

**COMPARISON OF
CERTIFICATE OF APPROPRIATENESS PROCEDURE
CURRENT ORDINANCE VS. PROPOSED ORDINANCE**

CURRENT ORDINANCE	PROPOSED ORDINANCE
Application filed with City Clerk, who shall immediately forward the application to HPC for its recommendation and report.	Application filed with the City Clerk, who shall immediately forward the application to HPC staff.
	HPC staff immediately notifies the local Common Council members and all owners of property within 200 feet
	Within 10 days of filing of the application, HPC staff determines whether the application is complete as to form and, if not complete, notifies the applicants of all steps necessary to make the application complete. Once staff determines the application is complete, it refers the application to HPC for further proceedings.
HPC reviews the application at its next regularly-scheduled meeting. HPC either: 1. Finds the project appropriate and directs that a COA be issued; or 2. Sets a public hearing date within 30 days.	HPC reviews the application at its next regularly-scheduled meeting that is at least 10 days after notification by staff that the application is completed. Within 30 days of conclusion of this meeting, HPC renders a decision that grants, grants with conditions or denies the COA.
	HPC staff notifies the applicant of HPC's action by certified mail within 15 days of HPC's action.
	No public hearing is held on a non-demolition COA application unless an objection is filed in writing with the City Clerk within 20 days of the date on which the City Clerk sent notice of receipt of the COA application, in which case the public hearing is conducted as described below.
	For a demolition COA, HPC shall hold a public hearing within 45 days of staff determination that the application is complete.
Notice of HPC hearing is sent to the applicant (certified letter), the local Common Council member and all owners of property within 200 feet (first-class mail).	Notice of the HPC hearing is sent to the applicant (certified letter), the local Common Council member and all owners of property within 200 feet (first-class mail).
Letter to the applicant may request supplemental information. If the applicant is unable to furnish this information by the hearing date, the applicant may request a delay of the hearing. HPC may also grant a request for delay for "any other good cause."	Letter to the applicant may request supplemental information. HPC may grant the applicant a request for a delay of hearing.
After the hearing, HPC may disapprove the COA application or direct that the COA be issued or issued upon the applicant's acceptance of certain conditions.	Within 30 days of conclusion of the hearing, HPC shall render a decision that grants, grants with conditions or denies the COA .
For <u>all types</u> of COAs, HPC shall consider the following criteria when reviewing a COA application: 1. Whether, in the case of a designated historic site, structure or district, the	For <u>non-demolition</u> COAs, HPC shall consider the following criteria when reviewing a COA application: 1. Whether the proposed work would destroy or adversely affect any exterior architectural feature of the improvement

CURRENT ORDINANCE	PROPOSED ORDINANCE
proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which said work is to be done. 2. Whether, in the case of construction of a new improvement upon a designated site or within a historic district, the exterior of the improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on the site. 3. Whether, in the case of any property located in a historic district the proposed construction, reconstruction, exterior alteration, or demolition conforms to the objectives of the historic preservation plan for such district as duly adopted by the common council.	upon which the work is to be done or adversely affect the external appearance of other improvements on the site or within the district. 2. Whether, in the case of construction of a new improvement on a historic site or within a historic district, and with consideration of design review recommendations issued by the department of city development, the new improvement, other than an accessory structure, an addition thereto or reconstructed features thereof, is all of the following: a. Architecture sensitive to the mass and proportions of existing structures on the site or within the district in which the subject property is located. b. Appropriately-scaled architecture that is clearly differentiated from nearby historic structures, while taking subtle cues from them. c. Not an attempt to re-create a historic structure. 3. Whether, in the case of any property located in a historic district, the proposed alteration, reconstruction, rehabilitation or new construction conforms to the objectives of the historic preservation plan for the district as duly adopted by the common council.
	For a <u>demolition</u> COA, HPC shall consider any of the following: 1. Whether the structure is of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city. 2. Whether the structure, although not itself an individually-designated historic structure, contributes to the distinctive architectural or historic character of the district as a whole and should be preserved for the benefit of the people of the city. 3. Whether demolition of the structure on a historic site or within a historic district would be contrary to the purpose and intent of this section and to the objectives of the historic preservation plan for the applicable district as duly adopted by the common council. 4. Whether the structure is of such old and unusual or uncommon design, texture or material that it could not be reproduced without great difficulty or expense. 5. Whether retention of the structure would promote the

