



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS OF THE MCMINNVILLE HISTORIC LANDMARKS COMMITTEE FOR THE APPROVAL OF A DEMOLITION OF THE HISTORIC RESOURCES LOCATED AT 415 AND 423 SE COLLEGE AVENUE

- DOCKET:** HL 2-21 (Certificate of Approval for Demolition)
- REQUEST:** Approval of the demolition of two existing historic resources and buildings that are located on the subject property. Both buildings are listed on the McMinnville Historic Resources Inventory as “Environmental” historic resources (resource numbers D582 and D584).
- LOCATION:** 415 & 423 SE College Avenue. The resources are located at the property that is identified as Tax Lot 2500, Section 21CC, T. 4 S., R. 4 W., W.M.
- ZONING:** R-4 (Multiple Family Residential)
- APPLICANT:** Mario Espinosa, on behalf of property owner Delta Rho of Kappa Alpha Bld. Assoc.
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** April 28, 2021
- DECISION-MAKING BODY:** McMinnville Historic Landmarks Committee
- MEETING DATE & LOCATION:** May 27, 2021, Zoom Online Meeting ID 938 9056 2975
- PROCEDURE:** An application for a Certificate of Approval for Demolition is processed in accordance with the procedures in Section 17.65.050 of the McMinnville Municipal Code.
- CRITERIA:** The applicable criteria for a Certificate of Approval for Demolition are specified in Section 17.65.050(B) of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.
- APPEAL:** As specified in Section 17.65.080 of the McMinnville Municipal Code, the Historic Landmarks Committee’s decision may be appealed to the Planning Commission within fifteen (15) days of the date written notice of decision is mailed. The City’s

Attachments:

Attachment 1 – Application and Attachments

I. APPLICATION SUMMARY:

The applicant has provided information in their application narrative and findings (attached as Attachment 1) regarding the history of the subject site(s) and the request(s) under consideration. Staff has found the information provided to accurately reflect the current land use request, and excerpted portions are provided below to give context to the request, in addition to the City’s findings.

Subject Property & Request

The subject property is located at 415 and 423 SE College Avenue, and the historic resources and buildings in question are both located on the same property. The property is identified as Tax Lot 2500, Section 21CC, T. 4 S., R. 4 W., W.M. **See Vicinity Map (Figure 1) below.**

Figure 1. Vicinity Map (Property Outline Approximate)



The existing buildings on the subject property are listed on the Historic Resources Inventory as “Environmental” historic resources (resource numbers D582 and D584). The statement of historical significance and description of the buildings, as described in the McMinnville Historic Resources Inventory sheet for each building, is as follows:

415 SE College Avenue:

“This is a simple rectangular 1 story house of the army barracks type. It has a gabled roof of composition shingle and situated with the gabled end facing the street. It has no projecting eaves and is sided with plain clapboard. It has a simple hood with brackets as a small porch covering the entrance door which is off center on the main façade facing the driveway. The windows are simple six-over-one sash and there is one central brick chimney and a concrete foundation. It is facing (across the driveway) it’s twin at 423 College. It is well-kept but undistinguished [sic] by any outstanding features.”

423 SE College Avenue:

“This is one of a matched set facing each other across a driveway (see 415 College Ave.) It is also a rectangle (almost a square though), centrally placed on the lot with a gabled composition roof. The gabled end faces the street. It is rural vernacular with clapboard siding, slightly projecting eaves, one central brick chimney and six-over-one sash windows. It needs painting at this time but seems sound structurally, although not as well kept generally as 415. It also has the roof extended and supported by posts over the off center front door on the main driveway façade. The foundation is of concrete.”

The applicant provided an additional, brief description of the historic resources in the application narrative along with a description of the intention for the property if the buildings were allowed to be demolished, which is as follows:

“The (2) existing homes were built in the 1940’s of an Army Barracks style with undistinguishable outstanding features. In its place, its proposed to build (2) new 1-stoy [sic] structures of bungalow/craftsman style in harmony with an adjacent structure and other homes found in the vicinity, the new homes will be built in the same location as the existing homes and are identical in design, but one will be mirrored from the other. The homes will be built with a wood structure, horizontal siding, composition roof and a new porch facing the street with stone veneer columns.”

