



# CITY *of* CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council  
 FROM: Administration  
 DATE: February 13, 2023  
 SUBJECT: Consider – Update on Historic Preservation Committee and Seek Policy Direction Moving Forward.

**Staff:** John Holt, City Manager

**Recommendation:** Consider Update and Provide Policy Direction

ATTACHMENTS: 1. September 12, 2022, staff report regarding Historic Preservation Committee

### CONFLICT OF INTEREST

Councilmembers should consider recusal if a campaign contribution exceeding \$250 has been received from the project proponent (developer, applicant, agent, and/or participants) since January 1, 2023 (Government Code 84308).

### RECOMMENDATION

Staff is seeking policy direction on moving forward with the creation and implementation of a City of Clovis Historic Preservation Committee.

### EXECUTIVE SUMMARY

On September 12, 2022, City Council voted as follows:

Motion by Councilmember Whalen to establish an ad hoc committee that would assess historic resources in the City of Clovis and provide recommendations to the City Council on the protection of those identified resources. Membership of the committee will consist of five (5) members and each member shall be appointed by the City Council following a recommendation by the Mayor and members must be a resident of the City of Clovis. Motion was seconded by Councilmember Mouanoutoua amending the motion to change the number of members to ten (10) with each councilmember selecting two. Councilmember Whalen concurred with the amended second. Motion carried 4-0-0-1 with Mayor Flores abstaining.

Actions required and charge of the committee based on the action Council took in the motion above:

1. Have City Council appoint ten (10) members – two (2) each.
2. Committee Members are required to live within the city limits.
3. This is an ad hoc committee that will meet until the objectives are achieved.
4. The Committee will be subject to the Brown Act.
5. The Committee will be charged with:
  - a. Identifying criteria they would use to assess historic resources in the City of Clovis.
  - b. Assessing historic resources in the City of Clovis – this would consist of surveying historic resources within the city limits of the City of Clovis. The historic survey would not designate a property as historic. Instead, the survey would identify properties that could be a historic resource.
  - c. Provide recommendations to the City Council on the preservation of those identified resources.
6. The Committee would report back to City Council on items included in number 5 above.

In October 2022 City Council provided additional direction to table the creation of the Committee until after the November 8, 2022, election. Staff is now returning to City Council to confirm the actions taken on September 12, 2022.

## **BACKGROUND**

The creation of this discussion was formalized with a May 16, 2022, letter from Sayre Miller, representing the Clovis-Big Dry Creek Historical Society requesting the City Council create a Historic Preservation Commission. The letter indicates that the Clovis-Big Dry Creek Historical Society created a committee approximately three years ago to advocate for the preservation of the Carnegie Library building in Old Town Clovis (letter attached to the staff report). The Carnegie Library is owned by the Clovis Chamber of Commerce and the City of Clovis has limited control over how that building is used.

Attachment 1 includes all background material. On May 2, 2022, the City Council received an update on 325 Pollasky Avenue, Clovis Chamber of Commerce building. On May 16, 2022, the Clovis-Big Dry Creek Historical Society submitted a letter to the City Manager requesting that the City form a Historical Preservation Commission. From the May 2, 2022, meeting, it was the consensus of the Council to pursue the formation of a historical preservation committee to assist the effort in updating and preserving the building.

On June 6, 2022, the City Council considered the request from Clovis-Big Dry Creek Historical Society for the Council to create a Historical Preservation Commission. From the June 6, 2022, meeting Council directed staff to establish the Advisory Board as described in the Clovis Municipal Code 9.120.020 - *Historic Preservation Board. A City review board designated to promote the cultural, economic, educational, and general welfare of the City through the preservation and protection of buildings, sites, structures, areas, and districts of historic significance and interest.*

On September 12, 2022, staff presented a two options for Council to consider: **Option A** - Establish a temporary committee that would assess historic resources in the City of Clovis and provide recommendations to City Council on the protection of those identified resources; or **Option B** - Consider Introduction – Ord. 22-\_\_\_, an Ordinance of the City Council of the City of Clovis adding Chapter 9.81 of Title 9 of the Clovis Municipal Code creating a Historic Preservation Board.

City Council chose Option A with the following motion: to establish an ad hoc committee that would assess historic resources in the City of Clovis and provide recommendations to the City Council on the protection of those identified resources. Membership of the committee will consist of ten (10) members and each member shall be appointed by the City Council following a recommendation by the Mayor and members must be a resident of the City of Clovis.

In October 2022 City Council provided additional direction to table the creation of the Committee until after the November 8, 2022, election. Staff is now returning to City Council to confirm the actions taken on September 12, 2022.

#### **FISCAL IMPACT**

There is currently no funding to support the establishment of a Historic Preservation Committee. Staff time to support would likely be limited but it would have an impact on workload.

#### **REASON FOR RECOMMENDATION**

Staff is now returning to council to confirm prior action and see direction moving forward.

#### **ACTIONS FOLLOWING APPROVAL**

Staff will implement Council direction.

Prepared by: John Holt, City Manager

Reviewed by: City Manager *AH*



# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council  
 FROM: Administration  
 DATE: September 12, 2022  
 SUBJECT: Consider Various Options Regarding the Creation of a Historic Preservation Board:

a. Establish a temporary committee that would assess historic resources in the City of Clovis and provide recommendations to City Council on the protection of those identified resources;

b. Consider Introduction – Ord. 22-\_\_\_, An Ordinance of the City Council of the City of Clovis adding Chapter 9.81 of Title 9 of the Clovis Municipal Code creating a Historic Preservation Board;

c. Take no action at this time.

**Staff:** Andrew Haussler, Assistant City Manager / Renee Mathis, Director of Planning and Development Services

**Recommendation:** Consider options and provide staff policy direction

ATTACHMENTS:

1. Background on 325 Pollasky – Clovis Chamber of Commerce
2. May 2, 2022, Staff Report - Update on 325 Pollasky Avenue (Clovis Chamber of Commerce Building)
3. May 16, 2022, Letter from the Clovis-Big Dry Creek Historical Society to form a historical preservation commission
4. June 6, 2022, Staff Report - Consider – A request from Clovis-Big Dry Creek Historical Society for the City Council to Create a Historical Preservation Commission
5. Draft Ordinance

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

For the City Council to consider various options regarding the creation of a Historic Preservation Board (Board) and provide staff direction going forward.

