

# HNP Opening Comments

- Bon Park-Bonnyville
- Country Club Homeowners Association
- Historic Preservation Alliance
- Mesa Springs Neighborhood Association
- Middle Shooks Run Neighborhood Association
- Near North End Neighborhood Association
- Old North End Neighborhood
- Pleasant Valley Neighborhood Association
- Rawles Open Space Neighborhood
- Skyway Association

# HNP Opening Comments

**Who we are:** Older, established neighborhoods; 50+ years old; most with no legal covenants; 15 neighborhoods participating; 8 board members; volunteers

**Our mission:** Preserve historic nature, unique character, and quality of life

**Grateful:** Appreciate City's work on Retool. Thankful for increasing time on notifications, retaining City Council in appeals process, and establishing a "character/standards overlay"

**We all have shared values, e.g., PlanCOS:**

- **Vibrant neighborhoods:** Neighborhoods are building blocks of a great city
- **Unique places:** Special places have unique attributes; value preservation
- **Renowned culture:** Preserve historic design and appearance; integrate design features that celebrate historic legacy
- We feel such values are **not** sufficiently emphasized in current Retool draft

**Retool process with the public:**

- Appreciate 74 public meetings
- In 2022, little to no communications until recently; appreciate recent dialog
- Retool is a **large** and **complex** change with new language not seen before in this latest draft. As a result, HNP has a list of concerns and still a lot to work through with you

# HNP Opening Comments

**Changes:** City Planning has delivered proposed changes

**Concerns/recommendations:** HNP is showing consequences of those changes

**HNP focus:** Eight areas of concern; one potential problem:

1. Preserving neighborhoods
2. Focus in Development Plan Reviews
3. Specifics in new overlay: Area Design Standards Overlay
4. Changes in Development Standards
5. Merging Office Residential (OR) into MX-N
6. Changes to Historic Preservation Overlay Zone and Processes
7. New appeals process
8. Parking/TOD eliminations and incentives
9. Regulating murals

# HNP – Preserving Neighborhoods

**Code section:** 7.1.103 Purpose

**Code language:** References to the importance of neighborhoods and the need to protect/preserve them and property values has been removed from the purpose statement.

**Concerns/impact:**

- Existing zoning code (section 7.2.102 Intent and Purpose of Zoning Code) states: “It is the intent and purpose of the zoning Code to protect property values, to preserve neighborhoods....”
- Consolidated Draft of Retool (October 2021) retained provisions in purpose statement. Final draft (August 2022) removed provisions.
- Given that neighborhoods are the foundation of any city, protecting them and preserving property values are a key purpose and function of the City’s zoning code. As PlanCOS states, “Neighborhoods are fundamental to our city’s identity and development. Each of us deserves a great neighborhood....”

**Recommendation:**

- Add to the list of purposes of the UDC the following:
  - Preserve residential neighborhoods
  - Protect property values

# HNP – Preserving Neighborhoods – Safety

**Code section:** 7.3.2-A Base and NNA-O District Use Table

**Code language:** Permitted and conditional use of Fuel Dispensing Stations in identified Zone Districts

**Concerns/impact:**

- Due to health concerns arising from gas tank vent emissions, new fuel dispensing stations (gas stations) should not be permitted within a stipulated distance of residences or buildings where people congregate.

**Recommendation:**

- Safety-separation distances be established between new fuel dispensing stations (gas stations) and residential areas and buildings/places where people congregate (to include, but not limited to parks, churches, hospitals, schools, or other places of public assembly).
- The HNP supports the Ivywild Improvement Society in their request to the City on safety-separation distances.

# Critical Tools in the UDC

There are **two critical tools** in the UDC to protect, preserve, and enhance residential neighborhoods:

- Development Plan Review requirements
  - ❑ Finding of compatibility with surrounding properties
- Overlay zone
  - ❑ Allowing neighborhoods to establish development standards necessary to protect their character in the Area Design Standards-Overlay (ADS-O)

# Two Examples of Why We Need Tools to Protect Our Neighborhoods

- **Mesa Road Corridor Area** [Cordera Street to 19<sup>th</sup> Street, west of Uintah on the west side]
- The Mesa Road Corridor is a unique residential area on the mesa, which is **rural in character and zoned RE**, with the following characteristics:
  - **Large lots** (over 1 acre, average 1.5 acres);
  - Single-family houses **set back 100 feet** from Mesa Road;
  - **Set 50 feet from adjoining houses**;
  - **Low profile**, generally of **earth tones**, built of **fire-resistant materials** such as stucco, with **native landscaping** that blends into the environment;
  - A **nature trail**, instead of sidewalks, gutters, or streetlights; and
  - Unobstructed view corridors of Pikes Peak and the Front Range.
- **These characteristics are not protected by the R-Estate zoning code.**
  - The R-Estate zone is the least dense residential zone in zoning code that
    - allows **lots of 20,000 sf** (less than half-acre),
    - **set back 25 feet** from Mesa Road,
    - **spaced 15 feet apart**
    - **with heights of 35 feet**
    - requiring sidewalks, gutters, and streetlights.

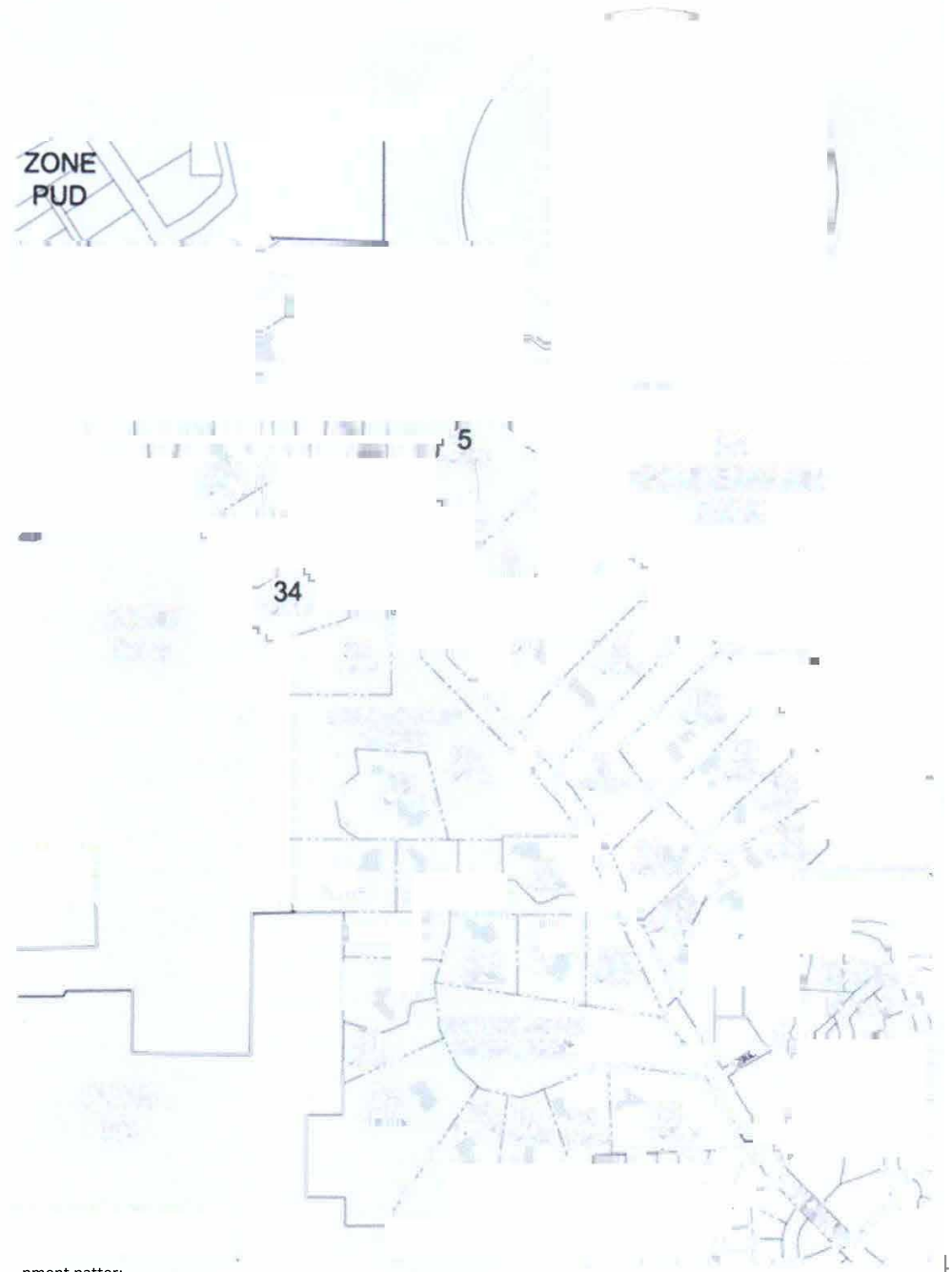
# Older, Established Neighborhoods

Bon, Middle Shooks Run, Divine Redeemer, Patty Jewett, Country Club, Near North End, the Old North End, Ivywild, Skyway Park, Pleasant Valley, Mesa Springs, Friendship Crescent, Mill Street, Cheyenne Canon, and the West Side.