Photos of the resources at the time of survey in 1983, photos of the existing exterior of the historic resources, and a graphic of the proposed new construction are provided below. **See 1983 Historic Resources Inventory Photo – 415 SE College Ave (Figure 2), 1983 Historic Resources Inventory Photo – 423 SE College Ave (Figure 3), Existing Conditions (Figure 4), and Proposed New Construction (Figure 5) below.**

Figure 2. 1983 Historic Resources Inventory Photo – 415 SE College Ave



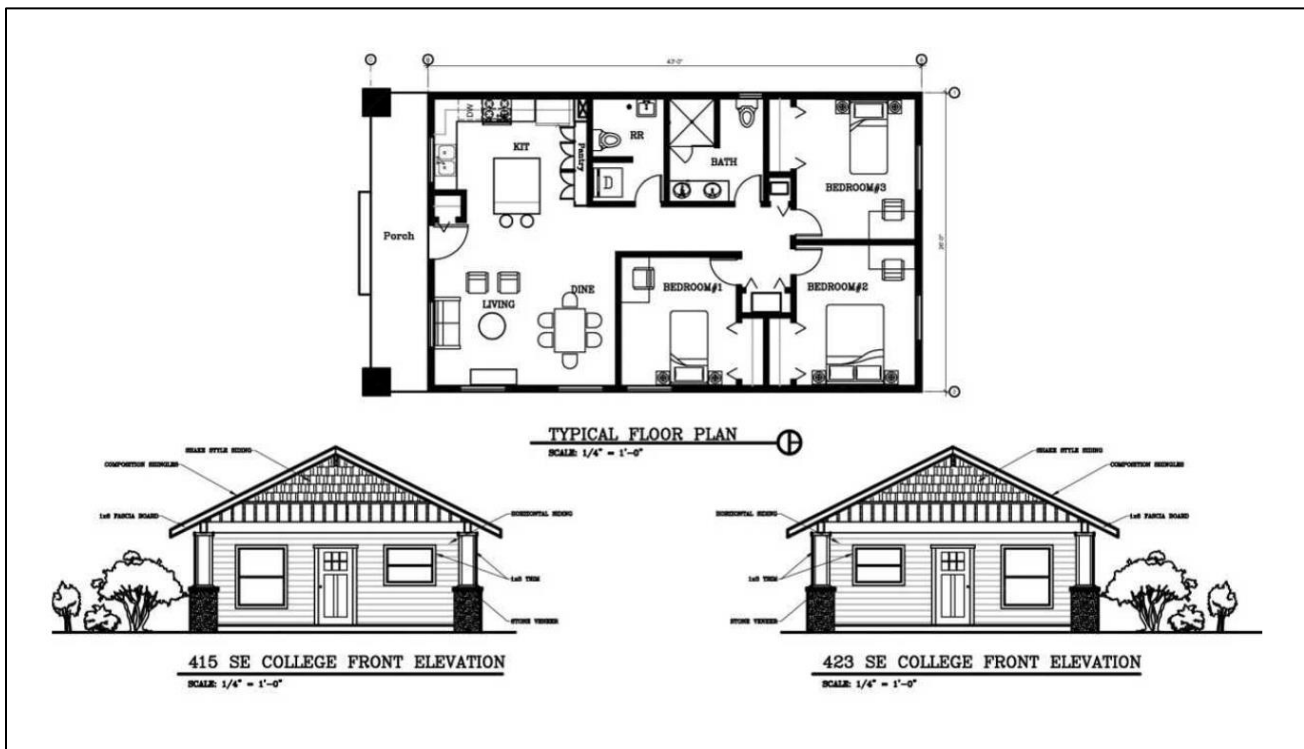
Figure 3. 1983 Historic Resources Inventory Photo – 423 SE College Ave



Figure 4. Existing Conditions



Figure 5. Proposed New Construction



Background

The property was originally surveyed in 1983, which is the date that the “Statement of Historical Significance and Property Description” were drafted and included on the Historic Resources Inventory sheets (resource numbers D582 and D584) for the subject property. This survey work led to the inclusion of the property on the Historic Resources Inventory, and the Historic Resources Inventory was adopted by the McMinnville City Council on April 14, 1987 by Ordinance 4401. The Historic Resources

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Inventory has since been incorporated into the McMinnville Municipal Code (MMC) through its adoption and reference in MMC Section 17.65.030(A).