## EXECUTIVE SUMMARY

On May 2, 2022, the City Council received an update on 325 Pollasky Avenue, Clovis Chamber of Commerce building (Attachment 2). On June 6, 2022, City Council considered a request from Clovis-Big Dry Creek Historical Society for the City Council to create a Historical Preservation Commission (Attachment 4). From the June 6, 2022, meeting, Council directed staff to establish an advisory board as described in the Clovis Municipal Code 9.120.020.

Over the past two months, staff has worked with the City Attorney's office in developing a draft ordinance creating a Historic Preservation Board. This is proposed to be an advisory board to the Planning Commission and City Council tasked with developing an initial list of historic landmarks and historic sites within the Historic District for consideration. The Board would also be responsible for maintaining that list of historic landmarks and historic sites. The draft ordinance establishes the process by which an initial list of historic landmarks and historic sites could be established and how one might be added at a future date.

The following are challenges that have been identified during the development of the draft ordinance:

1. There is no funding for the creation and support of Board.
2. In communicating with the City of Visalia who established a Historic Preservation Advisory Committee in 1979, there is a significant amount of work in establishing the criteria and initial list which could initially consume full-time support of one staff member. Once established, ongoing support is significantly reduced.
3. Staff would likely need to outsource support to the Board such as an architect, engineer, or historian (assuming the initial Board was not made up of this expertise).
4. There is currently no in-house expertise on historic preservation.
5. Defining a historic landmark and maintenance of it is subjective – staff would be charged with defining what is significant, minor, and maintenance work.

After developing the draft ordinance, staff is recommending the City Council consider the following options:

- A. Establish a temporary committee that would assess historic resources in the City of Clovis and provide recommendations to City Council on the protection of those identified resources;
- B. Consider Introduction – Ord. 22-\_\_\_\_, an Ordinance of the City Council of the City of Clovis adding Chapter 9.81 of Title 9 of the Clovis Municipal Code creating a Historic Preservation Board;
- C. Take no action at this time.

## BACKGROUND

On May 2, 2022, the City Council received an update on 325 Pollasky Avenue, Clovis Chamber of Commerce building (Attachment 2). On May 16, 2022, the Clovis-Big Dry Creek Historical Society submitted a letter to the City Manager requesting that the City form a Historical Preservation Commission (Attachment 3). Attachment 1 provides some of the history on the building located at 325 Pollasky Avenue. From the May 2, 2022, meeting, it was the consensus of the Council to pursue the formation of a historical preservation committee to assist the effort in updating and preserving the building.

On June 6, 2022, the City Council considered the request from Clovis-Big Dry Creek Historical Society for the Council to create a Historical Preservation Commission (Attachment 4). From the June 6, 2022, meeting Council directed staff to establish the Advisory Board as described in the Clovis Municipal Code 9.120.020 - *Historic Preservation Board. A City review board designated to promote the cultural, economic, educational, and general welfare of the City through the preservation and protection of buildings, sites, structures, areas, and districts of historic significance and interest.*

Over the past two months, staff has worked with the City Attorney's office to develop a draft ordinance to create a Historic Preservation Board, provided as Attachment 5. Through that process, staff has developed an alternative option to consider: to establish a temporary committee that would assess historic resources in the City of Clovis and provide recommendations to the City Council on the protection of those identified resources. A third option available is to continue the City's current policies on historical preservation with Council taking no action at this time.

The following is a review of the three proposed options:

**Option A** - Establish a temporary committee that would assess historic resources in the City of Clovis and provide recommendations to City Council on the protection of those identified resources.

After developing the draft ordinance and realizing that staff has very little expertise regarding historic sites nor the criteria to judge, staff wanted to present the option to City Council to consider forming a committee that would be charged with assessing historic resources in the City of Clovis and providing recommendations on tools the Council could implement to protect the identified resources, such as an ordinance. The committee could stand up for a specified period and provide recommendations to the City Council at its conclusion.

**Option B** - Consider Introduction – Ord. 22-\_\_\_\_, an Ordinance of the City Council of the City of Clovis adding Chapter 9.81 of Title 9 of the Clovis Municipal Code creating a Historic Preservation Board:

In crafting the ordinance and knowing that it will likely need to be amended, staff is recommending the City Council consider narrowing the scope of the ordinance initially to allow somewhat of a learning curve upon initial implementation. It should also be noted that the City is now on the front end of updating the 2014 General Plan, which could be an opportunity to refine the ordinance in the future.

### Highlights of the draft ordinance:

A summary of the ordinance and the proposed draft ordinance is in Attachment 5.

#### Purpose:

The proposed Historic Preservation Ordinance establishes a Historic Preservation Board (Board). The Board would be created to act as the City's steward for historic preservation causes and protector of historic structures. The Board would be an advisory body to the Planning Commission and City Council. The Board would consist of five members appointed by the Mayor and confirmed by the City Council and meet monthly.

#### Scope:

Staff is recommending Council consider limiting the initial historic district to the original one square mile of the City of Clovis, bounded by Barstow Avenue to the south, Sunnyside Avenue to the east, Sierra Avenue to the north, and Minnewawa Avenue to the west (this area represents the original one square mile that was incorporated in 1912). Staff is further recommending Council consider initially limiting consideration of historic sites to non-residential properties.

#### Initial Role:

The Board would be primarily responsible for developing a list of Historic Landmarks within the Historic District for Planning Commission and City Council to consider for designation.

#### Ongoing Role:

The Board would periodically update the Historic Landmarks within the Historic District and reviewing building/planning actions related to historically designated structures. Review of proposals for the exterior alteration of historically designated sites and structures would likely be the most frequent task undertaken by the Board. The Board reviews would be conducted with a focus on preserving the integrity of historic structures and maintaining the unified architectural character of the Historic District. The Board would also be tasked with recommending criteria to be used during such review.

#### Limitations on Changes to Designated Historic Sites:

Reviews of exterior alterations to buildings would need to occur prior to issuance of a permit. For land use actions, the Board would only review the impact of a proposed land use change on a historic landmark and would provide a recommendation to the Planning Commission. The Board would not have authority to approve or deny land use actions and would not make determinations on what uses are allowed. That power rests solely with the Planning Commission. Any action of the Board would be appealable to the City Council.

#### Expenses:

All reviews by the Board would be conducted at no expense to the applicant. Similarly, any appeals of Board actions would be processed free of charge.

Staff time to support the Board has not been budgeted for and resources would need to be identified.

