

Historic
Preservation

GLENDALE

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GUIDE

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Purpose

The purpose of this guide is to bring together City of Glendale, State of Arizona and National guidelines, criteria, grants and tax incentives pertaining to historic preservation into one reference guide. This information guide is a collection of many guides and forms from several different agencies and is intended for anyone who owns or is interested in historic buildings or neighborhoods in Glendale. This guide provides an overall view of the process needed to give a building or neighborhood historic status, what are proper methods to maintain a historic buildings integrity and what programs are potentially available to help defray some of the costs of preserving a historic building.



QUESTIONS FREQUENTLY ASKED REGARDING THE GLENDALE HISTORIC PRESERVATION PROGRAM

Q. WHAT IS HISTORIC PRESERVATION OVERLAY ZONING?

- A. Historic Preservation Overlay Zoning is an overlay zone creating a Historic Preservation District. Permitted uses and development standards are regulated by the underlying zoning district. These development standards may be superseded by design guidelines adopted at the time of the district designation.

Q. WHO CAN APPLY FOR HISTORIC PRESERVATION OVERLAY ZONING?

- A. Application for Historic Preservation Overlay Zoning may be made by the property owner, the Planning Commission, the City Council, or the Historic Preservation Commission.

Q. WHAT IS THE GLENDALE HISTORIC PROPERTY REGISTER?

- A. All properties and districts that have been zoned Historic Preservation (HP) are listed on the Glendale Historic Property Register.

Q. HOW DOES DESIGNATION ON THE GLENDALE HISTORIC PROPERTY REGISTER PROTECT HISTORIC PROPERTIES AND NEIGHBORHOODS?

- A. Once a district is designated, all demolitions occurring within its boundaries are reviewed. For historic properties that contribute to the significance of the historic district, demolition can be delayed for up to a year while the Historic Preservation Commission seeks alternatives to the demolition.

Changes to historic buildings also are reviewed to ensure that modifications are in keeping with the historic character of the area and building.

Q. WHY IS THERE A NEED FOR HISTORIC PRESERVATION ZONING?

A. Historic preservation zoning is a legal means for a municipality to preserve a building or area that its Historic Preservation Commission finds meets the criteria for historical and/or architectural significance. Prior to Historic Preservation Zoning many historically significant properties were lost. These properties were an important part of the cultural identity and soul of our community, and they are lost forever. Historic Preservation Zoning will facilitate the preservation of the remaining historic properties.

Q. WHY WOULD I WANT HISTORIC PRESERVATION ZONING ON MY PROPERTY?

A. The historic preservation designation will recognize the significance of your property or area and will prevent any needless demolitions or inappropriate additions to the designated properties. This will enhance the area in the future, thereby preserving property values and in many cases increasing them.

Q. WHAT KIND OF WORK IS SUBJECT TO THE REVIEW PROCESS?

A. Any **exterior** work which requires a building permit, such as remodeling, new construction, alterations, relocation of a building, or structure or demolitions.

Q. WHO DOES THE REVIEW?

A. The Historic Preservation Officer reviews the plans within 10 days of application. A decision should be made at that time unless more information is needed. A decision of the Historic Preservation Officer can be appealed to the Historic Preservation Commission. The Historic Preservation Commission is a 7 member panel appointed by the Mayor and City Council. Members are selected because of their special interest or experience in fields related to historic preservation.

Q. HOW WILL I KNOW WHAT TYPE OF WORK IS ACCEPTABLE OR APPROPRIATE?

- A. The Historic Preservation Commission has developed guidelines for the review of exterior work that are similar to the *Secretary of the Interior's Standards for Rehabilitation*, criteria used nationally in the review of historic preservation projects.

Planning Department staff will also work individually with property owners as they plan rehabilitation projects to provide information and explanatory materials that will assist the owner in preserving the historic character of the district and their building.

Q. WHEN THE REVIEW IS COMPLETED, WHAT HAPPENS?

The property owner could be issued one of the following:

A Certificate of No Effect, which means that the work can proceed and will have no impact on the historic character of the project. No public hearing is required for a Certificate of No Effect.

A Certificate of Appropriateness, which indicates the work is in keeping with the historic character and may be carried out. All Certificates of Appropriateness require a public hearing before the Historic Preservation Commission, which would be held within sixty days of application.

Q. WHAT IF A CERTIFICATE OF NO EFFECT IS NOT ISSUED?

- A. If the Historic Preservation Officer finds that the work is not in keeping with the historic preservation guidelines, the application for a building permit can be denied and would be scheduled for a hearing before the Historic Preservation Commission, who will either approve or disapprove a Certificate of Appropriateness. The decision of the Historic Preservation Commission can be appealed to the City Council.

Zoning Ordinance

Q. HOW LONG DOES THE REVIEW PROCEDURE TAKE?

- A. Plan review by the Historic Preservation Officer will be completed within 10 working days of filing an application. Unless further information is required, a decision should be made at this time. As stated above, any decision of the Historic Preservation Officer can be appealed to the Historic Preservation Commission, which meets monthly. Any decision of the Historic Preservation Commission can be appealed to the City Council. If you need to meet with them you will be placed on the next available agenda.

*Glendale Historic
Preservation Plan*

HISTORIC PRESERVATION PLAN

Introduction

The City of Glendale supports the preservation and enhancement of the City's significant historical, architectural, cultural and archaeological resources in the interest of the welfare of the citizens of Glendale. Historic preservation provides the community with a method for retaining links to its past, as well as a unique sense of character and identity. The benefits of preservation take the form of appropriate economic growth, tourism, neighborhood stabilization and enhanced quality of community life.

This plan is necessitated by previous losses of significant elements of the community's historical and cultural heritage. There is a compelling community need to stop the occurrence of similar losses in the future.

