

Report of the Subcommittee on Process and Procedures to the Richmond City Council Commission of Architectural Review Taskforce

January 7, 2010

- I. Expanded Opportunities for Administrative Review**

- II. Recommended Revisions to the Appeals Process**

- III. Clarification of the Old and Historic District Designation Process**

I. Expanded Opportunities for Administrative Review

Applicable sections of the City of Richmond's Old and Historic District ordinance.

Section 114-930.6 (h) *Delegation of applications for review by commission secretary.* The commission of architectural review may choose to delegate certain types of applications for a certificate of appropriateness for review by the secretary. The commission shall designate such items which are subject to review and shall issue guidelines for the secretary to conduct the review. **Any application for a certificate of appropriateness for any such designated design feature may be approved by the secretary of the commission without full commission action, unless the secretary finds that a particular structure has unique characteristics that may call for a different design treatment. In such cases, the secretary shall schedule the application for commission consideration at its next meeting** [emphasis added]. The secretary shall keep a record of all such approvals and shall provide the commission with a report of all new approvals at each of its regular meetings.

Section 114-930.7 (h) *Architectural guidelines for use by secretary.* The commission of architectural review may adopt design guidelines for any old and historic district which set forth ~~standard~~ design features that shall be uniformly applicable within such district by the secretary conducting a review pursuant to subsection 114-930.6(h).

Types of projects to be considered for designation for administrative review.

The following list was compiled primarily from the current list of projects designated for administrative review, from a review of projects appearing on the CAR's consent agendas (2007-present), and from the section on "Activities excluded from SHPO review" in the City of Richmond's Programmatic Agreement developed in consultation with the Advisory Council on Historic Preservation.

Administrative review by CAR Secretary may be appropriate in the following situations:

1. Modifications will not be visible from a public right of way.
2. Work is limited to repair or in-kind replacement.
3. Work involves reconstruction of missing historic elements clearly substantiated by documentary, physical, or pictorial evidence.
4. Door repair and replacement.
5. Installation of storm doors and storm windows.
6. Painting and staining.
7. Construction of a single-level rear deck without a roof.
8. Installation of exterior light fixtures
9. Installation of awnings, canopies, gutters and similar appurtenances such as vents, chimney caps, etc.
10. Renewal of certificates of appropriateness
11. Installation of or modifications to garage doors
12. Installation/extension of fences, gates, walls
13. Placement of HVAC and utility equipment
14. Window repair and replacement
15. Addition, alteration or removal of signage
16. Installation of free-standing features below 6' in height, such as a pool, fountain, barbecue grill, etc.
17. Installation of free-standing wooden garden structures, such as trellis, arbor, pergola, etc.

18. Implementation of rehabilitation tax credit projects approved by Virginia State Historic Preservation Office, unless there are elements of the project that meet the definition of substantial impact.
19. Securing or mothballing a property by boarding over window and door openings, making temporary roof repairs, and/or ventilating the building. Procedures should follow Preservation Brief No. 31, "Mothballing Historic Buildings."
20. Repair or comparable replacement of existing park and playground equipment, excluding buildings.
21. Installation of temporary construction-related structures (not to be in place for more than two years) including scaffolding, barriers, screening, fences, protective walkways, signage, office trailers or restrooms.
22. Repair or repointing of chimneys or other masonry features with the design, size, shape, materials, and repointing to match the original in color, texture, and tooling, and, for historic properties, following the recommended approaches in Preservation Brief No. 2 Repointing Mortar Joints in Historic Brick Buildings.
23. Temporary bracing or shoring (up to 24 months) short of the removal of building features as part of stabilization provided that it is installed without permanent damage to the building or site.

Sec. 114-930.6 (e)(2) Direct notification of affected property owners. When a certificate of appropriateness application involves a **substantial impact**, as defined in section 114-930.1, in an old and historic district, the property owners of all property or portions of property located within 150 feet of the project shall be notified of the prospective change and of the date, time, and place of the meeting at which such change shall be considered by the commission. Such notice shall be by regular mail and mailed at least seven days prior to the meeting.