Summary:

In summary, a property owner will be notified of the potential for a property to be listed on the historic register before public hearings held by the Historic Preservation Board and again by the Planning Commission. The final recommendation would be noticed to the property owner before the item is heard by the City Council when the Council could officially add the property to the local historic register. The property owner will be allowed the opportunity to state whether they want their property to be included as an historic landmark. There is a provision in the ordinance that allows the Planning Commission to consider a hardship by a property owner that would result from denial of a permit to carry out proposed work.

If a site is added to the register before altering the exterior of, or demolishing, an historic landmark or historic site, the property owner must first obtain approval either from the Director of Planning and Development Services or, depending on the significance of the change, the Board would provide a recommendation to the Planning Commission. This is appealable to City Council. In addition, for Historic Landmarks, property owners must seek permission to do work that does not require a permit and would not normally require City approval. This will increase the time it takes property owners to complete work on their property, compared to a site that is not on the historic register.

**Option C – Take no action at this time.**

Currently in the City of Clovis, historic preservation is governed by the General Plan in the Open Space and Conservation Element under *Goal 2: Natural, agricultural, and historic resources that are preserved and promoted as key features for civic pride and identity*. This is implemented by the following policies:

- Policy 2.9: National and state historic resources. Preserve historical sites and buildings of state or national significance in accordance with the Secretary of Interior Standards for Historic Rehabilitation.
- Policy 2.10: Local historic resources. Encourage property owners to maintain the historic integrity of the site by (listed in order of preference): preservation, adaptive reuse, or memorialization.
- Policy 2.11: Old Town. Prioritize the preservation of the historic character and resources of Old Town.
- Policy 2.12: Public education. Support public education efforts for residents and visitors about the unique historic, natural, and cultural resources in Clovis.

In addition, the Central Clovis Specific Plan further implemented the above goal and policies with design guidelines and language desiring to preserve the historic nature of the Old Town area.



**FISCAL IMPACT**

Implementation of the ordinance will need to be supported by staff time as well as supporting the Board and meetings. The exact cost to support the Board is unknown at this time.

**REASON FOR RECOMMENDATION**

City Council provided direction to draft an ordinance to develop an advisory body to the Planning Commission and City Council to develop an initial list of historic landmarks and historic sites within the Historic District for consideration. The Board would also be responsible for maintaining that list of historic landmarks and historic sites. Staff has provided Council with various options to consider.

**ACTIONS FOLLOWING APPROVAL**

Staff will implement Council direction.

Prepared by: Andrew Haussler, Assistant City Manager  
Renee Mathis, Director of Planning & Development Services.

Reviewed by: City Manager *AM*

### 325 Pollasky Avenue (Clovis Chamber of Commerce) Building Update

The building owned by the Clovis Chamber of Commerce is located at 325 Pollasky Avenue. It was built in 1914 and originally served as the Clovis Library. The construction was financed through a grant from the Carnegie Foundation, which funded 2,509 such libraries between 1883 and 1929. The building remained in continuous use as a public library until 1976, when the new Clovis Library opened at 1133 Fifth Street. In exchange for the new library site, the County of Fresno deeded ownership of the building and land at 325 Pollasky to the City of Clovis.

Upon taking possession of the property, the City of Clovis was committed to renovating and converting the building into a use which could serve as a public meeting space. However, the costs for renovation ranged from \$150,000 to \$160,000.

In 1979, the City of Clovis replaced the foundation at a cost of \$70,000. By 1983, a group of citizens managed to raise \$13,000 for additional restoration work. Those funds, along with donations of labor and supplies, enabled the group to complete some additional restoration work.

In 1986, the City of Clovis entered into an agreement with the Clovis Chamber of Commerce to transfer ownership of the building and property to the Chamber. The agreement included several conditions ("Reversionary Interest Conditions"), which were to be included in the deed conveying the property to the Chamber:

- Chamber must complete remodeling of the building.
- Chamber may not convey any interest in the property without consent of the City.
- Chamber must remain as a non-profit corporation organized as a chamber of commerce.
- Chamber must maintain the upper floor of the building for public use or short-term rental for public and community groups.
- Chamber must maintain the building in good condition and repair.
- As part of the agreement, the City was also to retain the ability to take back title to the property in the event of a default by the Chamber.

Since 1986, the Chamber has continuously occupied the building. During that time, the Clovis Chamber of Commerce bore all costs for repairs and maintenance for the building and property. Some of these repairs and upgrades include total replacement of roof, total overhaul of landscaping and irrigation, and overhaul of front entry. Between 2012 and 2016, the building experienced issues which included the total failure of HVAC equipment, severe roof leak, and a water main break.

The building is also not ADA compliant, which has prevented the Chamber of Commerce from being able to legally operate inside the building.

In 2016, City of Clovis staff discovered that although the deed conveying the property from the City to the Chamber was executed in 1986, none of the Reversionary Interest Conditions required by the agreement were included in the deed. Also, the 1986 agreement was not recorded. Therefore, the legally enforceable status of the Reversionary Interest Conditions was in doubt.

In 2017, facing significant repairs to the HVAC system and building plumbing, and significant and costly upgrades to bring the building into compliance with ADA standards, the Chamber asked the City to be released from the Reversionary Interest Conditions. On September 10, 2018, the City Council approved Resolution 18-121 and released any interest the City had in the building and property, including releasing

the Chamber from all Reversionary Interest Conditions. The stated purpose in Resolution 18-121 of releasing the Chamber was "so that the Chamber may move forward with future planning for the property and building consistent with the City's Central Clovis specific plan and applicable zoning." As a result of Resolution 18-121, the City has no legal or equitable interest in the building or property, and the Chamber is not subject to any conditions restricting the use of the building or development of the property other than the Central Clovis Specific Plan and applicable zoning.

Since 2018, the Chamber of Commerce Board of Directors and staff have explored the following four options for the property:

1. Repair the building
2. Sell the property
3. Scrape and rebuild the building
4. Create a partnership with a developer who will remove the current building and construct a new building. The Chamber would enter into this partnership on the strength of the equity of land with the developer covering the cost of construction. The outcome for the Chamber would be a condominium-type office that would remain the property of the Chamber of Commerce in perpetuity.

To date, the Chamber staff has explored all options, but has not made a final decision.



# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council  
 FROM: Administration  
 DATE: May 2, 2022  
 SUBJECT: Receive and File – Update on 325 Pollasky Avenue (Clovis Chamber of Commerce Building).