Objectives

The objectives of the City's Historic Preservation Plan are to:

- (1) protect, preserve and enhance the significant elements of the City's historical, architectural, cultural and archaeological heritage;
- (2) encourage the sensitive adaptation of historic properties to modern uses;
- (3) encourage the identification and recognition of significant historic resources;
- (4) assure that new construction, additions, alterations and demolitions to both historic and non-historic properties within Historic Preservation Districts are carried out in a manner which is not detrimental to the historic integrity of these districts;

- (5) encourage the identification and protection of prehistoric and historic archaeological resources;
- (6) protecting and preserving those properties within the City which may not have popular appeal, but are valuable to the community in terms of tourism, education, neighborhood character and identity and economic development;
- (7) preserving and enhancing the City's attractiveness to potential home buyers, tourists, businesses wanting to relocate and other visitors, thereby supporting and promoting commercial development and economic benefit to the City's economy; and
- (8) encouraging the stabilization, rehabilitation and conservation of the existing housing stock, including the prevention of needless demolition of structurally sound buildings, in order to strengthen the City's older neighborhoods.

Policies

1. Identify significant resources within the City by conducting Historic Property Surveys.

The basis of any historic preservation program is the Historic Property Survey. These surveys are designed to identify and evaluate a community's potential historical, architectural, archaeological or cultural resources. A survey provides written reports, photographs and maps of properties within survey areas. Based on data gathered in the course of survey work, properties can be evaluated as to their historic significance.

Historic Property Surveys not only provide a foundation for a historic preservation program, but also provide useful information for local land use and development planning. The presence of a Historic Properties Survey in the geographic area of a proposed undertaking provides a local jurisdiction with an effective method for assessing development impacts.

Zoning Ordinance

2. Participate in the Certified Local Government (CLG) Program.

The 1980 Amendments to the National Historic Preservation Act called for State Historic Preservation Officers (SHPOs) to facilitate a preservation partnership between state governments and the federal government by certifying local governments to identify, register, protect and treat historic properties. Administered by the National Parks Service, through the SHPO network, the CLG program provides special grants, recognition of local historic preservation expertise, technical assistance, training and participation in statewide preservation programs.

3. Adopt a Historic Preservation Ordinance which establishes Historic Preservation Overlay Zoning, the Glendale Historic Property Register and the Glendale Historic Preservation Commission.

The Historic Preservation Ordinance should provide for the creation of Historic Preservation (HP) overlay zoning. This overlay does not impact the underlying zoning of property, but provides assurances that the subdivision of land, new construction, additions, alterations and demolitions within areas of historic significance are carried out in a manner which is sensitive to the historic identity of the property.

The Historic Preservation Ordinance should also establish the Glendale Historic Preservation Commission. This Commission is comprised of citizen volunteers who are skilled in historic preservation matters. The Commission's principal charge is to make recommendations to the Planning Commission and City Council regarding historic preservation.

The Glendale Historic Property Register, also created through the Historic Preservation Ordinance, officially lists and recognizes all properties within the City of Glendale which have been designated as having historic significance to the community.

Glendale Zoning Ordinance
Selections related to Historic Preservation

Zoning Ordinance

3.104 Historic Preservation (HP) Commission:

A. Organization.

A Historic Preservation Commission is created and shall consist of seven (7) members who are residents of the city. The members shall serve for terms of two (2) years, except that members of the first Historic Preservation Commission shall serve as designated by the City Council for the following terms: four (4) members for two (2) years and three (3) members for one (1) year. Any vacancy shall be filled by the City Council within a reasonable time after the vacancy occurs, for the unexpired term. The members of the Historic Preservation Commission shall serve without compensation.

B. Qualifications.

Members of the Historic Preservation Commission shall be persons who have demonstrated special interest, knowledge or experience in historic preservation. At least five (5) members shall be selected from the following disciplines: architecture, history, architectural history, planning, archaeology, or related historic preservation disciplines, such as cultural geography or cultural anthropology.

C. Officers.

The City Council shall select a Chairman of the Historic Preservation Commission who shall serve as Chairman for a term of one (1) year, and who shall preside at all meetings and be the head of the Historic Preservation Commission. The City Council shall select for a one (1) year term, a Vice-Chairman to act in the absence of the Chairman. The Planning Director or designee shall act as Secretary to the Historic Preservation Commission, whose duties will be to record accurate minutes of the proceedings and any such other duties as may be assigned by the Historic Preservation Commission.

D. Purpose.

The Historic Preservation Commission shall work with the Planning Commission and City Council on matters of historic preservation; take the initiative in bringing people together on historic preservation issues; review proposed alterations to historic properties, historic districts and archaeological resources through the

Certificate of Appropriateness process; and develop, maintain and from time to time amend, a plan for historic preservation in the city. The Historic Preservation Commission shall survey historic properties including archaeological resources, recommend to the Planning Commission and City Council designations for Historic Preservation Districts, and establish guidelines for evaluation of historic properties, including archaeological resources; provide public information and education on preservation, coordinate resources and provide technical assistance, promote revitalization of the city through preservation, and make recommendations to the Planning Commission, City Council and citizens of the city regarding historic preservation. The HP Commission may also confer with other city, county, regional, state and national historic preservation boards and commissions. The HP Commission shall initiate plans for the restoration or rehabilitation of privately owned buildings and the preservation of archaeological resources. The HP Commission shall discourage, and work with City departments to prevent, unwanted demolition of historic buildings and structures and the destruction of archaeological resources.

E. Rules.

1. The Historic Preservation Commission shall adopt by-laws to establish rules of procedure for its governance consistent with provisions of this ordinance, laws of this State, and the City Charter.
2. A quorum consisting of four (4) members shall be present to do business. A concurring vote of the majority of the appointed members shall be required to approve or deny any motion on any public hearing item.
3. Historic Preservation Commission Members shall be subject to all applicable conflict of interest provisions of State law and the City Charter.

*3.105 Glendale
Historic Property
Register:*

The Glendale Historic Property Register is hereby established for the purpose of recording the historic sites, structures, buildings, objects and areas which exist in the City of Glendale and which are zoned Historic Preservation District.

The Planning Director or his designee shall serve as Historic Preservation Officer. The Historic Preservation Officer shall administer this ordinance and maintain the Glendale Historic Property Register.

