extensions of time to obtain building permits for unexpired certificates of appropriateness, where the requests for extension are otherwise consistent with approvals originally granted by the Board, are harmonious with the general purposes and intent of historic conservation, and are in the public interest. The Urban Conservator, upon written request made prior to expiration, may approve extensions of a certificate of appropriateness for up to six months beyond the certificate’s expiration date.

The Board reserves the right to review decisions made under this delegation of authority. Any person affected by the Urban Conservator’s determination may apply to the Board within 30 days of the date that the Urban Conservator transmits a final determination. All applications shall be made on forms furnished by the Board, and all applicants are subject to all obligations and procedures governing applications to the Board, including, but not limited to, fees and application deadlines.

6.1. **Definitions.**

- a. “Building Façade” is defined by CZC § 1401-01-F.
- b. “Street” is defined by CZC § 1401-01-S12.
- c. “Restoration and Rehabilitation” are defined by 36 C.F.R. § 68.2(b)-(c).
- d. “Historic Fabric” The physical elements, from a historically significant period, that were combined or deposited to form a structure as opposed to material used to maintain or restore a structure following its historic period(s). (as defined by National Park Service)
- e. “Character Defining Feature” A prominent or distinctive aspect, quality, or characteristic of a historic property that contributes significantly to its physical character. Structures, objects, vegetation, spatial relationships, views, furnishings, decorative details, and materials may be such features. (as defined by National Park Service)

6.2. Schedule: Minor Alterations to Existing Structures. [•] = Yes; [-] = No.

Type of Work	Restoration/ Rehabilitation	New	Remove
Awnings/Canopies	•	•	• ¹
Chimney, Flue, or Pipe	•	•	• ²
Decks/Decking ^{3 4}	•	•	-
Doors/Garage Doors	•	•	-
All Door/Window Openings	•	-	-
Exterior Surface Alteration ⁵	•	•	•
Fences/Walls ⁶	•	•	•
Fire Escapes	•	• ⁷	•
Landscaping/Site Alteration	•	•	•
Lighting	•	•	•
Mechanical Equipment ⁸	-	•	•
Painting Masonry	•	• ⁹	• ¹⁰
Railings	•	•	• ¹¹
Ramps ¹²	•	•	-
Roofing Material	•	-	-
Signs	•	•	•
Skylights ¹³	•	•	•
Stairwells ¹⁴	•	•	-
Storefront	•	-	-
Windows	•	• ¹⁵	-

¹ Not historic fabric or non-character defining feature

² Non-character defining feature

³ Not visible from an abutting street

⁴ Rooftop decks are not included except when on a flat roof and any railing or flooring required is not visible from the street.

⁵ Alterations not visible from abutting street that do not impact the form of the structure, and that do not impact historic fabric or character-defining feature

⁶ Must satisfy underlying zoning requirements and must not be historic fabric or character defining feature.

⁷ Not on a Building Façade, as defined by CZC Section 1401-01-F

⁸ Not visible from an abutting street

⁹ Presently unpainted masonry walls and foundations are permitted to be painted if large sections of original masonry walls that have been replaced with new masonry that clearly varies in color, size, shape, or mortar joint as compared to the original masonry or where more than 25% of original masonry is in very poor condition and painting masonry is likely to protect it from further damage. All mortar and masonry must first be repaired before painting. Only the walls affected by brick replacement or deterioration may be painted.

¹⁰ May be removed if removal process is an accepted means of removal as outlined in National Park Service Preservation Brief 1: Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings

¹¹ Not historic fabric or character defining feature

¹² Not located on Building Façade, as defined by CZC Section 1401-01-F; not visible from abutting street; not historic fabric or character defining feature.

¹³ Not visible from an abutting street

¹⁴ Not located on Building Façade, as defined by CZC Section 1401-01-F; not visible from abutting street

¹⁵ New windows are permitted when historic windows cannot be restored and must match historic windows in style, size, composition, material, and fit the entire opening.

6.3. Schedule: Minor Alterations/Plan Revisions to Approved Plans for New Structures and Additions That Have Yet to be Constructed or Issued a Certificate of Occupancy.

[•] = Yes; [-] = No.

Type of Work	Change from Approved plans	Remove from Approved Plans
Awnings/Canopies	•	• ¹⁶
Chimney, Flue, or Pipe	•	• ¹⁷
Decks/Decking ^{18 19}	•	-
Doors/Garage Doors	•	-
All Door/Window Openings	-	-
Exterior Surface Alteration ²⁰	•	•
Fences/Walls ²¹	•	•
Fire Escapes	-	-
Landscaping/Site Alteration	•	•
Lighting	•	•
Mechanical Equipment ²²	•	•
Painting Masonry	•	-
Railings	•	• ²³
Ramps ²⁴	•	•
Roofing Material ²⁵	•	•
Signs	•	•
Skylights ²⁶	•	•
Stairwells ²⁷	•	•
Storefront	-	-
Windows ²⁸	•	-

¹⁶ Non-character defining

¹⁷ Non-character defining

¹⁸ Not visible from an abutting street

¹⁹ Rooftop decks are not included except when on a flat roof and any railing or flooring required is not visible from the street.

²⁰ Alterations not visible from abutting street that do not impact the form of the structure, and that do not impact significant architectural details or character-defining elements

²¹ Must satisfy underlying zoning requirements

²² Not visible from an abutting street

²³ Non-character defining.

²⁴ Not located on Building Façade; not visible from abutting street

²⁵ Roofing material must still be an appropriate material as defined by the Historic Conservation Guidelines for the district

²⁶ Non-visible from an abutting street

²⁷ Not located on Building Façade; not visible from abutting street

²⁸ Alternative windows must match proposed windows in style, size, configuration and material