- Long-standing neighborhoods with well-established identities
- Identifiable development patterns of setbacks, heights, density, and maximum lot coverage.



# Area Design Standards Overlay



# Development Plan Review

**Code section:** 7.5.302 Development Plan, C

**Code language:** Development Plan Review may indicate that the most appropriate land use development is one that is less intensive than the maximum allowed by the zone district and that the most appropriate site design is one that requires greater than the applicable minimum standards.

## **Concerns/impact:**

- A goal of UDC in implementing the visions of Vibrant Neighborhoods and Unique Places is to preserve and protect development patterns and unique character.
- UDC draft is too narrow to address the impact of the proposed development on the surrounding properties and neighborhood.

## **Recommendation:**

- Expand language for scope and areas of review.
- Expand review of impacts: intensity of use; adverse effects on public health, safety, and welfare; site design on the surrounding properties, neighborhood, schools, parks, road systems; and existing and planned infrastructure.
- Evaluate against all the circumstances weighing upon this individual case.
- Base approval on zone district compliance, consistency with UDC, and compatibility.

## **Recommended language for 7.5.302, C. Use a more complete description of development standards:**

“7.5.302. C. All combinations of permitted uses and development standards in a zoning district may not be appropriate at a particular location. It is necessary to require a development plan in order to review the specific impacts, including intensity of use and adverse effects on public health, safety, and welfare of the proposed land use and site design on the surrounding properties, neighborhood, schools, parks, road systems, and existing and planned infrastructure. The proposed Development Plan can be evaluated against all the circumstances weighing upon this individual case. Development Plan review may indicate that the most appropriate development is one that is less intensive than the maximum allowed by the zone district and [or] that the most appropriate site design is one that requires greater than the applicable minimum standards. A Development Plan may be denied on that basis. No development plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Unified Development Code, and is compatible with the land uses and historic development patterns of surrounding properties and neighborhood.”

# Development Plan Review

**Code section:** 7.5.516D, 1 (c) Development Plan Review Criteria

**Code language:** D, 1 (c). The details of the use, site design, building location, orientation, and exterior building materials are compatible and harmonious with the surrounding neighborhood, buildings, and uses, including not-yet-developed uses identified in approved development plans.

## **Concerns/impact:**

- Include scope of 7.5.302C, in the review criteria to achieve the goal of implementing Vibrant Neighborhoods in the UDC.
- To ensure the character of the neighborhood is not adversely affected, require a finding of compatibility with the surrounding properties and neighborhood as well as compliance with the development standards set out in the zone district.

## **Recommendation:**

- Add additional criterion to 7.5.516D, 1 (c)
  - Add a new criterion after c: ***The development plan is compatible and harmonious with the lot size, density, maximum lot coverage, setbacks, height, intensity of use, and public safety of the surrounding properties and neighborhood.***

# Area Design Standards Overlay

**Code section:** 7.2.507A

**Code language:** Purpose

The purpose of the Area Design Standards Overlay is to preserve the bulk, form, and dimensional standards....

**Concerns/impact:**

- Purpose statement is too limited. Purpose of ADS Overlay is more than preserving the size and shape of buildings. Purpose is to preserve the areas with distinctive characteristics whether they consist of residential, commercial, and/or mixed-use.
- Additionally, intent is to preserve, protect, and enhance the area's character.

**Recommendation:**

- Add italicized words: “The purpose of the Area Design Standards Overlay is to preserve the *residential, commercial, and/or mixed-use areas with distinctive characteristics* that are worthy of conservation and enhancement but are not historical or within a Historic Preservation Overlay (HP-O) district. The intent of the ADS-O is to *preserve, protect, and enhance the area's character* and to foster rehabilitation, development, and redevelopment in character with the existing development, or as recommended in an adopted neighborhood plan.

# Area Design Standards Overlay

**Code section:** 7.2.507B

**Code language:** Eligibility. In addition to the criteria for a zone change in section 7.5.704 (Zoning Map Amendment) to be eligible for designation as an ADS-O:

- a. The entire area must be included in a City Council–adopted neighborhood plan that is no older than five (5) years from the application date;

**Concerns/impact:**

- Requirement is unreasonable and premature at this time and virtually prevents any area from seeking the adoption of an ADS-O.
- It will be years before neighborhood plans exist in entire city. City projects it will take 12–18 months to complete each plan; there are 12 planning areas. Could take 12–16+ years to complete, which leaves the majority of the city without the benefit of ADS-O.
- Five-year limit seems arbitrary and capricious. No factual basis to declare that all adopted neighborhood master plans are outdated in five years.
- No provision or process to allow neighborhoods to have seek adoption of a neighborhood master plan as in the current code (Current code 7.5.405D).

**Recommendation:**

- Delete 7.2.507B, 1, from the eligibility requirements.

# Area Design Standards Overlay

**Code section:** 7.2.507B

**Code language:** Eligibility

In addition to the criteria for a zone change in Section 7.5.704 (Zoning Map Amendment), to be eligible for designation as an ADS-O:

A majority of the area included in the application shall have one (1) or more the following characteristics:

a. *Recognized* identity and character

**Concerns/impact:**

- Requiring that the identity and character be recognized calls into question how is it to be recognized and by whom. The more appropriate criteria is whether the characteristic can be identified.

**Recommendation:**

- Replace the word *Recognized* with *Identifiable*, so it becomes “a. *Identifiable* identity and character.”

# Area Design Standards Overlay

**Code section:** 7.2.507B

**Code language:** Eligibility

In addition to the criteria for a zone change in Section 7.5.704 (Zoning Map Amendment) to be eligible for designation as an ADS-O:

2. A majority of the area included in the application shall have one (1) or more the following characteristics:

d. Non-conforming setbacks or consistently deeper setbacks than are required by the base zone district;

e. Consistently lower building heights than are permitted in the base zone district

**Concerns/impact:**

- Characteristics d. and e. can/should be combined.

**Recommendation:**

- Combine d. and e. into: *“Development patterns with greater lot sizes, and/or setbacks than are required by the base zone, and/or less maximum lot coverage and/or lower building heights than required by the base zone.”*



# Area Design Standards Overlay

**Code section:** 7.2.507C

**Code language:** Permitted Development Standards

An ADS-O district may establish standards for the following types of development standards only if the area has the related characteristic identified in subsection D[B] above, which will supersede any conflicting standards in this UDC. [There are five standards in paragraph B: Setback, heights, architectural, building materials, landscaping].

**Concerns/impact:**

- Enumerated criteria are too limited, but need to include lot size/density, maximum lot coverage, intensity of use, and public safety. Does not allow for sufficient flexibility in the regulations to achieve the goal of protecting and enhancing the area's character.