Summary of Criteria & Issues

The application (HL 2-21) is subject to Certificate of Approval for Demolition review criteria in Section 17.65.050(B) of the Zoning Ordinance. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Certificate of Approval for Demolition requests, in Section 17.65.050(B) of the McMinnville Zoning Ordinance, require the Historic Landmarks Committee to base each decision on the following criteria:

1. The City's historic policies set forth in the comprehensive plan and the purpose of this ordinance;
2. The economic use of the historic resource and the reasonableness of the proposed action and their relationship to the historic resource preservation or renovation;
3. The value and significance of the historic resource;
4. The physical condition of the historic resource;
5. Whether the historic resource constitutes a hazard to the safety of the public or its occupants;
6. Whether the historic resource is a deterrent to an improvement program of substantial benefit to the City which overrides the public interest in its preservation;
7. Whether retention of the historic resource would cause financial hardship to the owner not outweighed by the public interest in the resource's preservation; and
8. Whether retention of the historic resource would be in the best interests of a majority of the citizens of the City, as determined by the Historic Landmarks Committee, and, if not, whether the historic resource may be preserved by an alternative means such as through photography, item removal, written description, measured drawings, sound retention or other means of limited or special preservation.

The applicant has provided findings to support the request for a Certificate of Approval for Demolition. These will be discussed in detail in Section VII (Conclusionary Findings) below.

II. CONDITIONS:

1. That prior to the issuance of the demolition permit for the subject structures, a minimum of 20 (twenty) digital photographs documenting exterior views of the subject structures and a minimum of 20 (twenty) digital photographs documenting interior views of the subject structures shall be submitted to the Planning Department. In addition, the Delta Rho of Kappa Alpha Building Association (property owner) shall attempt to submit any photo or other existing documentation within their records that could enhance the public record of these two historic resources.

III. ATTACHMENTS:

1. HL 2-21 Application and Attachments (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments were received:

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- McMinnville Engineering Department

Sanitary Sewer shall be properly capped and inspected prior to demo permit final.

- McMinnville Building Department

No building code issues.

- Comcast

We are good with this one, no conflicts.

- Zipty Fiber

We have no conflicts. However, the property owner/developer will need to provide path (Subduct or Conduit) from each new home to the Right of Way (to a pole would be ideal) for communications.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site on May 13, 2021. As of the date of the Historic Landmarks Committee public meeting on May 27, 2021 no public testimony had been received by the Planning Department.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The applicant, Mario Espinosa, on behalf of property owner Delta Rho of Kappa Alpha Bld. Assoc., submitted the Certificate of Approval application (HL 2-21) on April 2, 2021.
2. The application was deemed complete on April 28, 2021. Based on that date, the 120 day land use decision time limit expires on August 26, 2021.
3. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas.

Comments received from agencies are addressed in the Decision Document.

4. Notice of the application and the May 27, 2021 Historic Landmarks Committee public meeting was mailed to property owners within 300 feet of the subject property in accordance with Section 17.65.070(C) of the Zoning Ordinance on Thursday, May 13, 2021.
5. No public testimony was submitted to the Planning Department prior to the Historic Landmarks Committee public hearing.
6. On May 27, 2021, the Historic Landmarks Committee held a duly noticed public hearing to consider the request.

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VI. FINDINGS OF FACT – GENERAL FINDINGS

1. **Location:** 415 & 423 SE College Avenue. The resource is located at the property that is identified as Tax Lot 2500, Section 21CC, T. 4 S., R. 4 W., W.M.
2. **Size:** Approximately 12,497 square feet.
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-4 (Multiple Family Residential)
5. **Overlay Zones/Special Districts:** None.
6. **Current Use:** Residential
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** Historic Resources Inventory – Resource Numbers D582 and D584.
 - b. **Other:** None
8. **Other Features:** The site is generally flat and there is no significant or mature vegetation on the site.
9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.
 - c. **Sewer:** Sanitary sewer service is available to the subject site.
 - d. **Stormwater:** Storm sewer service is available to the subject site.
 - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas and Comcast is available to serve the site.
10. **Transportation:** The site is adjacent to SE College Avenue, which is identified as a local street in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for local streets as 50 feet. The existing right-of-way width of SE College Avenue adjacent to the subject site is 60 feet, which exceeds the required minimum right-of-way width and therefore does not require any additional dedication.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Historic Resources Inventory Amendment are specified in Section 17.65.050(B) of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

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The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

GOAL III 2: TO PRESERVE AND PROTECT SITES, STRUCTURES, AREAS, AND OBJECTS OF HISTORICAL, CULTURAL, ARCHITECTURAL, OR ARCHAEOLOGICAL SIGNIFICANCE TO THE CITY OF McMINNVILLE.