**Staff:** Andrew Haussler, Assistant City Manager

**Recommendation:** Receive and File

ATTACHMENTS: 1. Background Documentation

### CONFLICT OF INTEREST

Mayor Jose Flores maintains financial interest in a property within 1,000 feet of subject property and, pursuant to law, must abstain from participation and decision regarding this item.

### RECOMMENDATION

That the City Council receive and file the update on 325 Pollasky Avenue (Clovis Chamber of Commerce Building).

### EXECUTIVE SUMMARY

Since 1986, the building located at 325 Pollasky has been occupied and maintained by the Clovis Chamber of Commerce through an agreement for conveyance of use. In 2018, City Council approved a resolution releasing all interest in the subject property. Since that time, the Clovis Chamber of Commerce has continued exploring future use of the property.

### BACKGROUND

The building owned by the Clovis Chamber of Commerce is located at 325 Pollasky Avenue. It was built in 1914 and originally served as the Clovis Library. The construction was financed through a grant from the Carnegie Foundation, which funded 2,509 such libraries between 1883 and 1929. The building remained in continuous use as a public library until 1976, when the new Clovis Library opened at 1133 Fifth Street. In exchange for the new library site, the County of Fresno deeded ownership of the building and land at 325 Pollasky to the City of Clovis.

Upon taking possession of the property, the City of Clovis was committed to renovating and converting the building into a use which could serve as a public meeting space. However, the costs for renovation ranged from \$150,000 to \$160,000.

In 1979, the City of Clovis replaced the foundation at a cost of \$70,000. By 1983, a group of citizens managed to raise \$13,000 for additional restoration work. Those funds, along with donations of labor and supplies, enabled the group to complete some additional restoration work.

In 1986, the City of Clovis entered into an agreement with the Clovis Chamber of Commerce to transfer ownership of the building and property to the Chamber. The agreement included several conditions ("Reversionary Interest Conditions"), which were to be included in the deed conveying the property to the Chamber:

- Chamber must complete remodeling of the building.
- Chamber may not convey any interest in the property without consent of the City.
- Chamber must remain as a non-profit corporation organized as a chamber of commerce.
- Chamber must maintain the upper floor of the building for public use or short-term rental for public and community groups.
- Chamber must maintain the building in good condition and repair.

As part of the agreement, the City was also to retain the ability to take back title to the property in the event of a default by the Chamber.

Since 1986, the Chamber has continuously occupied the building. During that time, the Clovis Chamber of Commerce bore all costs for repairs and maintenance for the building and property. Some of these repairs and upgrades include total replacement of roof, total overhaul of landscaping and irrigation, and overhaul of front entry. Between 2012 and 2016, the building experienced issues which included the total failure of HVAC equipment, severe roof leak, and a water main break.

The building is also not ADA compliant, which has prevented the Chamber of Commerce from being able to legally operate inside the building.

In 2016, City of Clovis staff discovered that although the deed conveying the property from the City to the Chamber was executed in 1986, none of the Reversionary Interest Conditions required by the agreement were included in the deed. Also, the 1986 agreement was not recorded. Therefore, the legally enforceable status of the Reversionary Interest Conditions was in doubt.

In 2017, facing significant repairs to the HVAC system and building plumbing, and significant and costly upgrades to bring the building into compliance with ADA standards, the Chamber asked the City to be released from the Reversionary Interest Conditions. On September 10, 2018, the City Council approved Resolution 18-121 and released any interest the City had in the building and property, including releasing the Chamber from all Reversionary Interest Conditions. The stated purpose in Resolution 18-121 of releasing the Chamber was "so that the Chamber may move forward with future planning for the property and building consistent with the City's Central Clovis Specific Plan and applicable zoning." As a result of Resolution 18-121, the City has no legal or equitable interest in the building or property, and the Chamber is not subject to any conditions restricting the use of the building or development of the property other than the Central Clovis Specific Plan and applicable zoning.

Since 2018, the Chamber of Commerce Board of Directors and staff have explored options for the future of this building and property but have not made a final decision. Likewise, the City of Clovis has not been in receipt of any plans or applications for demolition, improvements, or redevelopment.

The City of Clovis has no legal interest in the subject property.

**FISCAL IMPACT**

The City of Clovis has no financial interest in the subject property.

**REASON FOR RECOMMENDATION**

The attached report serves as information only. Beyond the review of information by Council, no action is requested.

**ACTIONS FOLLOWING APPROVAL**

Staff will file information.

Prepared by: Shawn Miller, Business Development Manager

Reviewed by: City Manager *SM*

SAVE OUR 1914 CARNEGIE LIBRARY COMMITTEE

c/o Clovis-Big Dry Creek Historical Society

401 Pollasky Avenue  
Clovis, CA 93612-1141

AGENDA ITEM NO. 6.

AGENDA ITEM NO. 18.

May 16, 2022

Mr. John Holt  
City Manager  
City of Clovis  
1033 Fifth Street  
Clovis, CA 93612

Dear Mr. Holt,

Two years ago the Clovis-Big Dry Creek Historical Society formed a committee to advocate for the preservation of the Carnegie Library building in Old Town Clovis, listed among the Fresno County Historical Landmarks and Records Advisory Commission's Inventory of Historic Sites in Fresno County.

We believe that Old Town Clovis should continue to be defined by its authentic historical buildings wherever feasible. The campaign to protect the Carnegie Library building has accentuated the absence of a City of Clovis Historic Preservation Commission to review projects and plans that may affect the City's historic and cultural heritage. Typically such commissions encourage public participation.

We believe that prompt action by the City to establish a Historic Preservation Commission will:

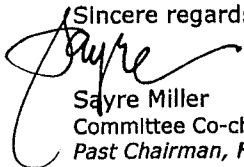
- discourage demolition of our cultural history
- take a vital step toward applying to be a state Certified Local Government to expedite environmental reviews and create opportunities for grant funding
- promote conservation of resources and reduce waste and expense by repairing and reusing existing buildings, greatly reducing their carbon footprint
- encourage identification of significant buildings to educate the public about local history
- contribute expertise in period architecture to maintain the authenticity of Old Town and other historical sites, and
- generate enthusiasm for Clovis' unique character, both as a destination and for the benefit of local citizens.

Many municipalities maintain a Local Register of Historic Resources. Such resources are researched and evaluated as to their significance, and often are marked by plaques or other insignia to illuminate a town's historical development. We believe that Clovis is worthy of such a project.