**Recommendation:**

- Add two development standards to the UDC:
  1. *Requirements for lot size and maximum lot coverage. Lot size requires that (1) development and redevelopment be no less than, (2) maximum lot coverage be no greater than, and (3) improvement be similar to those on adjacent or nearby properties, regardless of the lot size and maximum lot coverage in the base zone district;*
  2. *Limitations on uses of development or redevelopment that do not adversely affect the area's character by the intensity of the use or uses, public health, safety, and welfare than that permitted in the base zone district.*

## Two Examples of Why We Need Tools to Protect Our Neighborhoods

### Mesa Road Corridor Area [Cordera Street to 19<sup>th</sup> Street, west of Uintah on the west side]

1. The Mesa Road Corridor is a unique residential area on the mesa, which is **rural in character and zoned RE**, with the following characteristics:
  - a. **Large lots** (over 1 acre, average 1.5 acres);
  - b. Single-family houses **set back 100 feet** from Mesa Road;
  - c. **Set 50 feet from adjoining houses**;
  - d. **Low profile**, generally of **earth tones**, built of **fire-resistant materials** such as stucco, with **native landscaping** that blends into the environment;
  - e. A **nature trail**, instead of sidewalks, gutters, or streetlights; and
  - f. Creating unobstructed view corridors of Pikes Peak and the Front Range.
2. **These characteristics are not protected by the R-Estate zoning code.**
  - a. The R-Estate zone is the least dense residential zone in zoning code that
    - i. allows **lots of 20,000 sf** (less than ½ acre),
    - ii. **set back 25 feet** from Mesa Road,
    - iii. **spaced 15 feet apart**
    - iv. **with heights of 35 feet**
    - v. requiring sidewalks, gutters, and streetlights.

### Established older neighborhoods [Bon, Middle Shooks Run, Divine Redeemer, Patty Jewett, Country Club, Near North End, the Old North End, Ivywild, Skyway, Pleasant Valley, Mesa Springs, Friendship Crescent, Mill Street, Cheyenne Canon and the West Side.]

1. Long Standing neighborhoods with well established identities
2. With identifiable development patterns of set backs, heights, density and maximum lot coverage.

# Maximum Lot Coverage Ratios

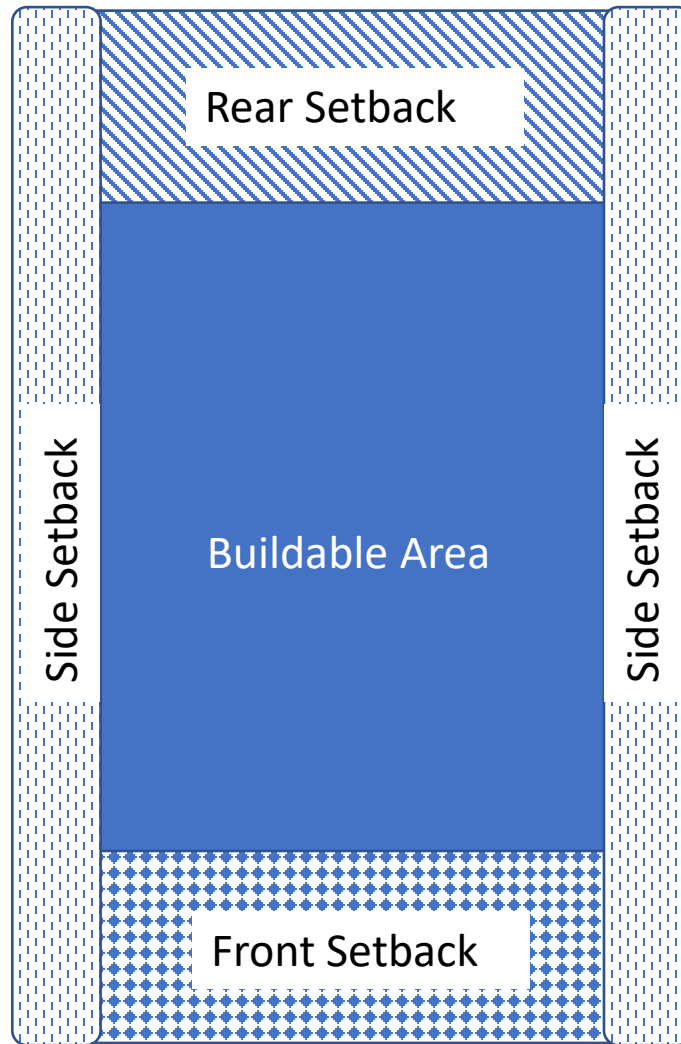
**Code section:** 7.4.201; Table 7.4.2-A Lot Dimensional Standards

**Code language:** All maximum lot coverage ratios have been removed from the lot dimensional standards for A, R-E, R-1 9, R-1 6, R-2, R-4, and R-5

## **Concerns/impact:**

- Maximum lot coverage has been a development standard since zoning codes have had building limits. To remove them by simply declaring them archaic and unnecessary is unacceptable.
- The result is the allowed maximum building envelope for new structures in these zoning districts have been increased between **1.9 and 3.5 times**. This allows substantially larger homes to be constructed in existing/established neighborhoods on relatively small lots, resulting in a substantial impact on the character of these neighborhoods.
- Removal of lot coverage maximums will promote “scrape and builds” and gentrification of existing “missing middle” neighborhoods and can reduce the available supply of affordable and entry-level housing.
- “McMansion on postage-stamp-size lot” concerns

# Calculation Methodology “Maximum Building Envelope”

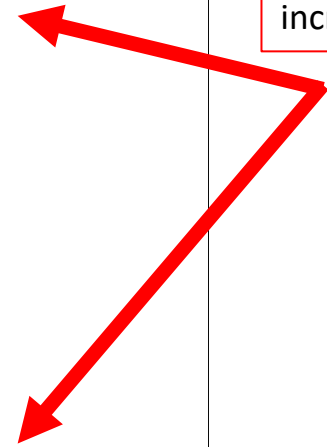


Buildable Area x Max. Bldg. Height = “Maximum Building Envelope”

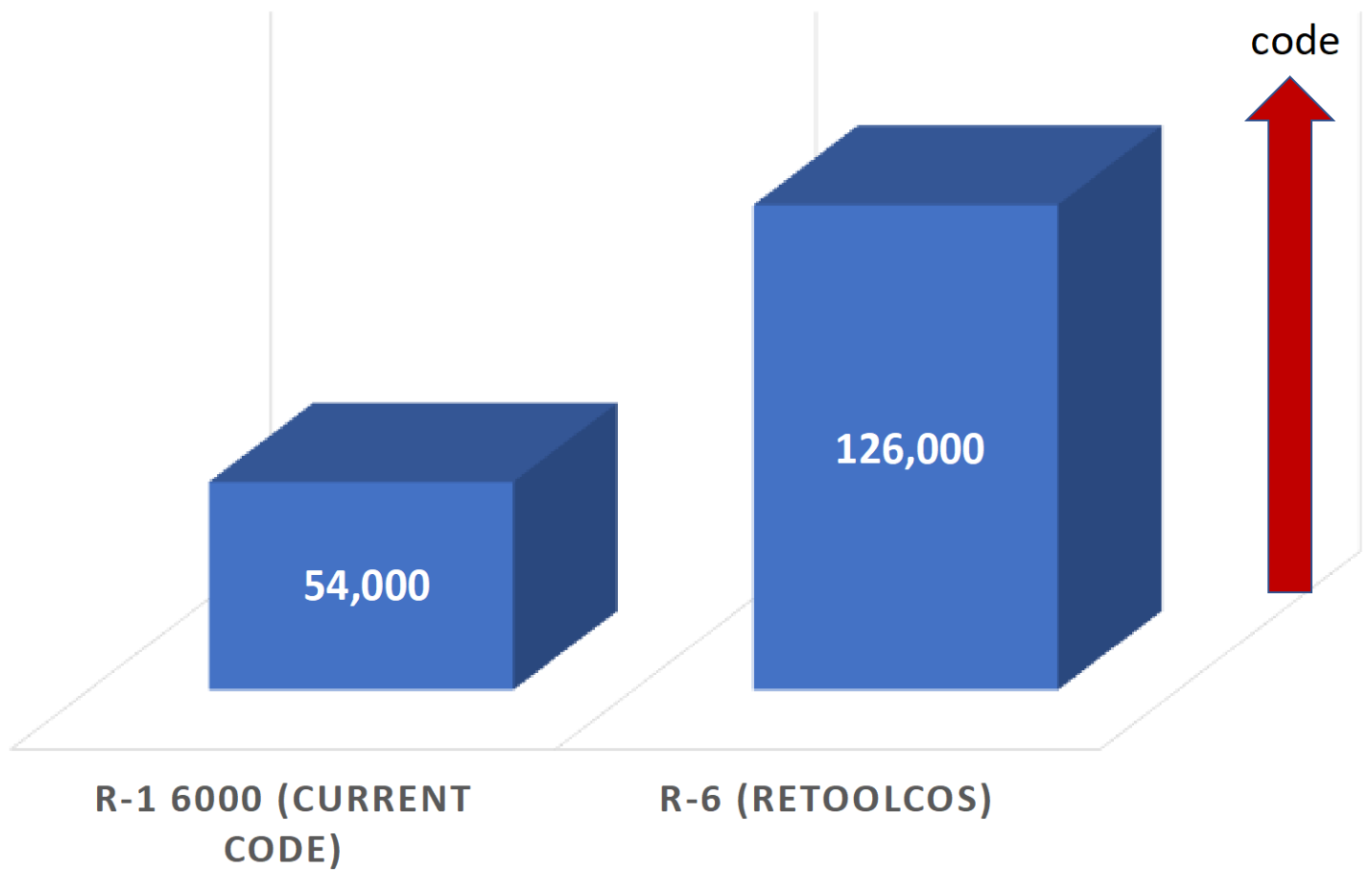
# Change in Size of Allowable Building Envelope: R-1 6000 Current Code vs. RetoolCOS