APPLICANT’S RESPONSE: The resources never had a strong significance as these were structures built modestly and not necessarily represent other homes in the neighborhood, notwithstanding the modesty of the properties, it is appropriate to mention that other local resources have done better to preserve the integrity of defining features, as opposed to these homes that never feature clear distinguished outstanding features, the resources lack significance required to meet the purpose of restoring it and much of the historical value has been diminished due to previous remodel action, the proposed replacement structures will add to the value of this property for the owner, the City and the Community, the new structures will keep with the scale and character of the existing homes nearby, thus enhancing the positive character of the neighborhood.

FINDING: NOT SATISFIED. The focus of the comprehensive plan goal is to preserve and protect structures that have special historical or architectural significance. A demolition clearly does not meet that intent. The Historic Landmarks Committee, after reviewing the application materials and receiving testimony, decided that other applicable criteria for the consideration of the demolition were met and therefore the demolition was approved. Findings for those other applicable review criteria are provided below.

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The process for a Certificate of Approval for Demolition provides an opportunity for citizen involvement throughout the process through the public notice and the public meeting process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public meeting(s). All members of the public have access to provide testimony and ask questions during the public review and meeting process.

McMinnville Municipal Code

The following Sections of the McMinnville Municipal Code (MMC) provide criteria applicable to the request:

Chapter 17.03. General Provisions

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

17.65.050 Demolition, Moving, or New Construction. The property owner shall submit an application for a Certificate of Approval for the demolition or moving of a historic resource, or any resource that is listed on the National Register for Historic Places, or for new construction on historical sites on which no structure exists. Applications shall be submitted to the Planning Department for initial review for completeness as stated in Section 17.72.040 of the McMinnville Zoning Ordinance. The Historic Landmarks Committee shall meet within thirty (30) days of the date the application was deemed complete by the Planning Department to review the request. A failure to review within thirty (30) days shall be considered as an approval of the application.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The applicant, who is representing the property owner, filed an application and request to demolish the existing buildings that are designated as Environmental resources on the Historic Resources Inventory. The application was reviewed by the Historic Landmarks Committee within 30 days of the application being deemed complete.

17.65.050 Demolition, Moving, or New Construction. [...]

B. The Historic Landmarks Committee shall base its decision on the following criteria:

17.65.050(B)(1). *The City’s historic policies set forth in the comprehensive plan and the purpose of this ordinance;*

APPLICANT’S RESPONSE: The resources never had a strong significance as these were structures built modestly and not necessarily represent other homes in the neighborhood, notwithstanding the modesty of the properties, it is appropriate to mention that other local resources have done better to preserve the integrity of defining features, as opposed to these homes that never feature clear distinguished outstanding features, the resources lack significance required to meet the purpose of restoring it and much of the historical value has been diminished due to previous remodel action, the proposed replacement structures will add to the value of this property for the owner, the City and the Community, the new structures will keep with the scale and character of the existing homes nearby, thus enhancing the positive character of the neighborhood.

FINDING: NOT SATISFIED. Most of the City’s historic policies in the comprehensive plan focus on the establishment of the Historic Landmarks Committee, public awareness of historic preservation, and other activities for the City to pursue to increase documentation of historic resources. However, the goal most specifically related to historic preservation is as follows:

Goal III 2: To preserve and protect sites, structures, areas, and objects of historical, cultural, architectural, or archaeological significance to the City of McMinnville.

The purpose of the Historic Preservation ordinance includes the following:

- (a) Stabilize and improve property values through restoration efforts;
- (b) Promote the education of local citizens on the benefits associated with an active historic preservation program;
- (c) Foster civic pride in the beauty and noble accomplishments of the past;
- (d) Protect and enhance the City’s attractions for tourists and visitors; and
- (e) Strengthen the economy of the City.