The Council gave verbal direction to staff at the City Council meeting on May 2, 2020, to initiate the formation of a Historic Preservation Commission. Our citizen group endorses this action with enthusiasm. In addition to the committee—comprised of seven Clovis citizens who are passionate about the preservation of historically significant landmarks—we have consulted an advisory group comprised of John Wright, former City of Clovis Planning Director; Elizabeth Laval, President, Fresno County Historical Society; Karana Hattersley-Drayton, former City of Fresno Historic Preservation Project Manager; and Chris Johnson, AIA, Principal and Project Lead for the 2005 restoration of Fresno's Santa Fe Depot. We offer our services to aid the City in the establishment of a Clovis Historic Preservation Commission.

If you would like to discuss this issue, please contact me by phone at (559) 930-3619, or by email at sayremcfarlanemiller@gmail.com.

Sincere regards,



Sayre Miller  
Committee Co-chair  
Past Chairman, Fresno County Historical Society

Peg Bos, Committee Co-chair  
Past President, Clovis-Big Dry Creek Historical Society

Paul Halajian  
Architect, Old Town Clovis

Tom Wright  
Board Chairman, Clovis Veterans Memorial District

Carol Smittcamp Copeland  
Business Owner, Old Town Clovis

Don Bremseth  
Architect / 1979-85 Carnegie Library  
Restoration Committee Member

Betsy Smittcamp Kimball  
President, Smittcamp Family Foundation

ATTACHMENT 3



# CITY of CLOVIS

## REPORT TO THE CITY COUNCIL

TO: Mayor and City Council

FROM: Administration

DATE: June 6, 2022

SUBJECT: Consider – A request from Clovis-Big Dry Creek Historical Society for the City Council to Create a Historical Preservation Commission.

**Staff:** Andrew Haussler, Assistant City Manager  
**Recommendation:** Consider request and provide direction.

ATTACHMENTS: 1. Letter from Clovis-Big Dry Creek Historical Society

### CONFLICT OF INTEREST

None.

### RECOMMENDATION

For the City Council to provide direction to staff based on the request from the Clovis-Big Dry Creek Historical Society to form a Historical Preservation Commission.

### EXECUTIVE SUMMARY

Staff is in receipt of a request (attached) to the City Manager from the Clovis-Big Dry Creek Historical Society to form a historical preservation commission.

### BACKGROUND

After the discussion regarding the status of the Clovis Carnegie Library Building on May 2, 2022, the Clovis-Big Dry Creek Historical Society submitted a letter on May 16, 2022, to the City Manager requesting that the City form a Historical Preservation Commission. The City currently does not have a Historical Preservation Commission. The letter from the Clovis-Big Dry Creek Historical Society refers to the Council giving verbal direction to staff at the May 2nd Council meeting to initiate the formation of a Historical Preservation Commission. However, no action was taken at that meeting. Staff now seeks Council's direction on the potential formation of such a Commission.

When the Zoning Code was updated in 2014, a definition for "Historical Preservation Board" was included in Chapter 9.120, and defined to be a *City review board designated to promote the cultural, economic, educational, and general welfare of the City through the preservation and*



*protection of buildings, sites, structures, areas, and districts of historic significance and interest.* Although a definition for the Board was included, no other provisions in the Zoning Code address a Historic Preservation Board or require its creation, *and* the City has not taken action to establish such a Board. To establish a Historic Preservation Commission (or Board) the City Council would need to initiate and approve an amendment to the Zoning Code to incorporate such a Board into the development review process for designated buildings and sites.

The role of a Historic Preservation Commission can vary as determined by the City Council. Many similar commissions in other cities review historic resources such as buildings, sites, structures, areas, and districts of historic significance and interest, and determine what should be recommended as designated for protection, subject to City Council approval. A commission may also serve as an additional reviewing/advisory body, reviewing and making recommendations on a designated site application to the Planning Commission. If an owner of one of those designated buildings, sites, structures, areas, and districts of historic significance and interest wants to make improvements and/or changes the Historic Preservation Commission would review and determine if the request is appropriate and then recommend approval or denial of the application to the Director, Planning Commission, and City Council, depending on the entitlement. While this would add a layer of protection to designated historic resources it may also deter investment as it could increase approval timeframes and potentially increase expenses to make improvements.

It is likely amendments and/or additions to the City's General Plan would also be required for the Historic Preservation Commission to determine standards to apply. Currently in the City of Clovis, historic preservation is governed by the General Plan in the Open Space and Conservation Element under *Goal 2: Natural, agricultural, and historic resources that are preserved and promoted as key features for civic pride and identity.* This is implemented by the following policies:

- Policy 2.9: National and state historic resources. Preserve historical sites and buildings of state or national significance in accordance with the Secretary of Interior Standards for Historic Rehabilitation.
- Policy 2.10: Local historic resources. Encourage property owners to maintain the historic integrity of the site by (listed in order of preference): preservation, adaptive reuse, or memorialization.
- Policy 2.11: Old Town. Prioritize the preservation of the historic character and resources of Old Town.
- Policy 2.12: Public education. Support public education efforts for residents and visitors about the unique historic, natural, and cultural resources in Clovis.

In addition, the Central Clovis Specific Plan further implemented the above goal and policies with design guidelines and language desiring to preserve the historic nature of the Old Town area.

Staff is currently seeking direction from Council regarding a request to establish a Historic Preservation Commission. Below are some options for Council to consider:

- 1) Keep status quo as currently determined in the General Plan as provided above.
- 2) Direct staff to review historic preservation in the General Plan Update currently underway to determine any new goals, policies, and implementation steps such as establishing a Historical Preservation Commission.
- 3) Direct staff to bring back the necessary items for Council to consider establishing a Historical Preservation Commission before completing the General Plan Update.

#### **FISCAL IMPACT**

At this point in the discussion there is no fiscal impact.

#### **REASON FOR RECOMMENDATION**

Staff is in receipt of a request to the City Manager from the Clovis-Big Dry Creek Historical Society to form a historical preservation commission.

#### **ACTIONS FOLLOWING APPROVAL**

Staff will implement Council direction.