Sec. 114-930.1. Definitions.

Substantial impact means changes that involve partial or total demolition, new construction, the expansion of an existing building or structure, or the modification of any public building or public right-of-way.

(Code 1993, § 32-930.1)

Subcommittee recommendations: The Commission and staff will produce an annotated list that specifies the guidelines the Secretary is to use for conducting the review of each project type per Section 114-930.6 (h).

The Commission and staff will revise the Architectural Review Chart on pages 6 and 7 of the *Old and Historic District Handbook and Design Review Guidelines* to reflect the adopted changes.

The Commission and staff will confer with the City Attorney to propose a revision to **Section 114-930.7 (h)** to clarify the intent of that section.

II. Recommended Revisions to the Appeals Process

Applicable sections of the City of Richmond's Old and Historic District ordinance.

Sec. 114-930.8. Appeal of decision granting or refusing to grant certificate of appropriateness.

(a) *Appeal to city council.* Any person may appeal the decision of the commission of architectural review pertaining to issuance or denial of a certificate of appropriateness pursuant to this division to the city council, by filing a petition with the city clerk. A fee as set forth in appendix A to this Code shall accompany each petition, which fee shall be paid into the city treasury. The city clerk shall send copies of the petition to each member of the city council and to the secretary of the commission. The petition shall set forth the alleged errors or illegality of the commission's action and the grounds thereof. The petition shall be filed within 15 days after the final decision of the commission approving or disapproving issuance of a certificate of appropriateness. The filing of the petition shall stay all proceedings from the decision appealed, except that a decision denying a request for demolition in an old and historic district shall not be stayed.

(b) *Procedure on appeal to city council.* Within 15 days of the filing of the petition pursuant to this section, the commission of architectural review shall file with the city clerk certified or sworn copies of the record of its action and documents considered by it in making the decision being appealed. With the record and documents, the commission may produce in writing such other facts as may be pertinent and material to show grounds of the decision appealed, verified by affidavit. The city clerk shall send copies of all information filed by the commission to each member of the city council.

(c) *Review by city council.* The city council shall review the petition, record, documents, and other materials produced by the commission of architectural review pursuant to this section, and the city council may reverse or modify the decision appealed, in whole or in part, when it is satisfied that the decision of the commission is in error under this division, or the city council may affirm the decision of the commission. If the city council finds that the testimony of witnesses is necessary for a proper disposition of the matter, it may hear evidence. The failure of the city council to affirm, modify or reverse the decision of the commission within 75 days from the date the petition is filed shall be deemed to constitute affirmation of the commission's decision, unless all parties to the appeal agree in writing to extend such period of time.

(d) *Appeal to circuit court.* Any person may appeal any decision of the city council to affirm, modify or reverse a decision of the commission made pursuant to this division to the circuit court for review by filing a petition at law. The petition shall set forth the alleged illegality of the action of the city council and the grounds thereof. The petition shall be filed within 30 days after the decision of the city council. The filing of the petition shall stay the decision of the city council, except that a decision denying a request for demolition in an old and historic district shall not be stayed. A copy of the petition shall be delivered to the city clerk, who shall file with the circuit court a certified or sworn copy of the records and documents considered by the city council.

(e) *Review by circuit court.* The circuit court shall review the record, documents and other materials filed by the city clerk pursuant to this section. The circuit court may reverse or modify

the decision of the city council, in whole or in part, if it finds upon review that the decision of the city council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or the court may affirm the decision of the city council.

(Code 1993, § 32-930.8)

Summary of Procedures for the Appeal of Decisions of the Commission of Architectural Review (Revised July 2006)

When the Commission of Architectural Review (CAR) approves, modifies, or denies an application for a Certificate of Appropriateness, Section 114-930.8 allows the appeal of the decision by the applicant or any aggrieved party, to City Council.