Section 3.920

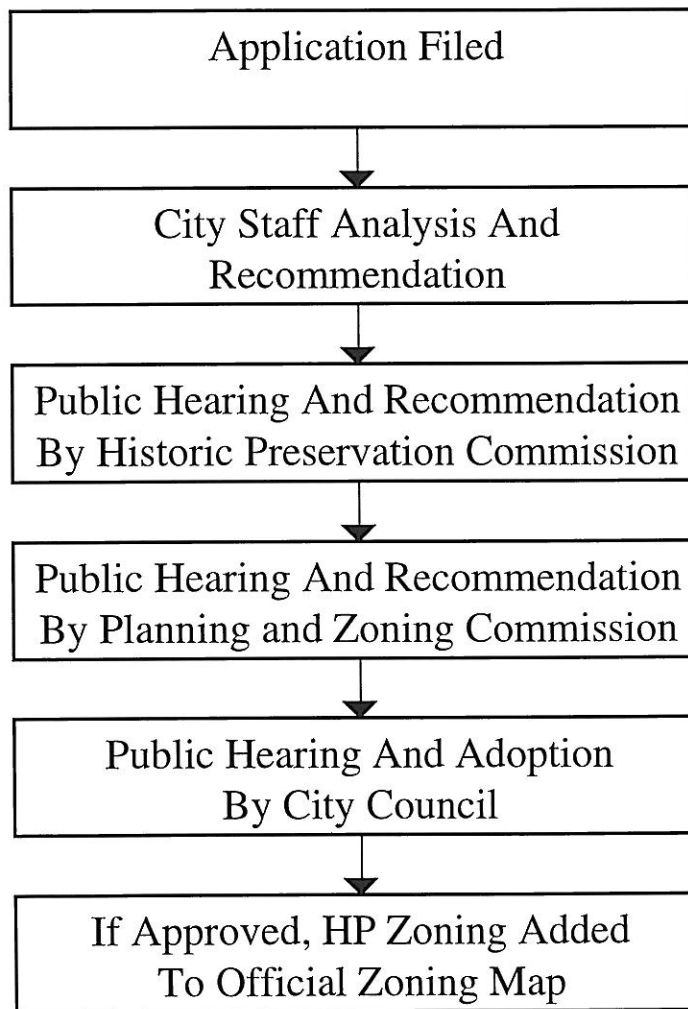
Establishing a Historic Preservation (HP) District.

- A. An application to establish Historic Preservation Districts shall be filed as provided by Section 3.800.
- B. The Historic Preservation Officer shall compile and transmit to the Historic Preservation Commission a report on the property in the application, including the location, condition, age, historical features, and other relevant features and information, with a recommendation to grant or to deny the application and the reasons for the recommendation.
- C. The Historic Preservation Commission shall set a date for public hearing on the application. Notice of the hearing shall be sent by first class mail to the property owner(s) and to the applicant at least fifteen (15) days prior to the hearing. The notice shall clearly state the implications of historic preservation zoning to the property owner(s). Notice of the hearing shall be posted fifteen (15) days prior to the hearing, on or near the property in one (1) or more locations so that the notice is visible to persons living or working in the neighborhood and to persons passing through the neighborhood. If the application to establish a Historic Preservation District is filed by someone other than the property owner(s), written notice shall be sent by first class mail to the property owner(s) within ten (10) days of application having been made.

*3.106 Historic
Preservation
(HP) Officer:*

- D. The Historic Preservation Commission shall evaluate each parcel of property within an area that is included in the application for a demonstrated quality of significance in local, regional, state or national history, architecture, archaeology, engineering or culture, and integrity of location, design, setting, materials, workmanship, feeling, and association according to the following criteria:
1. It is associated with events or persons that have made significant contribution to the broad patterns of Glendale's history; and/or
 2. It embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master or that possess high artistic values; and/or
 3. It has yielded or may be likely to yield information important in the understanding of the pre-history or history of the City of Glendale; and/or
 4. It is at least fifty (50) years old, or has achieved significance within the past fifty (50) years if the property is of exceptional importance.
- E. The Historic Preservation Commission shall, when applying the evaluation criteria in Paragraph D above, draw the boundaries of a Historic Preservation District as carefully as possible to ensure that:
1. The district contains documented historic, architectural or archaeological resources;
 2. The district boundaries coincide with documented historic boundaries such as early roadways, canals, subdivision plats, or property lines;
 3. The district boundaries coincide with logical physical or man-made features and reflect recognized neighborhood or area boundaries; and
 4. Other, non-historic resources or vacant land is included where necessary to create appropriate boundaries. Inclusion of these non-historic resources is important to ensure the maintenance of the historic streetscape and avoid insensitive construction and demolitions adjacent to contributing properties.

Procedure For Establishing A Historic Preservation Overlay Zoning



- F. The Historic Preservation Commission shall also review proposed exterior design guidelines for the district to ensure that distinctive features will be preserved and enhanced. The design guidelines shall address height, proportions, scale, materials, relationship of building masses and spaces, roof shape, and site improvements, such as landscaping, parking, and signage, as they relate to the identity of the Historic Preservation District. Exterior paint colors will not be included in these guidelines. These guidelines shall be adopted at the time of designation.
- G. Following the hearing, the Historic Preservation Commission shall transmit to the Planning Commission the HP Commission's decision, report, and recommendations.
- H. The process for establishing a Historic Preservation District shall then proceed in accordance with Section 3.800.
- I. The procedure to remove the Historic Preservation District designation from property shall be the same as that required to establish it.

*3.921 Temporary
Restraint of
Demolition:*

A process is established for the review of proposed demolitions of structures which are located in areas where an application for Historic Preservation District designation is under consideration.