Prepared by: Andrew Haussler, Assistant City Manager

Reviewed by: City Manager *JH*

## SUMMARY OF DRAFT ORDINANCE

1. The Historic Preservation Board (“Board”) will consist of five (5) members.
2. Each member shall be:
  - a. Appointed by the City Council, following recommendation by the Mayor; and
  - b. A resident of the City; and
  - c. Appointed to a four (4) year term. For the initial appointment, three (3) members will be appointed for a four-year term and the remaining two (2) members will be appointed to a two-year term.
3. The Council and Mayor may consider appointing members from, but not limited to, such professions, disciplines, and interests as: licensed architects and structural engineers; urban planners and landscape architects; attorneys and real estate experts; members of community groups and residents within historic districts, occupants of historic landmarks, and owners of historic sites.
4. The Board will meet at least once per month.
5. The Board will be an advisory body to the Planning Commission and City Council.
6. “Historic District” means the original one square mile of the City of Clovis, bounded by Barstow Avenue to the south, Sunnyside Avenue to the east, Sierra Avenue to the north, and Minnewawa Avenue to the west.
7. “Historic Landmark” means any non-residential improvement in the Historic District.
8. The Board would:
  - a. Develop and recommend an initial list of historic landmarks and historic sites within the Historic District for the Planning Commission and City Council to consider.
  - b. Establish criteria for, conduct and keep current a register of historic resources within the boundaries of the City subject to approval by the City Council.
  - c. Recommend to the Planning Commission and City Council guidelines for the designation of historic landmarks and historic sites.

9. Historic landmarks and historic sites will be established in the following manner:
- a. The Board may request the designation of an improvement as a historic landmark or the designation of a historic site or historic district, on its own accord, or based on testimony by members of the public.
  - b. The Board will conduct a study of the proposed designation and make a recommendation to the Planning Commission.
  - c. The Planning Commission will conduct a hearing to consider and make a recommendation of City Council.
  - d. The City Council will consider the Planning Commission request and approve by resolution or deny. If approved, it will be added to the register of historic designations.
  - e. Annually, the Historic Preservation Board shall review the register of historic designations and present it to the Council, along with any recommended changes.
10. Before altering the exterior of, or demolishing, a historic landmark or historic site, the property owner must first obtain approval as follows:
- a. For work that would not normally require a permit (i.e., exterior building paint color), the Director of Planning and Development Services shall approve an application if it complies with the Central Clovis Design Standards.
  - b. If a building permit is required and seeks to make minor alterations or repairs, the Director of Planning and Development Services shall approve if it complies with the Central Clovis Design Standards.
  - c. If an application is to tear down, demolish, construct, alter, remove, or relocate a historic landmark, the Planning Commission will hold a noticed public hearing and approve or disapprove the application. Such decision is appealable to the Council.
  - d. City approval is not required for ordinary maintenance and repairs.

## ORDINANCE 22-\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADDING  
CHAPTER 9.81 OF TITLE 9 OF THE CLOVIS MUNICIPAL CODE CREATING A  
HISTORIC PRESERVATION BOARD**

The City Council of the City of Clovis does ordain as follows:

Section 1. Chapter 9.81 of Title 9 of the Clovis Municipal Code is hereby added to read as follows:

**Chapter 9.81**

**HISTORIC PRESERVATION BOARD**

Sections:

- 9.81.01 Purpose and Findings.
- 9.81.02 Definitions.
- 9.81.03 Creation of Historic Preservation Board.
- 9.81.04 Powers and Duties of Historic Preservation Board.
- 9.81.05 Historic Designation Criteria.
- 9.81.06 Historic Designation Procedures.
- 9.81.07 Permit Required.
- 9.81.08 Permit Approval Procedure.
- 9.81.09 Permit Approval Criteria.
- 9.81.10 Appeals.
- 9.81.11 Ordinary Maintenance and Repair.
- 9.81.12 Unsafe or Dangerous Conditions.
- 9.81.13 Duty to Keep in Good Repair.
- 9.81.14 Showing of Hardship.
- 9.81.15 No Retroactive Application.
- 9.81.16 Failure to Act

**9.81.01 Purpose and Findings.**

The purpose of this Chapter is to promote the cultural, economic, educational, and general welfare of the City through the preservation and protection of buildings, sites, structures, areas, and districts of historic significance and interest.

**9.81.02 Definitions.**

- A. "Alteration" means any exterior change or modification, of any historic resource including, but not limited to, exterior changes to or modifications of structure, architectural details, or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the

placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, paintings and landscape accessories affecting the exterior visual qualities of the property.

- B. "Historic District" means the original one square mile of the City of Clovis, bounded by Barstow Avenue to the south, Sunnyside Avenue to the east, Sierra Avenue to the north, and Minnewawa Avenue to the west.
- C. "Historic Landmark" means any non-residential improvement in the historic district that has special historic, cultural, aesthetic, or architectural character, interest, or value as part of the development, heritage, or history of the City, the State, or the nation, and that has been designated pursuant to this Chapter.
- D. "Historic Resource" means non-residential improvements, buildings, structures, signs, features, sites, places, areas, or other objects of historic aesthetic, educational, cultural, or architectural significance to the citizens of the City, within the historic district, which may or may not have been officially designated as "historic landmarks" or "historic sites" as hereinafter defined.
- E. "Historic Site" means a parcel or part thereof, within the historic district, on which a historic resource is situated and any abutting parcel or part thereof constituting part of the premises on which the historic resource is situated, and which has been designated a historic site pursuant to this Chapter.
- F. "Improvement" means any building, structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.
- G. "Preservation" means the identification, study, protection, restoration, rehabilitation, or enhancement of historic resources.

#### **9.81.03 Creation of Historic Preservation Board.**

- A. Establishment. In order to execute the purposes declared in this Chapter, there is created a Historic Preservation Board.
- B. Appointment.
  - 1. The Historic Preservation Board shall consist of five (5) members.
  - 2. Each member shall be:
    - a. Appointed by the City Council, following recommendation by the Mayor;  
and

- b. A resident of the City; and
  - c. Appointed to a four (4) year term. For the initial appointment, three (3) members will be appointed for a four-year term and the remaining two (2) members will be appointed to a two-year term.
3. The Council and Mayor may consider appointing members from, but not limited to, such professions, disciplines, and interests as: licensed architects and structural engineers; urban planners and landscape architects; attorneys and real estate experts; members of community groups and residents within historic districts, occupants of historic landmarks, and owners of historic sites.
- C. Meetings. The Historic Preservation Board shall hold regular meetings at least once per month.