	Current Code R-1 6000	RetoolCOS Final R-1 6	% change in allowable building envelope
<b><u>Dimensional Standards</u></b>			
Minimum lot area (sf)	6,000	6,000	
Minimum lot width (feet)	50	50	
Implied Lot Depth (feet)	120	120	
Min. Front setback (general) (feet)	25	15	
Min. Side setback (feet)	5	5	
Min. Rear setback (general) (feet)	25	15	
Max Lot Coverage (%)	<b>0.3</b>	<b>N/A</b>	
Max Building Height (feet)	30	35	
<b><u>Calculation of Allowable Building Envelope</u></b>			
Total Lot Area (sf)	6,000	6,000	
less			
Front Setback area (sf)	1,250	750	
Side Setback area (sf)	700	900	
Rear Setback area (sf)	1,250	750	
Total buildable area before lot coverage max	2,800	3,600	
Max Lot Coverage (sf)	1,800	N/A	
Maximum Allowable Lot coverage (sf)	<b>1,800</b>	<b>3,600</b>	
<b>Maximum Building Envelope (cubic footage)</b>	<b>54,000</b>	<b>126,000</b>	<b>133%</b>

Elimination of maximum lot coverage ratio driving most of increase



**RETOOLCOS  
PROPOSED INCREASE IN  
MAXIMUM BUILDING ENVELOPE  
(IN CUBIC FOOTAGE)**



# Change in Size of Allowable Building Envelope Residential Zoning Districts Current Code vs. RetoolCOS

Residential Zoning District	Assumed Lot Size (in sq. ft.)	Max Allowed Lot coverage (in sq. ft.)	Max Building Height	Maximum Allowed Building Volume (cubic footage)	Change from Current Code
R1 Current Code	20,000	4,000	30	120,000	<b>250% increase</b>
R-E RetoolCOS Final	20,000	12,000	35	420,000	
R-1 9000 Current Code	9,000	2,250	30	67,500	<b>133% increase</b>
R-1 9 RetoolCOS Final	9,000	4,500	35	157,500	
R-1 6000 Current Code	6,000	1,800	30	54,000	<b>133% increase</b>
R-1 6 RetoolCOS Final	6,000	3,600	35	126,000	
R-2 Current Code	7,000	2,100	30	63,000	<b>156% increase</b>
R-2 RetoolCOS Final	7,000	4,600	35	161,000	
R-4 Current Code	20,000	7,000	40	280,000	<b>97% increase</b>
R-4 RetoolCOS Final	20,000	13,767	40	550,667	
R-5 Current Code	20,000	8,000	45	360,000	<b>91% increase</b>
R-5 RetoolCOS Final	20,000	13,767	50	688,333	

# Maximum Lot Coverage Ratios (cont'd)

## *Concerns/impact (cont'd):*

- Lot coverage maximums, which have been set at 20% to 50% in Colorado Springs for more than 50 years, have a major effect on the appearance, use, and livability of residential neighborhoods. Lot coverage requirements are what guarantee ample front yards and beautiful open backyards that are ideal for families (parents and children). When lot coverage maximums are removed, part of the front yard and almost all of the backyard can be built upon. Over time, the entire look and feel of the residential neighborhood will be changed to a more crowded look and feel.
- Removal of lot coverage ratio will result in less landscaping and green space and contribute to the “heat island” effect.

## *Recommendation:*

- Retain the maximum lot coverage ratios as provided for in the existing zoning code.



# Maximum Building Height – Residential

**Code section:** 7.4.201; Table 7.4.2-A Lot Dimensional Standards

**Code language:** Maximum building height for A, R-E, R-1 9, R-1 6, and R-2 have been increased to 35 feet.

## **Concerns/impact:**

- The maximum height in the current code is more than sufficient to accommodate structures up to 2 stories. The proposed increase in maximum height can accommodate structures up to three stories (depending upon interior ceiling height and roof structure).
- Increasing to 3 stories can have an impact on the character of existing/established neighborhoods.
- Larger structures will serve to increase shading of adjacent homes and yards.
- The addition of a third story can also adversely impact privacy and view lines in adjacent properties and backyards.
- Increased building height will serve to promote and facilitate “scrape and builds” and gentrification of existing “missing middle” neighborhoods and can reduce the available supply of affordable and entry-level housing.

## **Recommendation:**

- Retain the current 30-foot maximum height in A, R-E, R-1 9, R-1 6, and R-2.

# Setback: Corner Lot – Side Street

**Code section:** 7.4.201; Table 7.4.2-A Lot Dimensional Standards

**Code language:** Minimum corner lot side street setbacks for R-1 6 and R-2 are set at 15 ft. in the proposed UDC.

## **Concerns/impact:**

- In the UDC, **front** setbacks for R-1 6 and R-2 are proposed at 15 ft. and 10 ft., respectively, or the average of two adjacent or nearest developed properties. However, for corner lots, the side street minimum setback is set at a flat 15 ft. in these two zoning districts.
- For consistency, and to help ensure visual continuity in established/existing neighborhoods, the side setbacks for R-1 6 and R-2 should include the same provisions for consistency with adjacent properties as provided for in the front setbacks for those zoning districts.

## **Recommendation:**

- Change the side street (minimum) setbacks for corner lots in the R-1 6 and R-2 zoning districts to no less than 15 ft., or the average of the two nearest developed properties facing the same street frontage.