- A. A demolition permit shall not be issued for any property under application for Historic Preservation District zoning unless first approved by the Historic Preservation Officer, the Historic Preservation Commission, or the City Council on appeal. This shall apply from the time the application is filed or initiated until final action is taken on the application by the City Council. This period shall not exceed one (1) year. Requests for demolition permits shall be referred to the Historic Preservation Officer.
- B. The Historic Preservation Officer may administratively grant approval if the subject building clearly is of minimal historic or architectural significance because of its location, condition, modifications, or other factors, and its demolition will be inconsequential to the historic preservation needs of the area.

Zoning Ordinance

- C. If the Historic Preservation Officer finds that the subject property does not clearly meet the conditions set forth in Subsection B of this section, the request for demolition shall be scheduled for public hearing before the Historic Preservation Commission to allow the Commission to determine if the factors allowing for demolition have been met and for consideration of economic hardship factors.
- D. The Historic Preservation Commission shall review the decision of the Historic Preservation Officer in light of the evidence presented at the hearing. At the hearing, the HP Commission shall either grant or deny the request. The request shall be granted only if the applicant demonstrates that:
 - 1. The building is of minimal historic or architectural significance because of its location, condition, modifications, or other factors, and its demolition will be inconsequential to the historic preservation needs of the area; or
 - 2. The denial of the demolition permit will result in an economic hardship to the property owner according to Section 6.405 of this ordinance.
- E. The Historic Preservation Commission shall conduct a public hearing within sixty (60) days of the date of the formal request for a demolition permit. Notice of the application shall be posted on the property at least fifteen (15) days before the hearing. The request shall be deemed approved if the initial hearing by the HP Commission is not held within the required sixty (60) days or if the HP Commission has not made a final decision within one hundred eighty (180) days of the formal request for a demolition permit.
- F. The Historic Preservation Commission's decision shall be final unless appealed by either the applicant or any aggrieved person within seven (7) working days of the action. If appealed, the matter shall be set for a public hearing before the City Council at their next available meeting. Notice of the hearing shall be posted on the property fifteen (15) days prior to the hearing. The City Council shall limit its review of the case to the record of the HP Commission; as established by the staff report, any exhibits, minutes and/or transcripts, and any audio/visual tape of the proceedings. New testimony will not be accepted for consideration; however, each side may make a limited presentation on the evidence in the record of the HP Commission. Such presentation shall be limited to a maximum of five (5) minutes per side unless greater time is granted by the Mayor. Except as otherwise provided herein, City Council members who review written communications or engage

in verbal communications which are not part of the HP Commission's record shall disclose any such communications during the appeal public hearing. City Council must make its decision within sixty (60) days of the filing of an appeal or the application is deemed approved. At this public hearing, the City Council may do one (1) of the following:

1. Affirm the decision of the Historic Preservation Commission;
 2. Reverse the decision of the Historic Preservation Commission; or
 3. Remand the application to the Historic Preservation Commission for reconsideration.
- G. In the event demolition approval is denied, no permit for demolition shall be issued for one (1) year from the date of the Historic Preservation Commission's initial hearing on the subject property unless a subsequent demolition approval has been requested and granted. If Historic Preservation District zoning has not been placed on the property at the time of expiration of the one (1) year, the Historic Preservation Officer shall grant demolition approval.
- H. At the time of adoption of Historic Preservation District zoning, the temporary restraint of demolition and any stays of demolition in effect shall expire. Demolition at that time shall be regulated by Section 6.406 of this ordinance.
- I. Demolition approval may be conditioned on stipulations which provide for rights of access to the property for the purposes of documentation or for agreed upon removal of artifacts.
- J. A request for a demolition permit shall be exempt from these requirements if the Building Safety Director determines, and the Historic Preservation Officer has been notified in writing, that the building currently is an imminent hazard to the public safety and that necessary repairs would be impractical.

Section 6.400

HP - Historic Preservation.

The purpose of this ordinance is to support the identification, preservation, and enhancement of the city's significant historical, architectural, cultural, and archaeological resources in the interest of the welfare of the citizens of Glendale by:

- A. Protecting, preserving, and enhancing the significant elements of the city's historical, architectural, cultural, and archaeological heritage;
- B. Encouraging the identification and recognition of significant historic resources;
- C. Encouraging the sensitive adaptation of historic properties to modern uses;
- D. Assuring that new construction, additions, alterations, and demolitions to both historic and non-historic properties within Historic Preservation Districts are carried out in a manner which is not detrimental to the historic integrity of these districts;
- E. Encouraging the identification and protection of prehistoric and historic archaeological resources;
- F. Protecting and preserving those properties within the city which may not have popular appeal, but are valuable to the community in terms of tourism, education, neighborhood character and identity, and economic development;
- G. Preserving and enhancing the city's attractiveness to potential home buyers, tourists, businesses wanting to relocate, and other visitors, thereby supporting and promoting commercial development and economic benefit to the city's economy; and

6.401 Purpose:

*6.402 Effect of
Historic Preservation
(HP) Zoning
Designation:*

- H. Encouraging the stabilization, rehabilitation, and conservation of the existing housing stock, including the prevention of needless demolition of structurally sound buildings in order to strengthen the city's neighborhoods.

- A. The Historic Preservation District is an overlay zone. Permitted uses and development standards shall be regulated by the underlying zoning district.

- B. The development standards for the underlying zoning district may be superseded by the design guidelines adopted at the time of the district designation. This includes, but is not limited to, the size, height, locations and number of signs, the location of off-street parking, required screening and landscaping, the height of fences and walls, and the number of required off-street parking and loading spaces.

- C. When a building permit is sought from the City to demolish, alter, remodel, move, build, or otherwise develop or landscape property in a Historic Preservation District, issuance of the permit shall be deferred until after a Certificate of No Effect is issued by the Historic Preservation Officer or a Certificate of Appropriateness is obtained from the Historic Preservation Commission.

- D. Plans showing the scope of the proposed work shall be submitted at the time of application for a Certificate of No Effect or a Certificate of Appropriateness. An approved plan shall be binding upon the applicant and their successors and assignees. No building permit shall be issued for any building or structure not in accordance with the plan, except that temporary facilities shall be permitted in conjunction with construction. No structure or other element specified on the plan shall be eliminated, altered, or provided in another manner, unless an amendment is approved in conjunction with the procedures for original approval.