1. Filing an Appeal. The appeal petition must be filed with the City Clerk within 15 calendar days of the action by the CAR. A filing fee of \$150.00 is required. When an appeal is filed after 15 days, it is late and no further action is taken.

2. CAR Response. When an appeal is filed, City Council members and the CAR are notified by the City Clerk. The CAR has 15 calendar days from the date of filing to prepare a response and provide records of the CAR action being appealed to City Council. A CAR staff member provides staff support for the response.

3. Review by City Council. City Council has 75 calendar days from the date of filing to act on an appeal, otherwise the decision of the CAR is affirmed (unless all parties agree to an extension in writing). While not required by ordinance, City Council refers all legislation to a standing committee. The Land Use and Housing Committee has been designated to hear CAR appeals and make a recommendation to Council. Staff will schedule the appeal to be heard at the first available Committee meeting, and notify the appellant and property owners within 150' from the property in question at least 10 calendar days in advance of the hearing date. Staff will prepare papers on the appeal for consideration by City Council and the Committee.

4. Appeals Committee Hearing. The aggrieved party, applicant, CAR, and the adjoining property owners are notified of the hearing at least one week in advance. The hearing is held in City Hall at a regularly scheduled meeting of the Land Use and Housing Committee. At the hearing, the Committee will receive a presentation and consider testimony from all concerned parties. The Committee determines a recommendation for Council's consideration.

5. Council Public Hearing. Notices for the Committee hearing will also list the time of the hearing before City Council. At the Council hearing, the various parties can speak. Also at the hearing, two papers are considered, one to overturn the decision of the CAR and the other to sustain it. The Committee usually makes a recommendation at the hearing. Council will strike one of the papers and approve the other.

6. Circuit Court. The decision of City Council can be appealed to the Richmond Circuit Court by the applicant or any aggrieved party. The appeal must be made within 30 calendar days of Council action.

Issues to address:

- Volume
- Criteria and Threshold
- Fee
- Scheduling/Timeframe
- Discovery
- Council's Role in Hearing an Appeal

Recommendations:

Volume: A study of the history of appeals for the period 1994-2009 indicates an average number of appeals just under three per year. (Outliers were 1997 with zero and 1995 with eight.) In the past, a higher percentage of appeals were withdrawn prior to reaching City Council. For the period 1994-2002, 17 out of 30 appeals filed were withdrawn. For the period 2003-2009, only three out of 16 appeals were withdrawn. The City Attorney's office has commented that no other body than City Council can rule on the appeal as Virginia Code Section 15.2-2306 (A) (1) designates the governing body as the entity to which appeals go.

Prior administrations had dedicated one City Council member to be knowledgeable about the ordinance, understand the CAR process, and offer an informal meeting with the appellant(s) and CAR staff and Chair before the matter was scheduled to be heard by City Council. This informal meeting gave the appellant, staff, and CAR representative the opportunity to meet with the Councilperson(s) to explore fully all the claims and facts of the appeal. In some cases, the issue was resolved satisfactorily and the appeal was withdrawn. In any case, the Councilperson(s) were afforded the opportunity to become better acquainted with the particulars of the case the better to advise the members of Council at the statutory hearing.

Subcommittee recommendation: Have Council designate one Councilperson who, when an appeal is filed, will coordinate an informal meeting with the appellant(s), the Councilperson for the district (if different from the coordinating Councilperson), the CAR chair or designee, and CAR staff to discuss the appeal before the matter goes to City Council. The informal meeting shall be scheduled as early as is practicable within the 75-day appeal period.

Criteria and Threshold: The current ordinance states that any person may appeal a decision of the commission of architectural review pertaining to issuance or denial of a certificate of appropriateness by filing a petition with the city clerk and that the petition shall set forth the alleged errors or illegality of the commission's action and the grounds thereof.