# Office Residential (OR) to MX-N

**Code section:** 7.3.2-A Base and NNA-O District Use Table

**Code language:** MX-N adds commercial uses and more permitted uses to OR.

## **Concerns/impact:**

- Merging OR, Office Complex (OC), and Mixed Used-Neighborhood Center (MU-NC) into MX-N causes use-to-use conflicts (e.g., bars, restaurants including drive-ins, retail, and automotive adjacent to residences).
- **OR:** Current code Article 3 Land Use Zoning Districts, section 7.3.202:  
*This transitional zone district accommodates a variety of residential unit types and offices. The zone is directed to smaller office sites which need a careful evaluation of use-to-use compatibility such that the stability and value of the surrounding neighborhood is best protected.*
- **OC:** Current code Article 3 Land Use Zoning Districts, section 7.3.202:  
*Typically small office buildings developed in a cluster with an internal traffic system or one larger office building with considerable landscaping. Examples include Memorial Hospital on Boulder and Young Life on Cascade.*

# Office Residential (OR) to MX-N

- **MU-NC:** Current code Article 3 Land Use Zoning Districts, section 7.3.702:

*Amenities for immediate neighborhood and support a variety of uses. This District should be sited at the edges of a residential neighborhood, at a collector and arterial. There are no parcels with this zoning in the City.*

	<b>OR Permitted Uses</b>	<b>Additional Permitted Uses in MX-N</b>
<b>OR and MX-N Uses</b>	<b>Residential</b> <b>Office</b> <b>Educ Institution</b> <b>Human Service Facility</b> <b>Religious Inst</b> <b>Funeral Services</b>	<b>Bar</b> <b>Micro-breweries</b> <b>Micro-distillery</b> <b>Restaurant - fast food</b> <b>Restaurant - drive-in</b> <b>Restaurant - sit-down</b> <b>Retail</b> <b>Vehicles Sales and Rental</b> <b>Hotel/Motel (Conditional)</b> <b>Detox Center</b> <b>Hospital</b>

# Office Residential (OR) to MX-N

*OR properties are mostly larger Victorians located in Historic Districts directly adjacent to residences*



# Office Residential (OR) to MX-N

*Code Section:* 7.3.2-A Base and NNA-O District Use Table

*Code Language:* MX-N adds commercial uses and more permitted uses to OR.

## *Recommendation:*

- **Remove OR from MX-N zoning, keep OR a stand-alone district.**
  - OR is unique, not widespread across the city. OR is predominantly in historic neighborhoods.
  - OR is **more residential than commercial** in its current location and uses and is an effective transition zone next to residences due to 9am-5pm hours.
  - Adding language to mitigate the impact of these conflicts on OR properties creates complexity, confusion, and anxiety for neighborhoods.
  - The neighborhood feels OR owners win while residential owners lose. The Near North End Neighborhood (NNE) contains almost all of the OR-zoned properties in the city (85 of 105 OR properties) with a median household income of \$31,924, and the average household income, \$52,111. This is significantly below the city averages. **This type of rezoning has the effect of negatively impacting an already below average income neighborhood. Clearly a use-to-use conflict.**

# Changes to the Historic Preservation Ordinance and RetoolCOS

Most of the current ordinance remain intact, but several important issues remain with the RetoolCOS Final Draft:

1. Historic Preservation Board's role in education
2. Required issuance of a Report of Acceptability
3. Staff assumption of HPB's design review responsibilities
4. Omission of the role of Design Standards
5. Deletion of processes of creating an Historic Preservation Overlay Zone

## **ISSUE 1 – Deletion of education from HPB duties, p 259**

Education programs and activities are eliminated from HPB functions.

- Education has long been a primary responsibility of the City’s historic preservation efforts.
- The current HistoricCOS Plan lists Community Survey and Education as the heading for its very first goals.

### ***Recommendation:***

Restore “Undertake educational programs and activities” as part of the Historic Preservation Board powers and duties.



## **ISSUE 2 – Required issuance of Report of Acceptability, p 328**

Context: When City Council creates an HP Overlay zone, it also adopts design standards to be used when, in the future, a building or demolition permit is sought. A Report of Acceptability (RofA) is the tool used by the HPB, and its issuance currently means work conforms to adopted design standards. Minor Work is issued in nearly all cases; Major Work involves matters of interpretation.

- The current ordinance now requires the HPB **review** an application for a RofA within 28 days.
- RetoolCOS proposed the HPB **issue** the RofA within 28 days.
- This renders meaningless any other provisions regarding Major Work.

### ***Recommendation:***

Restore the Historic Preservation Board authority to review Major Work referrals in a responsible manner.

### **ISSUE 3 – Staff assumption of Minor Work review, p 328**

Context: Currently, the ordinance designates that all applications for a RofA are to be reviewed by a Minor Work Committee twice a month at a public meeting, using adopted Design Standards. The committee can approve a RofA, negotiate an approval, or refer the item to the full HPB as Major Work. As currently administered, applications for a RofA involve public hearings scheduled monthly.

- The proposed change will substitute City staff for Council-appointed citizens for nearly all design review items.
- It would eliminate the need for public hearings and much of the paperwork.
- Nearly all public contact between the HPB and the public will end.
- When controversial items involving RofAs occur, the HPB will be inexperienced in reviewing Major Work items.
- Planning will become the public face of the City's historic preservation program, and the HPB will become an appendage.

#### ***Recommendation:***

Restore the Minor Work Committee's authority to review Minor Work items in public meetings and approve, negotiate an approval, or refer an application for a RofA to the full HPB.

## **ISSUE 4 – Omission of the role of Design Standards, p 329**

Context: When Council creates an HP Overlay Zone, it also adopts Design Standards for the HPB to use when owners seek a building or demolition permit. Design Standards appear in the definitions and are included with HPB duties and responsibilities, but are not referenced in the review processes for a RofA.

- Confusion regarding the use of Council-adopted Design Standards remains, despite City Council's February 23, 2021, unanimous adoption of the North End Design Standards, 20 years after adopting only the North End Overlay Zone.
- Planning appears to prefer to use four goal statements within the HP Ordinance that are of limited utility in reviewing applications for an RofA.
- The four goal statements also provide little direction to property owners in how their application for a RofA will be reviewed.

### ***Recommendation:***

Specify the use of Council-approved Design Standards as the principle tool for use in HP design review.

## **ISSUE 5 – Deletion of overlay zone processes, p 328**

Context: In 1987, a Council-appointed Special Working Committee negotiated most of the current HP Ordinance. Written by the City Attorney, creating an HP Overlay Zone is a tightly regulated process and addresses matters unique to historic preservation. Areas regulated included HPB initiation of an HP Overlay Zone, owners' consent to a zone change, and interim control.

- RetoolCOS treats the HP Overlay Zone as other overlay zones.
- No provision guides the HPB in how to initiate the HP Overlay Zone.
- The HPB can currently initiate consideration of an HP Overlay Zone without the property owners' consent, but must seek that consent and report results. No provision in RetoolCOS addresses owners' consent.
- When a significant historic resource is endangered, the HPB can initiate consideration of the HP Overlay Zone, and an interim control requirement is triggered. This states that proposed work on included properties is treated as if the Overlay Zone were already in place and is subjected to a required review using applicable Design Standards. No provision in RetoolCOS addresses interim control.

### ***Recommendation:***

Retain principles of the current Historic Preservation Overlay Zone processes of HPB initiation, owners' consent, and interim control.

## ISSUE 1 – Deletion of education from HPB duties

CODE SECTION, PARAGRAPH AND PAGE NUMBER

Section 7.5.205 C – Historic Preservation Board Powers and Duties (p 259)

RetoolCOS LANGUAGE OF CONCERN

4. To advise Planning Commission and City Council on amendments to the zoning map and the Colorado Springs Comprehensive Plan involving historic resources or areas;

~~5. Undertake educational programs and activities;~~

5. To make recommendations regarding City Code provisions pertaining to historic preservation;

CONCERNS AND IMPACTS

Education programs and activities are eliminated from HPB functions, despite the current HistoricCOS Plan listing Community Survey and Education as “Task Area 1.” The City’s Certified Local Government (CLG) agreement’s required annual report includes the following:

(A) Describe preservation activities that the CLG sponsored or directed in State Fiscal Year. This might include public education about preservation, a historic sites survey, preparation of a historic preservation plan, participation in state historic income tax credit reviews, etc (Question 16).

Removal reduces public exposure to survey results and generation of a historic inventory. Education also involves staff interactions with neighborhoods and organizations interested in historic preservation.

RECOMMENDATION

Restore the existing language regarding education to ReToolCOC:

**5. Undertake educational programs and activities;**

## ISSUE 2 – Required issuance of Report of Acceptability

CODE SECTION, PARAGRAPH AND PAGE NUMBER

Section 7.5.528: 2.b.(1) – Historic Preservation Board Alteration or Alteration – Report of Acceptability and Related Decisions – Major Work (p 328)

RetoolCOS LANGUAGE OF CONCERN

Major Work: If the application or later review by the minor work committee shows that the proposed work is major work, a report of acceptability shall be prepared by the Historic Preservation Board within twenty-eight (28) days after its receipt by the Board.