- E. Nothing in this ordinance shall be construed to prevent ordinary maintenance or repair, including painting, of any structure in the Historic Preservation District, which does not alter or modify the historic character of the structure.

zoning Ordinance

- A. All requests for building permits located within a Historic Preservation District shall be referred to the Historic Preservation Officer.
- B. The Historic Preservation Officer shall issue a Certificate of No Effect if it is determined that:
 - 1. The proposed work is minor and clearly within design guidelines adopted at the time of Historic Preservation District designation; and
 - 2. The proposed work will not diminish, eliminate, or adversely impact the historic character of the subject property or its affect on the district.
- C. Approval of a Certificate of No Effect authorizes the issuance of permits required by the City Building Codes.
- D. If a Certificate of No Effect is not issued, a Certificate of Appropriateness shall be required.

6.403 Certificate of No Effect:

- A. The Historic Preservation Commission shall review the application and shall conduct a public hearing within sixty (60) days of the filing of an application for a building permit. Notice of the application shall be posted on the property at least fifteen (15) days before the date set for the public hearing. The HP Commission shall either grant or deny the application, or grant it with stipulations. This application shall be deemed approved if the initial hearing is not held within sixty (60) days of the date of application.
- B. The Historic Preservation Commission shall evaluate all proposals in accordance with the Secretary of the Interior's Standards for Rehabilitation and the adopted design guidelines for the district. A Certificate of Appropriateness shall be granted if the HP Commission determines that the proposed work:
 - 1. Is compatible with the relevant historic, cultural, educational, or architectural qualities characteristic of the property; and
 - 2. Does not diminish or adversely impact the integrity of the district; or
 - 3. Qualifies for a Certificate of Economic Hardship.

6.404 Certificate of Appropriateness:

- C. Any person aggrieved by the Historic Preservation Commission's decision may, within seven (7) working days of this action appeal to the City Council. If appealed, the matter shall be set for a public hearing before the City Council. Notice of the hearing shall be sent to the applicant at least fifteen (15) days prior to the hearing and shall be posted on the property fifteen (15) days prior to the hearing.

- D. The City Council shall limit its review of the case to the record of the Historic Preservation Commission, as established by the staff report, any exhibits, minutes and/or transcripts, and any audio/visual tape of the proceedings. New testimony will not be accepted for consideration, however, each side may make a limited presentation on the evidence in the record of the HP Commission. Such presentation shall be limited to a maximum of five (5) minutes per side unless greater time is granted by the Mayor. The City Council will conduct its review in accordance with the evaluation criteria established by Subsection B of this section. Except as otherwise provided herein, City Council members who review written communications or engage in verbal communications which are not part of the HP Commission's record shall disclose any such communications during the appeal public hearing. City Council must make its decision within sixty (60) days of the filing of an appeal or the application is deemed approved. At this public hearing, the City Council may do one (1) of the following:
 - 1. Affirm the decision of the Historic Preservation Commission;
 - 2. Reverse the decision of the Historic Preservation Commission; or
 - 3. Remand the application to the Historic Preservation Commission for reconsideration.

- E. Approval of a Certificate of Appropriateness authorizes the issuance of permits required by the City's Building Code. A Certificate of Appropriateness expires one (1) year from the date of issuance.

Zoning Ordinance

- A. A Certificate of Economic Hardship may be granted by the Historic Preservation Commission or by the City Council on appeal. Separate standards for obtaining a Certificate of Economic Hardship are established for investment or income producing and non-income producing properties. Non-income producing properties shall consist of owner occupied single-family dwellings and non-income producing institutional properties.
- B. The basis to establish economic hardship for an income producing property shall be the inability of a property taken as a whole to obtain a reasonable rate of return in its present condition or if rehabilitated.
- C. Economic hardship in regard to a non-income producing property shall be found when the property owner demonstrates that the property has no beneficial use as a single-family dwelling or for an institutional use in its present condition or if rehabilitated.
- D. Demonstration of an economic hardship shall not be based on or include any of the following circumstances:
 - 1. Willful or negligent acts by the owner;
 - 2. Purchase of the property for substantially more than market value;
 - 3. Failure to perform normal maintenance and repairs;
 - 4. Failure to diligently solicit and retain tenants;
 - 5. Failure to provide normal tenant improvements.
- E. Demonstration of an economic hardship may be viewed in light of or include the ability and diligence of the property owner at the time of acquisition, to determine the potential historic significance or existing Historic Preservation District designation of the subject property.

6.405 Certificate of Economic Hardship:

- F. In order to properly assess a request for Certificate of Economic Hardship, the Commission shall request and receive from the applicant all information it deems necessary. This may include, but is not limited to, the following:
1. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the building(s) on the property, their suitability for rehabilitation, and possible new uses for the property;
 2. The assessed value of the land and improvements according to the two (2) most recent assessments;
 3. The real estate taxes paid during the previous two (2) years;
 4. All appraisals obtained by the owner or applicant in connection with his purchase, financing, or ownership of the property;
 5. Any listing of the property for sale or rent, price asked and offers received, if any;
 6. All building and fire code violations which have been listed on the property for the last two (2) years;
 7. Any federal, state, or local citation(s) which have determined the building to be a nuisance under applicable law; and
 8. If the property is income-producing;
 - a. Annual gross income from the property for the previous two (2) years;
 - b. Itemized operating and maintenance expenses for the previous two (2) years; and
 - c. Annual cash flow, if any, for the previous two (2) years.
- G. The procedures for obtaining a Certificate of Economic Hardship shall be the same for obtaining a Certificate of Appropriateness.
- H. If a Certificate of Economic Hardship is issued, a Certificate of Appropriateness shall be granted.