#### **9.81.04 Powers and Duties of Historic Preservation Board.**

The Historic Preservation Board shall have the following powers and duties:

- A. The Historic Preservation Board will be an advisory body to the Planning Commission and City Council.
- B. The Historic Preservation Board will develop and recommend an initial list of historic landmarks and historic sites within the Historic District for the Planning Commission and City Council to consider.
- C. Establish criteria for, conduct and keep current a register of historic resources within the boundaries of the City subject to approval by the City Council.
- D. Recommend to the Planning Commission and City Council guidelines for the designation of historic landmarks and historic sites subject to the provisions of Section 9.81.05 of this Chapter.
- E. Review and comment upon the conduct of land use, housing and redevelopment, municipal improvements and other types of planning and programs undertaken by any other agency of the City, the County or State as they relate to the historic resources of the community as requested by City Council.
- F. Recommend standards to be considered by the City Council to be used by the Director of Planning and Development Services, Historic Preservation Board, and the Planning Commission in reviewing applications for permits to construct, change, alter, modify, remodel, remove or significantly affect any historic resource. Such standards shall include the Standards for Rehabilitation adopted by the United States Secretary of the Interior, as set forth in 36 Code of Federal Regulations part 1208, as said part may from time to time be amended.

- G. Investigate and report to the City Council on the use of various Federal, State, local or private funding sources and mechanisms available to promote historic preservation in the City.
- H. Recommend approval or disapproval, in whole or in part, applications for permits pursuant to this Chapter.
- I. Render advice and guidance, upon the request of the owner or occupant of the property affected, on the restoration, alteration, decoration, landscaping, or maintenance of any historic resource, including a landmark, landmark site, , or property in the vicinity of the foregoing within public view thereof.
- J. Participate in, promote, and conduct public information, educational and interpretive programs pertaining to historic resources.
- K. Review and make recommendations to the City Council regarding applications for and the administration of historic property contracts submitted or entered into pursuant to Government Code sections 50280 through 50290.
- L. Perform such other duties and exercise such other powers as may be specified by the City Council.

#### **9.81.05 Historic Designation Criteria.**

- A. For the purposes of this Chapter, an improvement may be designated an historic landmark or historic site by the City Council pursuant to Section 9.81.06 of this Chapter if it meets the following criteria:
  - 1. It exemplifies or reflects special elements of the City's cultural, aesthetic, or architectural history; or
  - 2. It is identified with persons or events significant in local, State, or national history; or
  - 3. It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
  - 4. It is representative of the notable work of a builder, designer, or architect.

#### **9.81.06 Historic Designation Procedures.**

Historic landmarks and historic sites shall be established by the City Council in the following manner:

- A. The Historic Preservation Board may request the designation of an improvement as an historic landmark or the designation of an historic site or historic district, on its own accord, or based on testimony by members of the public.



- B. The Historic Preservation Board shall conduct a study of the proposed designation and, based on such documentation as it may require, make a written recommendation to the Planning Commission as to the appropriateness of the designation.
- C. Upon receipt of the written recommendation of the Historic Preservation Board, the Planning Commission shall schedule a public hearing.
- D. The Director of Planning and Development Services shall give notice of the date, place, time and purpose of the hearing, and the recommendation of the Historic Preservation Board by first class mail to all applicants, owners, and occupants of the improvement at least twenty (20) days prior to the date set for the public hearing, using the name and address of such owners as shown on the latest equalized assessment rolls, if they are otherwise not known. Notice of the hearing shall also be advertised once in the newspaper.
- E. The Planning Commission shall conduct a public hearing and shall provide a reasonable opportunity for all interested parties to express their opinions.
- F. At the conclusion of the public hearing, but in no event more than thirty (30) days from the date set for the initial public hearing or any continuance thereof for the designation of a proposed historic landmark or historic site, the Planning Commission shall recommend, in writing, approval in whole or in part, or disapproval in whole or in part, of the application. Such written determination shall contain a description of the actual property or properties to be designated and shall be filed with the City Council, the City Clerk, and the Building Official. The City Clerk shall mail notice of such decision to the applicants and the owners and occupants of the proposed designated historic site or historic landmark. Notice shall also be mailed to any other interested parties as may request a copy thereof.
- G. The City Council, within thirty (30) days of receipt of the recommendations from the Planning Commission, or as soon thereafter as possible, shall by resolution approve the application in whole or in part, or shall by motion disapprove it in its entirety. The City Council shall hold a public hearing on such proposed resolution. Notice of the time and date set for the public hearing on such proposed resolution shall be mailed to all applicants and the owners and occupants of the proposed designated historic site or historic landmark. The Council, in its public hearing on the proposed resolution, shall provide a reasonable opportunity for all interested persons to express their opinions.
- H. The City Clerk shall notify the Building Official of any official designation adopted by resolution by the City Council. The Clerk shall also file within ninety (90) days of such designation with the County Recorder a certified copy of the resolution which shall include the name of the current property owner, the designating entity, the specific historic resources designation and a legal description of the property, together with a notice briefly stating the fact of said designation and a summary of the effects said designation will have. The Clerk further shall mail a copy of the

resolution approving said designation or a copy of the minute order showing disapproval of said designation, to all applicants and the owners and occupants of the proposed designated historic site or historic landmark, and to any other person who requests a copy.

- I. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The Planning Commission and Council may also give such other notice as they may deem desirable and practicable.
- J. While an application for designation of an improvement as an historic landmark or the designation of an historic site is pending, no building, alteration, demolition, or removal permits for any proposed historic site or historic landmark shall be issued. Exceptions may be considered in case of hardship as defined in Section 9.81.14 of this Chapter.
- K. Annually, the Historic Preservation Board shall review the register of historic designations and present it to the Council, along with any recommended changes.

#### **9.81.07 Permit Required.**

It is unlawful for any person to tear down, demolish, construct, alter, remove or relocate any improvement, or any portion thereof, which has been designated an historic landmark or historic site pursuant to the provisions of this Chapter, or to alter in any manner any exterior architectural feature of such an historic landmark or historic site, or to place, erect, alter, or relocate any sign on an historic landmark or historic site, without first obtaining written approval to do so in the manner provided in this Chapter from the Director of Planning and Development Services.

#### **9.81.08 Permit Approval Procedure.**

The following procedures shall be followed in processing applications for approval of work covered by this Chapter:

- A. The Building Official shall report any application for a demolition permit or a building permit to work on a designated historic site or historic landmark to the Director of Planning and Development Services. If the permit seeks to demolish or significantly alter or reconstruct the historic site or historic landmark, the Director of Planning and Development Services shall refer such application to the Historic Preservation Board for its review and recommendation. The Historic Preservation Board shall review the application and shall submit its written recommendation to the Planning Commission within sixty (60) days after receipt of the application from the Director of Planning and Development Services. In connection with its review, the Historic Preservation Board may hold hearings and may require any documentation it believes reasonably necessary to make its recommendation. The Historic Preservation Board shall make all recommendations in accordance with the prescriptive standards adopted pursuant to Section 9.81.05 and 9.81.04 F.