CONCERNS AND IMPACTS

The current ordinance requires the HPB to review an application for a report of acceptability within 28 days of notification by the minor work committee. ReToolCOS requires approval of a report of acceptability within 28 days of receipt for all applications, despite subsequently specifying review procedures and authority.

RECOMMENDATION

Major Work: If the application or later review by the minor work committee shows that the proposed work is major work, a report of acceptability shall be ~~prepared~~ **reviewed** by the Historic Preservation Board within twenty-eight (28) days after its receipt by the Board.

## ISSUE 3 – Staff assumption of minor work review

CODE SECTION, PARAGRAPH AND PAGE NUMBER

Section 7.5.528.2. c – Historic Preservation Board Alteration or Alteration – Report of Acceptability and Related Decisions – Minor Work (p 329)

### RetoolCOSA LANGUAGE OF CONCERN

Minor Work: If the Manager finds that the proposed work is of a nature that will not erode the authenticity of or destroy any distinctive exterior feature of the structure of improvement and is compatible with both the distinctive characteristics of the historic preservation overlay zone and with the spirit and purpose of this UDC, the Manager shall so advise the applicant in writing by issuing a report of acceptability.

### CONCERNS AND IMPACTS

This is a major change in how the historic preservation ordinance works. Staff's assumption of reviews for reports of acceptability removes the Historic Preservation Board from the basic responsibility for design review. Staff, instead of the HPB, becomes the public face of historic preservation. While this may be the most efficient method of reviewing applications, and is arguably the least effective. The HPB becomes a regulatory entity and an appendage of the Planning Department instead of a public resource. As nearly all applications are approved as minor work, removal of the HPB from customary reviews render them inexperienced when major work items, often contentious, occur. Finally, staff should not spend resources on a function once customarily performed by City Council-appointed citizens.

### RECOMMENDATION

Retain the current minor work committee language. Enable a citizen committee to publicly review minor work applications based on City Council adopted design standards without the need for public hearings. They should be authorized to approve, negotiate an approval, or refer items as major work to the HPB:

Minor Work:

2. If the ~~Manager~~ **minor work committee**, finds that the proposed work **conforms to adopted design standards and** is of a nature that will not erode the authenticity of or destroy any distinctive exterior feature of the structure of improvement and is compatible with both the distinctive characteristics of the historic preservation overlay zone and with the spirit and purpose of this UDC, the ~~Manager~~ **minor work committee** shall so advise the applicant in writing by issuing a report of acceptability.
3. The ~~Manager~~ **minor work committee** may refer proposed major work to the Historic Preservation Board if the committee determines, during review, that the proposed work **does not conform to adopted design standards and** will adversely alter a distinctive feature or improvement of the historic structure.

## Issue 4 – Omission of role of design standards

CODE SECTION, PARAGRAPH AND PAGE NUMBER

Section 7.5.528.C.2b(2) and 2c(2), p 329

Historic Preservation Board Alteration or Alteration – Report of Acceptability and Related Decisions – Major Work and Minor Work (p 328)

#### RetoolCOS LANGUAGE OF CONCERN

Major Work: If upon receipt of an application for a report of acceptability, the Historic Preservation Board finds that the proposed work is of a nature that will not erode the authenticity of or destroy any distinctive exterior feature of the structure or improvement and is compatible with both the distinctive characteristics of the HP-O district and with the spirit and purpose of this UDC, the Board shall so advise the applicant in writing by issuing a report of acceptability and shall affix its seal to the plans and specifications for the approved work.

\*\*\*

Minor Work: If the minor work committee finds that the proposed work is of a nature that will not erode the authenticity of or destroy any distinctive exterior feature of the structure of improvement and is compatible with both the distinctive characteristics of the historic preservation overlay zone and with the spirit and purpose of this UDC, the minor work committee shall so advise the applicant in writing by issuing a report of acceptability.

#### CONCERNS AND IMPACTS

Past confusion regarding the use of design standards indicates their use in reviewing applications for a report of acceptability needs to be specified in the UCD.

#### RECOMMENDATION

Major Work: If upon receipt of an application for a report of acceptability, the Historic Preservation Board **upon review based on adopted design standards**, finds that the proposed work is of a nature that will not erode the authenticity of or destroy any distinctive exterior feature of the structure or improvement and is compatible with both the distinctive characteristics of the HP-O district and with the spirit and purpose of this UDC, the Board shall so advise the applicant in writing by issuing a report of acceptability and shall affix its seal to the plans and specifications for the approved work.

\*\*\*

Minor Work: If the minor work committee finds **upon review based on adopted design standards**, that the proposed work is of a nature that will not erode the authenticity of or destroy any distinctive exterior feature of the structure of improvement and is compatible with both the distinctive characteristics of the historic preservation overlay zone and with the spirit and purpose of this UDC, the minor work committee shall so advise the applicant in writing by issuing a report of acceptability.

## ISSUE – Deletion of overlay zone processes

CODE SECTION, PARAGRAPH AND PAGE NUMBER

Section 7.5.528 Other Procedures – Historic Resource Alteration or demolition (p 328).

#### RetoolCOS LANGUAGE OF CONCERN

Not Applicable

No regulation appears regarding the process of a Historic Preservation Overlay zone change, deleting most of the current code (Section 7.5.1603: Designation Process For Historic Preservation Overlay Zoning). Processes include HPB initiation of the overlay zone, requests for property owners' consent to a change, interim control on issuance of permits during consideration of a zone change, and meeting and timing requirements.

#### CONCERNS AND IMPACTS

The HP overlay zone district has been integrated into the Unified Development Code, and adhering to unique, complex hearing procedures now required would impede that. Thus, it is appropriate that changes be included in ReToolCOS Final Draft. However, the issues of HPB initiation of a zone change, owners' consent to the zone change, and interim control were significant controversies when the current ordinance was written, and as the last HP overlay zone change was years ago, many have forgotten that these issues have already been settled, and should not be changed.

#### RECOMMENDATION

Rename the heading of Section 7.5.528 to Historic Resource **Designation**, Alteration or Demolition. Historic Designation should be Part A and Alteration or Demolition should be Part B. Include the principles of HBP initiation of a zone change, owners' consent and interim control.



# Appeals – “Affected Party”

**Code section:** 7.5.416 Appeals

**Code language:** Existing code allows any “person” to appeal a land-use decision. New proposed UDC only allows an “affected party” to appeal. “Affected party” to include property owners and tenants within 1,000 ft. of subject lot, or within two miles with preserved standing. “Preserved standing” requires prior participation.

## **Concerns/impact:**

- The prior participation requirements for “preserved standing” are unreasonable given that many, if not most, citizens are first aware of land-use decisions after they are decided and are then reported in local media.
- The two-mile limit on property owners and tenants who have standing to appeal is, by itself, more than sufficient to prevent frivolous appeals by persons or entities that are not residents of the city.

## **Recommendation:**

- *Affected party* is redefined to simply be “the applicant for the decision being appealed or any owner or tenant of a lot or parcel of land located within two (2) miles of the subject lot.
- Remove all prior participation requirements to have preserved standing.

# Unregulated Murals

**Code section:** 7.4.13

**Code language:** C. Minor Sign Types, Table 7.413D provides criteria for minor signage

**Concerns/impact:**

- Criteria for establishing murals not currently well defined in UDC.
- Murals can change the character of a historic neighborhood.
- Unregulated murals may be vandalism (no permission from building owner or city).
- Murals need to be maintained. Mural durability = 5–8 years before paint starts to decay. Murals may be defaced and gang tagged.
- Substrates below paint may be permanently altered.
- City and building owners cannot currently enforce upkeep or removal of murals, due to vague rules, definitions, and processes.