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	general welfare of the people of the city and the state by encouraging the study of American history, architecture and design, or by developing an understanding of American culture and heritage. 6. Whether the structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve, restore or use it, provided that any hardship or difficulty claimed by the owner which is self-created or a result of demolition by neglect cannot qualify as a basis for the issuance of a certificate of appropriateness. 7. If the structure is located on a historic site or within a historic district, whether, and with consideration of design review recommendations issued by the department of city development, any new structure, other than an accessory structure, addition thereto or reconstructed features thereof, proposed to be constructed, or change in character proposed to be made, is all of the following: a. Architecture sensitive to the mass and proportions of existing structures on the site or within the district in which the subject property is located. b. Appropriately-scaled architecture that is clearly differentiated from nearby historic structures, while taking subtle cues from them. c. Not an attempt to re-create a historic structure.
	In the case of a COA to allow new construction, if the project also involves creation of a planned development, the 2 types of reviews should be coordinated, including a joint meeting of HPC and CPC to consider both applications.
If the application is disapproved or the applicant refuses to accept the conditions of issuance, HPC shall notify the applicant of its decision by certified mail within 15 days.	HPC staff shall notify the applicant of HPC's decision within 15 days.
	If HPC grants or conditionally grants a demolition COA, no demolition permit shall be issued until the applicant provides HPC with evidence, satisfactory to HPC, DCD and the City Comptroller, that all debt and equity financing necessary for the new construction project has been obtained.
	If HPC does not grant, grant with conditions, deny or defer action on a COA application within 75 days of staff determination that the application was complete, the application shall be deemed deferred (see deferral procedure below).
The applicant may appeal HPC's decision to the Common Council by filing a written request within 20 days of the mailing of HPC's decision letter.	The applicant may appeal HPC's decision to the Common Council by filing a written request within 20 days of the mailing of HPC's decision letter.

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The Common Council holds a public hearing on the appeal. After the hearing, the Council may reverse or modify HPC's decision by 2/3 vote. The Council must find that failure to grant the COA will preclude any and all reasonable use of the property or will cause serious hardship for the owner, provided that any self-created hardship shall not be a basis for reversal or modification of HPC's decision.	The Common Council committee holds a public hearing on the appeal at its next regularly-scheduled meeting. The Common Council may, by 2/3 vote, reverse or modify the decision of the HPC. The Council must find that failure to grant the COA will preclude any and all reasonable use of the property or will cause unreasonable economic hardship for the owner, provided that any self-created hardship or failure to maintain the property in good repair shall not be a basis for reversal or modification of HPC's decision. If claiming that denial of the COA causes unreasonable economic hardship, the applicant shall provide clear and convincing evidence that any hardship is not self-created or the result of failure to maintain the property in good repair, that there is no reasonable use of the property, that there is no reasonable way to adapt the property for alternative use, and that there has been no reasonable offer to purchase the property despite at least 2 years of ongoing substantial effort to sell the property. To support a claim of unreasonable economic hardship relating to any property other than an owner-occupied one- or 2-unit residential property, the applicant shall provide 6 types of information (purchase information, property value data, etc.) to the City clerk not less than 5 days prior to the public hearing.
For a COA to allow demolition, HPC may, within 30 days of its public hearing, defer action on the COA application for up to one year.	For a COA to allow demolition, HPC may, within 30 days of its public hearing, defer action on the COA application for up to 8 months from the date of application for the demolition permit.
HPC's deferral action may be appealed to the Common Council.	HPC's deferral action may be appealed to the Common Council by filing a written appeal with the City Clerk within 20 days of mailing of the notice of HPC's decision to defer.
	The Common Council committee conducts a public hearing on the appeal no later than its next regularly-scheduled meeting. Following the hearing, the Council shall sustain or reverse HPC's deferral action
	If the Council reverses HPC's deferral action, HPC shall grant, grant with conditions or deny the COA at its next regularly-scheduled meeting.
During the deferral period, HPC and the applicant shall undertake "serious and continuing" discussions to find a mutually agreeable method of saving the subject property, and the owner shall take whatever steps are necessary to prevent further deterioration of the building.	During the deferral period, HPC and the applicant shall seek a mutually-agreeable method of saving the subject structure or improvement, and the owner shall take whatever steps are necessary to prevent further deterioration of the structure or improvement.
At the end of the one-year period, HPC shall act on the suspended application by either granting or refusing to grant the COA.	By the end of the deferral period, the commission shall grant, grant with conditions or deny the COA.
	If HPC fails to take action by the end of the deferral period, the COA shall be deemed granted.