

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date:	September 14, 2015
	Agenda Item No.	51
	Roll Call No.	<u>15-1536</u>
	Communication No.	<u>15-480</u>
	Submitted by:	Phillip Delafield, Community Development Director

AGENDA HEADING:

Amendment to Chapter 58 of the Des Moines City Code establishing a Demolition Review Ordinance and the addition of associated references in Section 26-303 of the City Code pertaining to permitting.

SYNOPSIS:

The proposed ordinance creates a review process for the demolition of all single-family buildings that are 80 years old or older, all commercial and multiple-family buildings that are 50 years old or older, and of all buildings that have architectural merit regardless of age. Most buildings would move through the review process in 10 days or less. However, additional time could be required for alternatives to be explored and for buildings of significance to be documented before demolition when warranted. In all cases, the ordinance encourages the salvage of building materials. This ordinance is the outcome of the Mayor’s Task Force on Historic Preservation and Demolition and two (2) City Council workshops. The draft was reviewed by the Historic Preservation Commission, the Urban Design Review Board, the Plan and Zoning Commission, and the State of Iowa Historic Preservation Office (SHPO). Staff recommends approval of the proposed Demolition Review Ordinance. A flow chart is attached that illustrates the process the ordinance would create.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

In 2013, the Mayor’s Task Force on Historic Preservation and Demolition was formed to discuss how to balance development rights with the need to protect the character of the community. The focus of this dialogue was the creation of a demolition review ordinance. A framework for such an ordinance was prepared and presented to the City Council at their March 10, 2014 workshop. Feedback from the workshop was then used to develop alternative ordinance concepts. Three (3) alternatives were presented to the City Council at their workshop on June 9, 2014. Following the workshop, staff prepared a draft ordinance based on the preferred alternative. This alternative, as originally drafted, would have created a review process for the demolition of all primary structures (single-family, multiple-family, commercial) that are 80 years old or older and of buildings that have architectural merit regardless of age. Most buildings would move through the review process in 10 days or less. However, additional time could be required for alternatives to be explored and for buildings of significance to be documented before demolition when warranted. In all cases, the ordinance encourages the salvage of building materials. This draft was reviewed by the Task Force on January 8, 2015. The following are the main points discussed during that meeting:

- Noted that the process and review thresholds in the draft ordinance were generally supported by the City Council, including an 80 year old minimum and architectural merit review triggers rather than the originally discussed 50 year old threshold.
- Clarified that all reviews will be conducted by staff with experience in historic preservation. It is anticipated that initially Jason Van Essen and Mary Neiderbach with the Community Development Department will conduct most reviews, but additional staff with various areas of expertise may be brought into the process as needed.
- Clarified that staff will utilize existing historic survey information during their review, in addition to any other relevant information.
- Noted that a review checklist will be developed by staff along with a demolition review application and informational flyer. Any submitted application and/or documentation will have to be deemed complete by staff prior to a complete review.
- Discussed that the ordinance should be enforced as other ordinances are, which is through the civil infraction process. It was noted that in many cases, demolition occurs in preparation for new development, and that knowing you have to go through the City's development review process is more of a motivator than fines are for developers.
- Noted that the historic preservation community must stay involved after the ordinance is adopted and take responsibility for providing the information, coordination and resources necessary for alternatives to demolition to be successfully executed.

The Historic Preservation Commission reviewed the draft ordinance at their March 18, 2015 meeting and recommends approval. The Urban Design Review Board (UDRB) reviewed the draft at their April 7, 2015 meeting and recommends approval with an amendment that limits the 80 year old threshold to single-family residential buildings and that the review threshold for all other buildings be 50 years old or older. The UDRB felt this alternative would address the concern that the sheer number of buildings over the age of 50 years old in the City would make the process too cumbersome to manage, while ensuring that an adequate level of review is provided for commercial and multiple-family residential buildings. The Plan and Zoning Commission reviewed the draft ordinance at their April 16, 2015 meeting and recommends approval.

The draft ordinance was reviewed by the State Historic Preservation Office in accordance with the City's Certified Local Government (CLG) agreement with the State of Iowa. The SHPO recommends that a 50 year old threshold be applied to all buildings as a uniform 50 year threshold is considered best practice and is consistent with other preservation programs such as the City's existing Historic Preservation Ordinance, the Secretary of the Interior's Standards and the National Register, and the Certified Local Government program. A 50 year old threshold also recognizes the value of mid-century architecture. The SHPO offered support of the UDRB recommendation as a compromise if a universal 50 year old threshold is not attainable.

Staff recommends approval of the proposed Demolition Review Ordinance. The ordinance provides a pause for dialogue and requires buildings of significance to be documented by the owner when demolition cannot be avoided and for salvage opportunities to be fully explored. The success of executing alternatives to demolition will require the involvement of the historic preservation community. City staff does not have the capacity to undertake project coordination and this ordinance

does not commit the City to do so. Preservationist must be prepared to undertake projects such as building moves and the preemptive purchase of significant properties, in addition to leading public education efforts and the identification of historic resources within the community.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S):

Board: Historic Preservation Commission

Date: March 18, 2015

Resolution Number: N/A

Action: Recommend approval of proposed ordinance.

Board: Urban Design Review Board

Date: April 7, 2015

Resolution Number: N/A

Action: Recommend approval of proposed ordinance with an amendment to apply a 50 year old threshold for review of commercial and multiple-family residential buildings.

Board: Plan and Zoning Commission

Date: April 16, 2015

Resolution Number: N/A

Action: Recommend approval of proposed ordinance.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Second and third readings of the Ordinance by the City Council unless waved.

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