# Unregulated Murals Example

- This is a citywide problem, now starting on the west side, and has existed in the south part of the city for a long time.
  - ❑ Carhartt, 31 S. 32<sup>nd</sup> Street, was tagged this week.
- Currently some arts organizations receive revocable permits for murals:
  - ❑ “Art on the Streets” by Downtown Partnership
  - ❑ Manitou Springs Arts Council
- Criteria needs to be established to regulate murals and a process developed to maintain them.
- Establish a permit for murals.



# Parking Exemptions

**Code section:** 7.4.10 Parking and Loading, 7.4.1002B. Exemptions, 3. Older and Historic Property Exemption

**Code language:** Certain older and historic properties **do not need to provide off-street parking** for the existing building or for expansion of such buildings....

b(3) Located in a...Historic Preservation Overlay

## **Concerns/impact:**

- The proposed code language would allow additional dwelling units to be added in HP-Os without the additional required parking.
- Parking in these neighborhoods is already at a deficit.
- Lots have very narrow street frontage per lot.
- Many lots lack a side area wide enough to provide a garage or even a driveway for parking.
- If no alley, then the only remaining available parking is on the front public ROW.

## **Recommendation:**

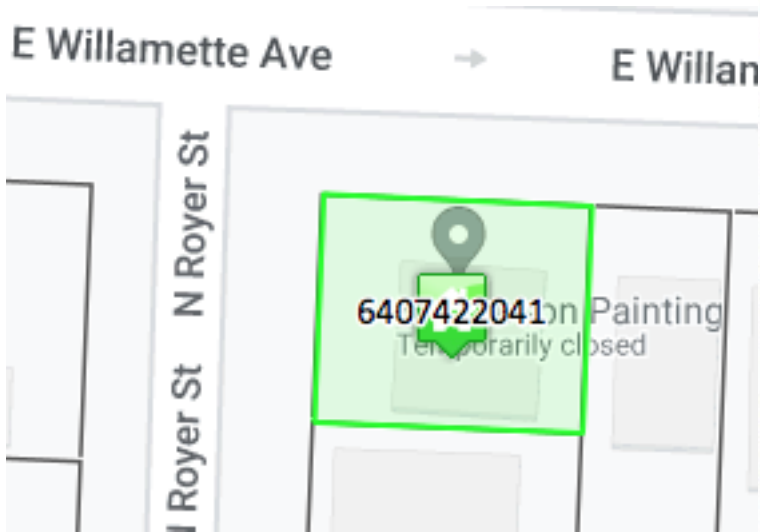
- Add 7.4.1002B, 3(d). Reductions in parking requirements shall **not apply** to properties zoned for any residential use.

# Parking Exemptions

**Code section:** 7.4.10 Parking and Loading, 7.4.1002B. Exemptions, 3. Older and Historic Property Exemption

For example: 605 E Willamette Ave. See plot plan.

605 E WILLAMETTE AVE



# Parking Exemptions

**Code section:** 7.4.10 Parking and Loading, 7.4.1005 Adjustments to Minimum Motor Vehicle Parking Requirements

**Code language:** B. Affordable Housing

**Concerns/impact:**

- There is no definition for *Affordable Housing*

**Recommendation:**

- Define ***Affordable Housing***, exemption only applies as long as the structure is legally identified as affordable.

# Parking Exemptions

**Code section:** 7.4.10 Parking and Loading, Table 7.4.10-A, Minimum and Maximum Off-Street Parking Requirements

**Code language:** Short-Term Rental No Requirement

Bed and Breakfast 1 per 2 guestrooms or suites

## **Concerns/impact:**

- The difference is serving a piece of toast.
- Requiring no parking for visitors in short-term rentals does not make sense. Most visitors rent an automobile to travel about the city and into the mountains.

## **Recommendation:**

- **Make the requirements the same.** Require parking for short-term rentals and keep parking requirements for bed and breakfasts.

# Parking Incentives – TOD

**Code section:** 7.4.202B Transit Oriented Development incentives

**Code language:** Eligibility: The property shall be located in the MX-T, MX-M, MX-L, or MX-I zone district.

**Concerns/impact:**

- We support parking incentives for TOD.
- However, the placement of Transit Oriented Development (TOD) is very scattered and counterproductive to the desired results.

**Recommendation:**

- **TOD incentives shall be restricted to predesignated overlay zones, such as the North Nevada Renewal Area or the Citadel Area.**
- The proper use of this incentive is to have a high enough concentration of transit rider in one area that an effective BRT stop would be utilized. This can be achieved by restricting TOD to areas that higher density is desired through the use of a TOD Overlay Zone.



September 19, 2022

City Planning Commission  
City of Colorado Springs

Re: The ReToolCOS Final Draft

§ 7.5.528.2. c – Historic Preservation Board Alteration or Alteration – Report of Acceptability and Related Decisions – Minor Work

I wish to first applaud this effort to integrate our current ordinances into a Unified Development Code. It involves extensive effort and attention to detail.

This correspondence addresses the matter of Planning staff's assumption for the initial review of applications for a Report of Acceptability (RofA) found on page 329. As a matter of disclosure, I was employed as a planner between 1985 and 2009, and part of my responsibilities included historic preservation.

My recommendation:

Retain the current code language §7.5.1605:B.1. Minor Work

Context:

The ReToolCOS Final Draft recommends staff be assigned the principle historic preservation activity of design review of changes to historic zoned properties. This is a substantive change from the current code, and is understandable in that the Administration is not currently implementing the historic preservation ordinance as written. There's no interest in again codifying a process that is not followed.

The issue is the review of Reports of Acceptability, a provision of the historic preservation ordinance in the zoning code. A RofA is the document used to convey the Historic Preservation Board's finding that proposed building permit work on an HP Overlay Zoned property meets Council-adopted design standards. Currently, a committee of the Historic Preservation Board is required to initially review proposed work within 18 working days, but as administered, such applications are subjected to public hearings with extensive staff analysis and recommendation. This absorbs much of staff's time.

The ReToolCOS proposal would dramatically reduce the incidence of largely unnecessary public hearings and shorten the timeline for design review. However, analysis of the incidence of RofA reviews between 2000 and 2009 reveals circumstances pertinent to this issue.<sup>1</sup> A report on the history and achievements of the Committee is attached to provide detailed data, but summary points follow.

- The Minor Work Committee met 134 times in the time period, a little more than one per month.
- No meetings were postponed due to the lack of a quorum.
- Of 244 applications for a RofA, 97% obtained an RofA from the Minor Work Committee.

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<sup>1</sup> The spreadsheet used to track applications for RofAs was a Comprehensive Planning Division document entitled DesignReview\_Elements.xls, and is the source for the calculations. Initiated in April 2000 when the Historic Preservation Board formally decided to investigate Historic Preservation Overlay Zoning for the North End district, it was designed to collect data for a required 3-year assessment of the efficacy of the Overlay Zone, and record keeping continued after that assessment.

- Time between the date of RofA application and initial Committee review meeting averaged 9.1 days.
- Eight applications were referred as Major Work, less than one per year. Staff's role in reviewing applications for a RofA ended once an application was determined complete and scheduled on a Minor Work Committee agenda.

During the subject time period, historic preservation was allocated approximately 20 hours per week of staff time for support. Because staff was not involved in the substantive review of applications for a RofA, effort could be directed to other important activities. These included grant applications and management of the 2003-04 Downtown Survey with associated walking tour booklets, the 2007 Boulder Crescent Survey, the 2009 Westside Design Guidelines and staffing the issuance of \$864,000 of Colorado income tax credits for rehabilitation to 63 owners improving their historic properties.

Perhaps of more significance than the allocation of staff resources is a basic philosophical question - Should City staff be the public face of municipal historic preservation efforts, or should that be retained for citizen volunteers? Using the applicable rate between 2000 and 2009, 97% of applicants would never meet the Historic Preservation Board, only staff. Limiting the Historic Preservation Board's review of RofAs to Major Work items ensures the Board will be inexperienced with design review when confronting difficult cases. Also, the Board will be regarded solely a regulatory body instead of a public source of information and technical assistance.