- B. If the permit seeks to make minor alterations or repairs, the Director of Planning and Development Services shall review the permit and, if the proposed work complies with the Central Clovis Design Standards, as may be amended, approve the permit. Minor alterations are those alterations which the Director of Planning and Development Services or his/her designee determines will not adversely affect the exterior architectural characteristics nor the historical or aesthetic value of the historic structure, its site, or surroundings.
- C. If no building permit would otherwise be required pursuant to the City Code, application for approval to pursue work on a designated historic site or historic landmark shall be made to the Director of Planning and Development Services. If the proposed work is in compliance with the Central Clovis Design Standards, as may be amended, the Director of Planning and Development Services shall approve the application.
- D. All applications shall be accompanied by plans and specifications describing the proposed work as well as any other material considered by the Director of Planning and Development Services, Historic Preservation Board, or the Planning Commission to be reasonably necessary for the proper review of the proposed project.
- E. Whenever the application is to tear down, demolish, construct, alter, remove, or relocate any improvement, or any portion thereof, which has been designated a historic landmark or historic site pursuant to the provisions of this Chapter, the Planning Commission shall hold a public hearing thereon. The Planning Commission may hold public hearings on other applications as they deem necessary.

The hearing shall be held at the next available regularly scheduled Planning Commission meeting after receipt of the Historic Preservation Board's recommendation, and after proper notice has been given of such hearing. Notice of such hearing shall be given by first class mail to each applicant at least ten (10) days prior to the date set for such hearing. Notice of the hearing shall also be advertised once in the newspaper not less than five (5) calendar days prior to said hearing. Any hearing may be continued from time to time by the Planning Commission.

- F. At the close of the hearing, the Planning Commission shall approve or disapprove, in whole or in part, such application in accordance with the standards adopted pursuant to Section 9.81.05 and 9.81.04 F, considering the recommendations of the Historic Preservation Board. The Planning Commission's decision shall be in writing and shall state the findings of fact relied upon in reaching such decision. Such decision may be appealed to the City Council.

### **9.81.09 Permit Approval Criteria.**

The Director of Planning and Development Services, Planning Commission, or the City Council upon appeal, shall issue an approval for any proposed work as described in Section 9.81.08 based upon the following criteria or other criteria as determined by the Planning Commission pursuant to Section 9.81.05:

- A. In the case of any property designated a historic landmark, the proposed work would not detrimentally alter, destroy, or adversely affect any exterior architectural feature; or
- B. In the case of construction of a new improvement, building, or structure upon a historic site, the exterior of such improvements will not adversely affect and will be compatible with the external appearance of existing designated improvements, buildings, and structures on said site.

### **9.81.10 Appeals.**

Any interested party may appeal any decision of the Planning Commission pursuant to Section 9.81.09 to the City Council by filing an appeal within fifteen (15) days after the date of the notice of the Planning Commission's decision in accordance with the procedures and requirements set forth in Chapter 9.90 of the Municipal Code.

### **9.81.11 Ordinary Maintenance and Repair.**

Nothing in this Chapter shall be construed to prevent any reasonable uses of any property or properties covered by this Chapter that are not in conflict with the purposes of this Chapter, including the ordinary maintenance or repair of said property that does not involve a change in design, material, or external appearance thereof.

### **9.81.12 Unsafe or Dangerous Conditions.**

Nothing in this Chapter shall be construed to prevent any measures of construction, alteration or demolition necessary to correct the unsafe or dangerous condition of any structure, or feature or part thereof, covered by this Chapter, where such condition has been declared unsafe or dangerous by the Building Official or the Fire Marshal, and where the proposed measures have been declared necessary by such officials to correct such condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed. In making a determination as to whether such work is reasonably necessary as aforesaid, the above-mentioned officials may refer to, and be guided by, the State Historical Building Code (H&S Code section 18950 et seq.) as the same may from time to time be amended, revised, or replaced.

### **9.81.13 Duty to Keep in Good Repair.**

The owner, occupant, or other person in actual charge of a historic resource shall keep in good repair all of the exterior portions of such improvement, building or structure. It shall be the duty of the Building Official to enforce this Section.

#### 9.81.14 Showing of Hardship.

The Planning Commission need not disapprove an application for a permit to carry out any proposed work on a historic landmark or a historic site, if the applicant presents clear and convincing evidence of facts demonstrating to the satisfaction of the Planning Commission that such disapproval will cause immediate and substantial hardship on the applicant because of conditions peculiar to the person seeking to carry out the proposed work, whether this be the property owner, tenant, or resident, or because of conditions peculiar to the particular improvement, building, or structure or other feature involved, and that failure to disapprove the application will be consistent with the purposes of this Chapter. In determining whether extreme hardship exists, the Planning Commission shall consider, among others, the following criteria:

- A. Whether denial of the applicant will diminish the value of the subject property so as to leave substantially no value.
- B. Whether reasonable utilization of the property is prohibited or impractical.

If a hardship is found to exist under this Section, the Planning Commission shall make a written finding to that effect and shall specify the facts and reasons relied upon in making such finding. Such finding may be appealed to the City Council pursuant to the provisions of Section 9.81.10.

#### 9.81.15 No Retroactive Application.

The provisions of this Chapter shall be inapplicable to the construction, alteration, demolition or removal of any structure or other feature on a designated historic landmark or historic site, where a permit for the performance of such work was issued prior to initiation of proceedings for such designation, and where such permit has not expired or been cancelled or revoked, provided that construction is started and diligently prosecuted to completion in accordance with the City Building Code.

#### 9.81.16 Failure to Act.

If for any reason, the Historic Preservation Board fails to take action within the timelines provided in this Chapter, the matter shall automatically proceed to the Planning Commission for consideration and action.

Section 2. This Ordinance shall go into effect and be in full force from and after thirty (30) days after its final passage and adoption.

APPROVED:

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Mayor

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City Clerk

\* \* \* \* \*

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on this \_\_\_ day of \_\_\_\_\_ 2022, and was adopted at a regular meeting of said Council held on this \_\_\_ day of \_\_\_\_\_, 2022, by the following vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Dated:

\_\_\_\_\_  
City Clerk

DRAFT