Zoning Ordinance

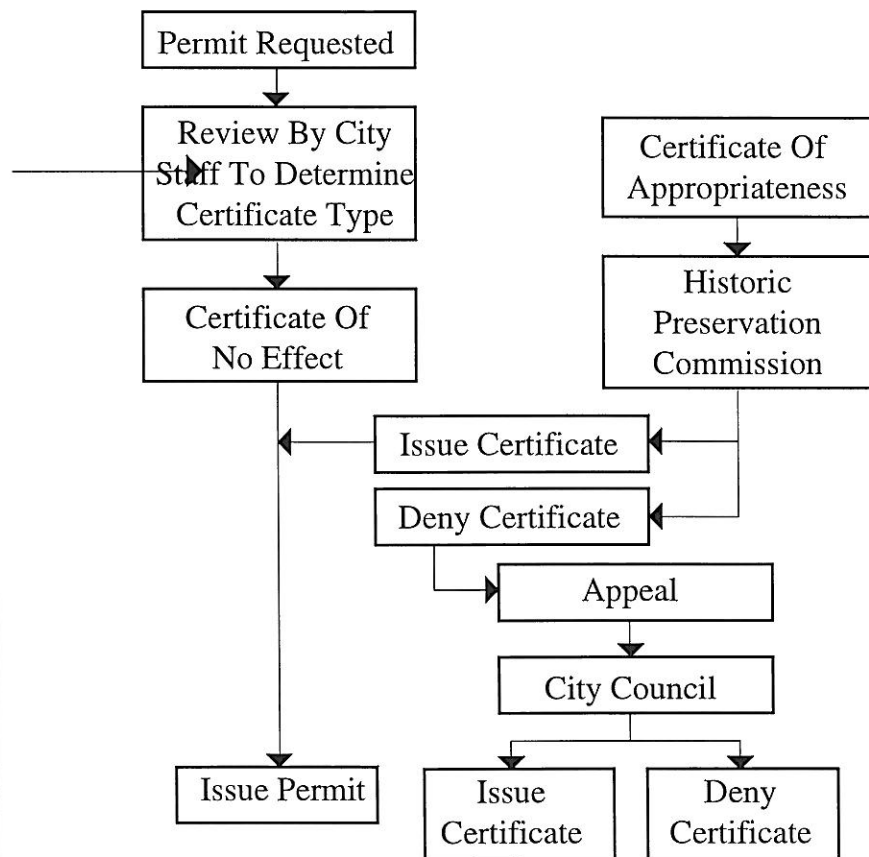
It is the intent of this ordinance to preserve the historic and architectural resources within Historic Preservation Districts. However, it is recognized that there can be circumstances beyond the control of a property owner which may result in the necessary demolition of a structure within an Historic Preservation District. These circumstances include a building which constitutes an imminent safety hazard, which involves a resource whose loss does not diminish or adversely effect the integrity of the district, or which imposes an economic hardship on its owners.

- A. No permit shall be issued to move or demolish all or any part of a house, building, or other structure in a Historic Preservation District without approval of a Certificate of Appropriateness as established in Section 6.404 of this ordinance.
- B. A request for a demolition permit shall be exempt from these requirements if the Building Safety Director determines, according to the criteria set forth in the Uniform Code for the Abatement of Dangerous Buildings, that the building is an imminent safety hazard to the public and that necessary repairs would be impractical. The Building Safety Director shall first notify the Historic Preservation Officer in writing before issuing the demolition permit.
- C. If demolition approval is not granted, then no demolition permit shall be issued for a period of one (1) year, unless a subsequent demolition approval has been requested and granted. A subsequent demolition application may be made and granted for a property which has previously been the subject of a one (1) year demolition permit denial if new facts or circumstances can be presented in support of the application.
- D. Upon denial of a demolition approval, the Historic Preservation Officer shall contact the property owner to determine what assistance might be available to place the property into productive use. If a feasible rehabilitation or use is not found for the property, the Historic Preservation Officer shall investigate methods of private or public acquisition of the property.

6.406 Demolition and Moving of Buildings and Structures:

- E. If demolition approval is granted on any basis other than that of an imminent hazard, economic hardship, or upon expiration of a restraint of demolition, a demolition permit shall not be issued until a redevelopment or reuse plan for the property has received a Certificate of Appropriateness. Vacant land or non-use shall not be considered responsive to this requirement. A redevelopment or reuse plan shall consist of a site plan illustrating building locations, parking, walls, and landscaping, as well as elevations showing roof lines, doors, windows, and other architectural details. A redevelopment or reuse plan shall also meet the requirements of Design Plan Review as required by the underlying zoning district.
- F. A demolition approval may be conditioned on stipulations which provide for rights of access to the property for the purposes of documentation or for agreed upon removal of artifacts.

**Review Procedure for Additions,
Alterations and Demolitions**



Arizona State Parks
State Historic Preservation Office



The State Historic Preservation Office (SHPO), a division of Arizona State Parks, is responsible for the identification, evaluation and protection of Arizona's prehistoric and historic cultural resources. The SHPO staff represents various areas of expertise, including history, prehistoric and historic archaeology, historical architecture, and grants management. The programs and services provided by this staff are diverse and meet a range of needs within the public and private sectors of Arizona.

THE NATIONAL REGISTER OF HISTORIC PLACES

The National Register of Historic Places was established by the National Historic Preservation Act of 1966, as amended in 1980. It is the Nation's official listing of prehistoric and historic properties worthy of preservation. It affords recognition and protection for districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture. This significance can be at the local, state, or national level. The National Register serves both as a planning tool and as a means of identifying buildings, sites, and districts that are of special significance to a community and worthy of preservation.

Established in 1966 by the National Historic Preservation Act, the National Register of Historic Places is the nation's official list of properties considered worthy of preservation. In addition to major sites of national significance, such as San Xavier del Bac near Tucson, the National Register recognizes the importance of archaeological and historical sites, buildings, districts, structures and objects of local and state historical significance as well.

The Arizona Historic Sites Review Committee, comprised of citizens knowledgeable in Arizona history, archaeology and architecture, assists the SHPO in nominating properties to the National Register. The criteria and procedures for evaluating properties and having them listed, as well as information on the economic benefits of listing properties on the National Register are available from the SHPO.