The focus of the comprehensive plan goal and the purpose of the Historic Preservation chapter are to preserve structures that have special historical or architectural significance through restoration efforts. A demolition clearly does not meet that intent. The Historic Landmarks Committee, after reviewing the evidence and hearing the public testimony, decided that other criteria for the consideration of the demolition were satisfied and therefore the demolition was approved with conditions.

17.65.050(B)(2). *The economic use of the historic resource and the reasonableness of the proposed action and their relationship to the historic resource preservation or renovation;*

APPLICANT’S RESPONSE: The existing homes have been used as single residential units and have, through the years, gone through maintenance to make them habitable, but these efforts have not been enough to counter the effect of poor construction, and time. The deficient structures is allowing for water intrusion to the interior, the crawl space foundation is only 10" inches from the ground and it makes it almost impossible to maintain the floor, the plumbing and the electrical systems that have to be accessible from below, all of this adds up to a greater risk to the occupants. The new structures will be fully compliant with current codes and will be of superior energy efficiency and will provide its occupants with improved living conditions. The costs of maintaining the existing homes have been very expensive and financially unsustainable to the owners, but the new units will increase value, rentability and will provide for a continued City source of revenue as well as enhance the neighborhood qualities.

There is a diminished value of the existing houses as documented in tax and market value records in the last few years (Please see below Tax Exhibit) with an average loss of value of about \$6,400 a year, this combined with the undistinguished architectural style makes the significance diminished. The new homes will increase the property value and it will be better fit for adjusted increased yearly value as other better built homes in the neighborhood.

FINDING: SATISFIED. The City finds that this criteria is satisfied, but does not entirely concur with the applicant’s findings. The City does not find that the applicant provided much data or evidence of the economic value of the current structure, or what the economic use of the structure could be if improvements were undertaken. The City adds that while no preliminary cost estimates were provided by the applicant that show the investment required to renovate the existing buildings, the applicant has provided arguments that further investment in the structures is not reasonable due to their economic use and given the level of significance of the historic

resource, which is an Environmental resource and the lowest classification on the Historic Resources Inventory. The City concurs that the documentation of market value of the structures has reduced over time, with Real Market Values decreasing from \$135,204 in 2017 to \$122,315 in 2019. Investment in the structures may prevent further decrease in Real Market Value, but levels of investment required to improve the code issues described by the applicant in responses to other review criteria may not provide for a reasonable economic return on the investment.

17.65.050(B)(3). *The value and significance of the historic resource;*

APPLICANT’S RESPONSE: The two dwellings are described in the Statement of Historical Significance and Description of Property as Army Barracks style, rectangular shape, and gabled roof type, but it also addresses other historically defining elements that are now missing, that given the small size of the homes, the following removed elements become very significant:

- Clapboard Siding- This element is nonexistent as it was replaced with simple plywood siding with no texture or hint of horizontality as the original siding provided. (Please see attached images #1 and 2).
- Central Brick Chimney- This element is nonexistent as it was removed some time ago most likely due to a structurally unsafe condition, and improper moisture flashing. (Please see attached images #2,3 and 4).
- Six-Over-One Sash Windows- The original windows are nonexistent, and the replacement windows not all have the same original dimensions nor have the six-over-one sash feature. (Please see attached images #1 and 2)
- Roof Extension with Posts at Entry Door- The entry porches were removed some time ago, and the homes have no entrance roof shelter element. (Please see images #3 and 4).

The existing homes do not properly represent its historic background as too many defining elements have been removed over the years and its present appearance are more a detraction to the neighborhood than an asset, and it offers no aesthetic, or redeeming architectural value.

FINDING: SATISFIED. The City concurs with the applicant’s findings, but adds that the Historic Resources Inventory evaluation process that was conducted at the time of the development of the Historic Resources Inventory shows that the structures in question were not found to be of high historical significance at the time that they were surveyed and added to the Historic Resources Inventory. More specifically, the resources were evaluated as resources that “did not necessarily contribute to the historic character of the community but did create the background or context for the more significant resources” and were classified as “Environmental” resources. The structures in question were not subject to the second stage of evaluation described in Appendix 4 and Appendix 5 of the Historic Resources Inventory.