The Minor Work Committee process was been shown to satisfy original worries over delays to property owners, and the Committee members displayed a high degree of dedication and proficiency in conducting the RofA application reviews. There's little doubt that a transition from today's RofA process to current code requirements would be arduous, but it is likely to produce better results.

There may be a valid reason why the current ordinance is not followed, but I maintain that in a first class city with a strong mayor form of government, there must be some means by which citizen volunteers can approve or refer Reports of Acceptability in a public meeting.

Any process, including these discussed above, can be improved, and a thorough reevaluation of the 1988 Historic Preservation code provisions could produce a better historic preservation program. However, ReToolCOS is not the proper vehicle for this effort.

I request retention of the current code language until a comprehensive effort to revise the historic preservation ordinance is completed.

Tim Scanlon  
1716 N Corona St  
Colorado Springs, co 80907

Attachment: Historic Preservation Ordinance Minor Work Committee

# HISTORIC PRESERVATION ORDINANCE MINOR WORK COMMITTEE

## Tim Scanlon, September 19, 2022

The Minor Work Committee (MWC), part of the 2022 historic preservation zoning code, was a creation of the 1987 Historic Preservation Ordinance Working Committee. The effort was intended to implement historic preservation goals in the 1983 City Comprehensive Plan, and was initiated by the Council-appointed Historic Resources Advisory Board (HRAB) in 1985. The proposed ordinance, approved at first reading, was suspended before second reading. Principal concerns included anticipated increased cost and delays to property owners. The Committee was selected by City Council to represent a balance of community interests with the goal of generating a new draft ordinance.<sup>1</sup>

The Committee met 14 times between September 10, 1987 and November 15, 1988. It was staffed by the City Attorney and the Community Development Director<sup>2</sup> Their recommendations resulted in City Council's approval of the Historic Preservation Overlay Zone ordinance on January 23, 1989.

The Committee recommended a 7 member Historic Preservation Board to lead the municipal historic preservation program. The Board's authority addressed Regional Building permits for work on historic preservation zoned property, visible from a public space. Archaeology was removed from the Board's purview.

The concept of an expedited process to enable rapid approval of proposed work that conformed to Council-adopted design standards was endorsed by the Committee on June 1, 1987<sup>3</sup>. The responsibility for the initial review of building permits for overlay zoned properties was assigned to a Minor Work Committee (MWC)<sup>4</sup>. Staff was specifically excluded from participating in the review.<sup>5</sup>

The process used to review proposed work to assess whether it conforms to adopted design standards is the Report of Acceptability (RofA). All applications for a Report are initially reviewed as Minor Work. If the review reveals standards are met, the RofA is issued with copies forwarded to the Regional Building Department. If the MWC finds the standards are not met, the request is defined as Major Work, and is

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<sup>1</sup> Members included Zane Bowers, president Pikes Peak Association of Realtors; Chuck Brown, former and future County Commissioner and future City Council member; B J Fett, municipal judge and member of the HRAB; Daphne Greenwood, UCCS economics professor and future State Representative; Dean Ibsen, architect and member of the HRAB, Renee Rabinowitz, legal counsel to the Colorado College; Matt Railey, district court judge and president of the Historic Property Alliance; Judith Rice Jones, HRAB member; Thayer Tutt Jr, El Pomar Foundation, Joe Waples, Cashier, Bank Exchange; and Chuck Murphy, contractor.

<sup>2</sup> City Attorney James Colvin and Community Development Director Jim Ringe

<sup>3</sup> HPOWC minutes June 1, 1987, p 2. "... A letter from Gresham Riley (president of Colorado College) had suggested a procedure (to expedite applications for alterations) ... The rationale was that if an application met historic preservation standards, an applicant should not wait until the full board was convened...Chuck Brown moved that the existing language in the proposed ordinance be retained; the motion was seconded by Judith Rice Jones and approved by voice vote."

<sup>4</sup> HPOWC minutes September 14, 1987 and September 28, 1987

<sup>5</sup> HPOWC Minutes September 28, 1987, p 2. "...Thayer Tutt Jr. questioned whether a minor work subcommittee should consist of two members of the Historic Preservation Board and a planning division staff member, or whether it would be more appropriate to include 3 members of the Board. Jim Colvin mentioned that the Minor Land Subcommittee Committee included a voting staff member from both Public Works and Planning Division; Chuck Brown and Zane Bowers agreed it would be appropriate for appointed members of the Board to be making decisions and not staff. Thayer Tutt Jr. moved that the language require three members of the Historic Preservation Board. The motion was approved by unanimous voice vote."

referred to the HPB for additional further review. Thus, the MWC can approve, negotiate an approval or refer.

#### Characteristics of the MWC

- Three members were selected and approved by the HPB at the annual meeting; chair and vice-chair were ex-officio members.
- The annual meeting, required in June, was also used to set the year's schedule for both the HPB and MWC. This enabled maximum MWC participations by interested HPB members. MWC meetings occurred every weekday except Friday, and commenced between 7:00 am and 4:00 pm.
- Two members were necessary for a MWC quorum.
- The MWC was to review requests for an RofA within working 19 days, resulting in 2 possible meetings each month.
- Staff's role reviewing RofA applications ended upon determination an application was complete.
- If the MWC required supplementary information or services, the preservation fund funded by tax credit application fees was available to contract with professionals.
- Staff was responsible for HPB and MWC orientation and ongoing education, and administrative support for their activities.
- Meetings were public with posted notice, but were not public hearings. Unless recognized by the MWC chair, visitors other than applicants were not entitled to comment, and property owners had the right of appeal.
- Each MWC meeting allowed for an informal citizens discussion of preservation matters, and property owners capitalized on that opportunity.

The North End Historic Preservation Overlay Zone was initiated by the HPB in April 2000. The Ordinance contains an interim control provision, which directs that historic preservation reviews shall occur while the Overlay Zone is considered. Planning staff began digitally recording data on April 25, 2000 to track progress on RofAs<sup>6</sup>. Its purpose was to enable a Council-required assessment of the historic preservation ordinance after 3 years. Recording continued until December 18, 2009. Data cover nearly 10 years<sup>7</sup>. This allows an current analysis of the incidence of reviews and length of actual delays.

#### Accomplishments of the Minor Work Committee 2000-09

- The MWC convened 134 meetings to review RofAs<sup>8</sup>.
- No MWC meetings were postponed due to a lack of a quorum.
- 379 applications for a RofA were received.
- Two items were withdrawn.
- 133 RofA applications received Administrative Approval (35.1% of all items)<sup>9</sup>.
- All RofA applications for Administrative Approval were approved.
- 244 RofA applications were reviewed by the MWC (64.4% of all items)
- All RofA applications received their first MWC review within 19 working days

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<sup>6</sup> Comprehensive Planning Division document "DesignReview\_Elements.xls"

<sup>7</sup> Headings included File Number, property address, owner or applicant name, permit type, date of initial contact, date of application, Date of MWC review, Date of Decision, and Date of Administration approval.

<sup>8</sup> This is not the total number MWC meetings; others were convened to consider rehabilitation tax credit applications.

<sup>9</sup> When Council adopted the Historic Preservation ordinance, a reroof job did not require a building permit. When the North End Overlay Zone was adopted, it did. The HPB felt this was a matter that involved minimal judgement and approved the Administrative Procedures for Administrative Review. This included procedures for staff approval when criteria were met. Work included reroofs, placement of air conditioning compressors and wheelchair ramps.

- Time between date of RofA application and date of first MWC review ranged from 1 – 24 calendar days, averaged 9.1 days, and the mode was 6 days (74 items).
- 236 RofA applications were approved as Minor Work (96.7% of reviewed items)
- 8 applications were reviewed as Major Work (3.3% of reviewed items). One denial was successfully appealed to City Council, one economic hardship was approved by the HPB, three items were withdrawn by the applicants, two items were denied and one was approved with conditions.

In conclusion, the MWC process for preserving historic buildings was successful in responsiveness to the public and frugal in its use of staff resources. MWC members met their responsibility for leading discussions regarding preservation matters, and making prudent decisions.