WHAT THE NATIONAL REGISTER DOES

Listing of a building, site, or district affords it a certain prestige which can enhance the value of the property and raise community awareness and pride.

Income-producing (depreciable) properties which are listed in the National Register may be aided by the tax incentive provisions of the Tax Reform Act of 1976 and Economic Recovery Act of 1981 which encourage rehabilitation and discourage demolition.

In Arizona the Arizona State Historic Preservation Act of 1982 authorizes a reduction in property tax assessment for non-income-producing properties listed on the National Register. There is also a property tax incentive program for rehabilitations of listed income-producing properties.

Listing in the National Register provides a measure of protection from demolition or other negative effects by federally funded or licensed projects through comment by the Advisory Council on Historic Preservation as stated in Section 106 of the National Historic Preservation Act of 1966 and Executive Order 11593. A stewardship and management program of state owned properties outlined in the Arizona State Historic Preservation Act of 1982 has established a similar review process for state agencies. This review procedure is part of the planning process for all federal and state assisted projects.

WHAT THE NATIONAL REGISTER DOES NOT DO

It does not prevent the owner of a listed property from remodeling, repairing, altering, selling, or even demolishing a building listed in the National Register with other than federal or state funds. It also does not obligate an owner to make any repairs or improvements to the property. Owners of income-producing (depreciable) property may not be able to deduct the cost of demolition.

It does not prevent the use of city or private funds for demolition or other adverse effects to a property on the National Register.

It does not provide assurance that a federal or state project cannot adversely affect a listed property under any circumstance. It only assures a federal/state-level review of all federal/state funded or licensed projects which may have an adverse effect.

For further information on what it means to be listed on the National Register of Historic Places and about historic preservation programs, call the State Historic Preservation Office at (602) 542-4009.



NATIONAL REGISTER ELIGIBILITY CRITERIA

1. Is the property significant in American History, Architecture, Archaeology or Culture?
2. Does the property possess integrity of location, design, setting, materials, workmanship, feeling and association?
3. Is the property associated with events that have made a contribution to the broad patterns of history?
4. Is the property associated with the lives of persons significant in the past?
5. Does the property embody distinctive characteristics of type, period, or method of construction?
6. Does the property represent the work of a master, or does it possess high artistic value?
7. Has the property helped or may it be likely to help in the discovery of information important to prehistory or history?
8. In the case of multiple resource thematic group nominations, is the historic, architectural, or cultural value of the total greater than the value of the individual elements?



THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- (6) Deteriorated historic 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 design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.



- (8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (10) 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.

For more information on the interpretation or application of the Secretary's Standards to historic properties please contact the State Historic Preservation Office (SHPO), 1300 West Washington, Phoenix, Arizona 85007 (602) 542-4009.



INCENTIVES FOR HISTORIC PROPERTIES

- **State Tax Program**
- **Federal Tax Program**
- **Grant Program**

There are State and Federal tax incentives and grant programs which can be applied to your property if you are listed on, or in the case of grants, eligible for the National Register of Historic Places. An explanation of these tax incentives and grants are included. If you need further information or have any questions, you may contact the City Planning Department or the State Historic Preservation Office.



STATE PROPERTY TAX RECLASSIFICATION PROGRAM FOR HISTORIC PROPERTIES

Information for Owners of Historic Commercial Properties

The State Property Tax Reclassification (SPT) Program is designed as an aid to those working to rehabilitate historic commercial or industrial properties. The program offers participants a substantial reduction in their annual state property taxes. To receive the tax reduction, the property owner enters into a ten year agreement in which the property is rehabilitated and maintained according to *The Secretary of the Interior's Standards*.

Under this program the temporary property tax classification set by the county assessor does not necessarily change the current base assessment, but those modifications intended to restore or rehabilitate the property are assessed at a greatly reduced rate (*one percent* of the full cash value) for property tax purposes.

The SPT program is co-managed by the State Historic Preservation Office (SHPO), which determines program eligibility, and Arizona's county assessor's offices, which enact the tax classification changes, and manage all issues of taxation.

What is an eligible property?

A property is eligible for tax reclassification if it is listed in the National Register of Historic Places either individually or as a contributing element to a historic district. The property must also meet certain minimum maintenance standards established by the State Parks Board. To verify the eligibility of a property, contact the SHPO.



What are the application requirements?

Program applications can be obtained from the county assessor's office or the SHPO. Completed applications must be returned to the county assessor's office along with two 5" x 7" photos showing a front and three-quarter view of the property. The applicant will receive a copy of their certified application within six weeks, but the tax reduction will not take effect until January of the year following the year in which the application is received.

What are the responsibilities of the property owner?

The owner of a SPT certified property shall maintain the property so as to preserve the historical integrity of the features, materials, appearance, workmanship, and environment of the property. All rehabilitative work must conform to *The Secretary of the Interior's Standards for Rehabilitation* and such work must be presented for SHPO review prior to implementation.

In addition, the property owner is required to submit annually to the SHPO:

- 1) a statement (furnished by the SHPO), that the property has been operated and maintained according to program guidelines, and;
- 2) an accounting of the costs of all rehabilitation work completed during that year. Once approved, the cost figure will be forwarded to the county assessor.

One may be disqualified from the program if any of the above responsibilities as a property owner are not met. Disqualified properties may be subject to a tax penalty levied by the county assessor. In the event of pending disqualification, a property owner will receive notice (via certified mail) and given reasonable time to respond.

The SPT program is governed by A.R.S. SS 42-161 to SS 42-166, and SS 42-227. It is operated according to rules established in the Arizona Administrative Code (R12-8-301 to R12-8-305).

If you have any questions, or would like to request an application form or additional information, please contact your county assessors office or the State Historic Preservation Office (SHPO), Arizona State Parks, 1300 West Washington, Phoenix, Arizona 85007 (602) 542-4009.