In regards to architectural significance, the City concurs with the applicant in that the existing structures have lost much of the exterior architectural building features that existed at the time the structures were surveyed. For these reasons, together with other findings for other applicable review criteria and conditions of approval, the historical value and historical significance are not found to warrant the retention of the historic resources.

17.65.050(B)(4). *The physical condition of the historic resource;*

APPLICANT’S RESPONSE: The existing condition of the resources is poor and getting worse as the time passes as seen in the attached exhibit tax market value trend, there are several hazardous structural conditions with stress cracks on the walls, cracks in the foundation's stem walls, separation of the wall's top plate to the bearing walls. Mold is present due to water intrusion to the house's interior creating the opportunity for unhealthy spores to appear. The

resources do not have proper foundation and access to the crawl space for maintenance, is impossible to have access to the crawl space without having to remove the floors for access and allowing for a constant appearance of vermin that have proven, over the years, very difficult to control, which makes it financially unfeasible and unhealthy. Please see attached Historic Resources Survey statements.

FINDING: NOT SATISFIED. Given that some level of investment would improve the physical condition of the resource, the Historic Landmarks Committee does not find that the existing physical condition of the historic resources is poor enough to warrant demolition solely based on physical condition. In addition, the City does not find that enough detailed evidence of poor physical condition was provided by the applicant to warrant the demolition. However, other applicable review criteria are satisfied that outweigh the proposal not meeting this criteria, which are described in the findings for those other criteria.

17.65.050(B)(5). *Whether the historic resource constitutes a hazard to the safety of the public or its occupants;*

APPLICANT'S RESPONSE: The structure of the resources is in poor condition. They do not meet current Oregon Residential Codes Currently in several critical locations on both properties as follows:

- The foundation lacks the required 12" minimum concrete footing (See Image 8)
- The concrete stem walls lack proper steel reinforcement (See image 8)
- The crawl space lacks the required 18" minimum access clearance, this has prevented proper access to maintain the buildings as well as reduced air flow to prevent dry rot to the floor framing (See image 8)
- The existing substitute plywood siding was not properly attached and flashed to the walls and is bulging and dry rotting allowing moisture into the walls weakening the structure and providing for an environment that can harbor mildew and spores.
- The required bonding and fastening between the walls and the ceiling is failing creating separations between the two elements and is not in code compliance for seismic or wind requirements without the proper fasteners and hardware.

The resources are rented with caution as the conditions explained in Criteria 4, makes it very challenging to provide for a safe and healthy environment, the structural issues, if the structure fails, presents a potential direct hazard to occupants and the public nearby. The presence of vermin attracted to passage to the interior of the crawl space, walls and ceiling present a health hazard to the occupants.

FINDING: NOT SATISFIED. The applicant has provided arguments that the current condition of the structure could be a hazard to the occupants and the public, based on the condition. However, the condition is the result of deferred maintenance over time. If the property owner invested the amount necessary to renovate the existing structure and resolve, at a minimum, the basic structural building issues, the potential safety hazards would no longer exist. However, other applicable review criteria are satisfied that outweigh the proposal not meeting this criteria, particularly the review criteria in Section 17.65.050(B)(2) and 17.65.050(B)(3) above.

17.65.050(B)(6). *Whether the historic resource is a deterrent to an improvement program of substantial benefit to the City which overrides the public interest in its preservation;*

APPLICANT'S RESPONSE: Currently these resources are a deterrent to a relevant improvement project of substantial benefit to the city and the public interest. The owners have invested considerably in the last few years to maintain the resources in a livable condition, but

all the expenditures and effort have done nothing to improve its value, the resources do not qualify for significant historic credits to help cover the expenses for its maintenance. The improvements will directly benefit the city by providing a continued source of needed housing in the area, local new construction jobs related to the new homes as well as the increase value to the property and the structures within.

FINDING: SATISFIED. The City concurs with the applicant’s findings, and adds that while the retention of the existing building on the site is not an immediate deterrent to a public improvement program, it would be a deterrent to a private improvement program in the form of the proposed two (2) new single family homes described by the applicant. The improvement program is basically the replacement of two dwelling units with two new dwelling units, which is not necessarily a substantial benefit to the City as it does not result in an increase in available housing, but it would result in new construction of new dwelling units.