STATE PROPERTY TAX RECLASSIFICATION PROGRAM FOR HISTORIC PROPERTIES

Information for Owners of Historic Residential and non-income producing property

The State Property Tax Reclassification (SPT) Program offers participants a substantial reduction in their annual state property taxes. The tax reduction is designed as an aid to owners of historic properties who are working to preserve the integrity and significance of our historic resources. To receive the tax reduction, the property owner enters into a fifteen year agreement in which the property is maintained according to *The Secretary of the Interior's Standards*.

The SPT program is co-managed by the State Historic Preservation Office (SHPO), which determines program eligibility, and Arizona's county assessor's offices, which enact the tax classification changes, and manage all issues of taxation.

What is an eligible property?

A property is eligible for tax reclassification if it is listed in the National Register of Historic Places either individually or as a contributing element to a historic district. The property must also be maintained according to minimum standards established by the State Parks Board, and used wholly for non-income producing purposes. To verify the eligibility of a property, contact the SHPO.

What are the application requirements?

Program applications can be obtained from the county assessor's office or the SHPO. Completed applications are to be returned to the county assessor's office along with two 5" x 7" photos showing a front and three-quarter view of the property. The applicant will receive a copy of their certified application within six weeks, but the tax reduction will not take effect until January of the year following the year in which the application is received.



What are the responsibilities of the property owner?

The owner of a SPT certified property shall maintain the property, so as to preserve the historical integrity of the features, materials, appearance, workmanship, and environment of the property. Ordinarily, this is limited to what can be seen from the street. If an owner plans to do any work on the property that may impact its historic integrity, the SHPO must be contacted for comment prior to project implementation. All such projects are reviewed for approval according to a set of national guidelines called the *Secretary of the Interior's Standards for Rehabilitation*. Property owners are encouraged to contact the SHPO for consultation while their project is still in the planning stages.

In addition, property owners are currently required to submit, annually, to the SHPO a form (furnished by the SHPO) stating that the property has been operated and maintained according program guidelines. This annual report also requires submittal of two recent photographs of the property for SHPO review.

One may be disqualified from the program if any of the above responsibilities as a property owner are not met. Disqualified properties may be subject to a tax penalty levied by the county assessor. In the event of pending disqualification, a property owner will receive notice (via certified mail) and given reasonable time to respond.

The SPT program is governed by A.R.S. SS 42-161 to SS 42-166, and SS 42-227. It is operated according to rules established in the Arizona Administrative Code (R12-8-301 to R12-8-305).

If you have any questions, or would like to request an application form or additional information please contact your county assessors office or the State Historic Preservation Office (SHPO), Arizona State Parks, 1300 West Washington, Phoenix, Arizona 85007 (602) 542-4009.



THE FEDERAL INVESTMENT TAX CREDIT PROGRAM

Information for owners of historic commercial properties

The Federal Investment Tax Credit program permits owners and some lessees of historic buildings to take a 20% income tax credit on the cost of rehabilitating such buildings for industrial, commercial, or rental residential purposes. This program also permits depreciation of such improvements over 27.5 years for a rental residential property and over 31.5 years for non-residential property. The rehabilitated building must be a certified historic structure that is subject to depreciation, and the rehabilitation must be certified as meeting standards established by the National Park Service (NPS).

What is a Certified Historic Structure?

A certified historic structure is; -- a structure individually listed in the National Register of Historic Places, OR: -- a structure certified by NPS as contributing to a registered district. A registered district is one that is listed in the National Register, or designated under a state or local statute which has been certified to contain criteria which will substantially achieve the purpose of preserving and rehabilitating buildings of significance to the district, and which is certified as substantially meeting all of the requirements for listing of districts in the National Register.

What is a Certified Rehabilitation?

A certified rehabilitation is one deemed by NPS as being consistent with the historic character of the property and, where applicable, the district in which it is located. All certified work will conform to The Secretary of the Interior's Standards for Rehabilitation.



How is a Building Rehabilitation Certified?

NPS requires that owners complete a special form, the Historic Preservation Certification Application (Form 10-168), for all certification requests. The form is divided into three parts: Part 1 for evaluating the historic significance of a building; Part 2 for describing rehabilitation work, and a third part requesting certification of completed work.

Applications are submitted to, and reviewed by, the State Historic Preservation Officer (SHPO) before submission to NPS, which makes the final certification decision after considering the SHPO's recommendations.

For proposed rehabilitation as described in Part 2 of the application form, NPS will issue preliminary approval of the work that, as described, meets the Secretary of Interior's Standards. The preliminary approval becomes final when the work is completed and NPS can certify that the Standards have, in fact, been met.

Is there a fee for Certification?

NPS charges a fee for reviewing certification requests, based on the cost of rehabilitation.



GRANT PROGRAMS

ARIZONA HERITAGE FUND

In November 1990, the citizens of Arizona approved a ballot initiative, ARS 41,503 establishing Arizona State Parks Board (ASPB) Heritage Fund. This law makes \$20 million available from the proceeds of the Arizona Lottery to Arizona communities for cultural and recreational activities — \$10 million is allocated to the Arizona Game & Fish Department and \$10 million to Arizona State Parks. The annual allocation for the historic preservation component of the Arizona Heritage Fund is \$1.0 million. This grant program is administered by the ASPB staff through the State Historic Preservation Office (SHPO).

FEDERAL HISTORIC PRESERVATION FUND

The Federal Historic Preservation Fund was established by the National Historic Preservation Act of 1966. The Fund is appropriated annually by Congress to the National Park Service and then apportioned by the Park Service to the states. Funds are used to provide administrative support to the program and to award grants to private and public groups.

SHPO also administers the Historic Preservation Fund (HPF). The annual allocation for this federal grant program is approximately \$55,000 and is allocated to Certified Local Governments (CLGs). CLGs are local governments which have established a preservation commission whose purpose and goal is to preserve historic resources according to the Secretary of Interior's Standards.

ELIGIBILITY

To qualify for grant funds, historic resources must be either listed in the Arizona or National Register of Historic Places, or must be determined eligible by SHPO to be listed in the Arizona Register. This means that the resources meet certain criteria of age, integrity and significance.