The private improvement program and private investment would result in a development with a likely higher assessed value which would result in increased property tax revenue for the City. The new construction would provide for high quality housing in the area, and is also proposed in a manner that is compatible in scale and form with surrounding development. These benefits override the public interest in the preservation of the existing building, as the existing buildings have also been found to not be of high value and significance.

The City also adds that there is certainty that the new construction will move forward, as the applicant and property owner have already submitted building permits for the two (2) proposed new homes on the subject site. The building permits that were submitted include both the demolition of the existing structures and the construction of the new dwelling units.

17.65.050(B)(7). *Whether retention of the historic resource would cause financial hardship to the owner not outweighed by the public interest in the resource’s preservation; and*

APPLICANT’S RESPONSE: The retention of the historic resources will directly negatively impact the financial status of the owner, the continued loss in value is not sustainable and it would only be a matter of time, before the owner could be forced to abandon the structures as seen in other nearby buildings that as vacant buildings are a continued source of building degradation, vandalism, and illegal trespassing. The owners continually volunteer to provide help to such neighboring properties in despair, by helping board up windows, clean and when appropriate, keep an eye on said properties, so is clear the owners want to contribute to the community with better, safer, energy-efficient housing. Please refer to Criteria 2.

FINDING: SATISFIED. The City partially concurs with the applicant’s findings, and adds that the findings for Section 17.65.050(B)(2) and Section 17.65.050(B)(3) above are also applicable. The City does acknowledge that there was not much data or evidence provided to fully support the economic hardship that may be borne by the property owner, in terms of the economic value of the current structures or what the economic use of the structures could be if improvements were undertaken. However, the potential investment in the structures compared to the value of the structures described in more detail above show that the option of investing in the renovation of the existing building could be considered a financial hardship for the owner. Also, the existing buildings have also been found to not be of high value and significance. Therefore, there is not a significant public interest in the preservation of the structures that would outweigh the financial hardship that may be caused to the property owner.

17.65.050(B)(8). *Whether retention of the historic resource would be in the best interests of a majority of the citizens of the City, as determined by the Historic Landmarks Committee, and, if not, whether the historic resource may be preserved by an alternative means such as through*

photography, item removal, written description, measured drawings, sound retention or other means of limited or special preservation.

APPLICANT’S RESPONSE: No, since priorities of the citizens is to have available housing that is safe, healthy, and pleasant, as well as resources that create value, retention of these properties will not offer that. The existing house’s condition is quickly deteriorating and is at a pint [sic] where relocation is not reasonably feasible. Maintenance of the resources was provided by the owners for many years to the point where is becoming unfeasible to properly maintain and or preserve the properties, therefore, it is in the best interest of the majority of the citizens to replace the aging and potentially dangerous structures with new homes of similar characteristics and scale to properly fit in the neighborhood, increase its value and appeal, and at the same time provide an added financial resource to the owners, the city and the community.

FINDING: SATISFIED WITH CONDITION #1. The City concurs with the applicant’s findings, but adds that the existing buildings have also been found to not be of high value and significance, which does not create a situation where retention of the historic resources would be in the best interests of a majority of the citizens of the City.

A condition of approval is included to require that a minimum of 20 digital photos be provided of each building that document both the exterior and interior of each building to document the existing structures prior to their demolition. The condition also specifies that the Delta Rho of Kappa Alpha Building Association (property owners) attempt to submit any photo or other existing documentation within their records that could enhance the public record of these two historic resources.

17.65.070 Public Notice.

- A. After the adoption of the initial inventory, all new additions, deletions, or changes to the inventory shall comply with subsection (c) of this section.
- B. Any Historic Landmark Committee review of a Certificate of Approval application for a historic resource or landmark shall comply with subsection (c) of this section.
- C. Prior to the meeting, owners of property located within 300 feet of the historic resource under consideration shall be notified of the time and place of the Historic Landmarks Committee meeting and the purpose of the meeting. If reasonable effort has been made to notify an owner, failure of the owner to receive notice shall not impair the validity of the proceedings

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. Notice of the Historic Landmarks Committee’s consideration of the Certificate of Approval application was mailed to property owners located within 300 feet of the historic resource. A copy of the written notice provided to property owners is on file with the Planning Department.

CD