Subcommittee recommendation: Revise the ordinance to include language similar to the following based on that found in the City of Charlottesville's zoning ordinance Section 34-286. "An appellant shall set forth, in writing, the grounds for an appeal, specifically including the procedure(s), standard(s) or guideline(s) alleged to have been violated or misapplied by the CAR, and any additional information, factors or opinions he or she deems relevant to the application."

Subcommittee recommendation: Appeals that do not specify in writing, the grounds for the appeal, including the procedure(s), standard(s) or guideline(s) alleged to have been misapplied by the CAR will be deemed not to meet the statutory threshold for the filing of an appeal and will not be processed. City Council will need to confer with the City Attorney to develop protocol for certifying the completeness of an appeal.

The Commission and staff will develop a form for an appellant to use in filing the appeal. The form will require that the appellant supply a clear statement of the procedure(s), standard(s) or guideline(s) alleged to have been violated or misapplied by the CAR.

Fee: The current ordinance states that a fee as set forth in appendix A to the Code shall accompany each petition, which fee shall be paid into the city treasury. The current fee for filing a CAR appeal is \$150. The application and appeal fees to the Board of Zoning Appeals range from \$150 to \$500.

Subcommittee recommendation: Revise the reference to appendix A to reflect an increase in the CAR appeal filing fee: a \$150 fee for any appeal involving a single-family dwelling and a \$500 fee involving all other building types. This brings the fees into line with other zoning fees. There are no other fees associated with review by the CAR.

Scheduling/Timeframe: The current ordinance states that the failure of City Council to affirm, modify or reverse the decision of the Commission within 75 days from the date the petition is filed shall be deemed to constitute affirmation of the commission's decision, unless all parties to the appeal agree in writing to extend such period of time. In scheduling the hearings for two of the last three appeals, City Council was not able to act on the appeal within the 75 day period and CAR staff had to coordinate an extension agreement between the appellant and the Commission. The difficulty lies in coordinating hearings before the Land Use, Housing and Transportation Standing Committee and City Council. This task is further complicated by the decision of both of those bodies to cancel one or more meetings in August and December.

Subcommittee recommendation: Upon the filing of an appeal, Commission staff will work with staff of the City Council and the Office of the City Clerk to schedule the appeal for hearing and consideration within the 75-day review period. The documentation of the decision by the CAR will serve as the recommendation of a subcommittee to City Council.

Discovery: Because "any person" may file an appeal of a CAR Certificate of Appropriateness (COA) decision, in addition to appeals by an applicant who was denied a COA an appeal can be filed by a person or group who is opposed to the approval of a COA. Appeals frequently involve a great many facts and findings – in short, a great deal of detail. To streamline the City Council hearing process, the Council has in the past and present sought to obtain a better definition of the issues and work with the parties before the statutory City Council hearing. Currently, by directing all appeals to the Land Use, Housing, and Transportation Committee (LUHTC), the opportunity for mediation or detailed fact finding can be lost. The framework of a limited question and answer format

in a highly formal setting, without opportunity for rebuttal on all issues, has at times limited the discussion to those issues on which the LUHTC chose to focus.

Subcommittee recommendation: As recommended under Volume, have Council designate one Councilperson who, when an appeal is filed, will coordinate an informal meeting with the appellant(s), the Councilperson for the district (if different from the coordinating Councilperson), the CAR chair or designee, and CAR staff to discuss the appeal before the matter goes to City Council. This will afford an opportunity for a fuller discussion in a less formal setting that will assist the Councilperson(s) present in gaining a more complete understanding of the facts of the appeal. Additionally, the meeting may be an opportunity to encourage resolution of the issue(s) prior to reaching City Council. The informal meeting shall be scheduled as early as is practicable within the 75-day appeal period.

Council's Role in Hearing an Appeal: The action of City Council fits into a multi-part process defined in the City and State codes.

- a) The Commission decision: Section 114-930-6.(g) *Reasons for commission action.* The commission of architectural review shall state clearly its reasons for approval, denial, modification, or deferral of an application for a certificate of appropriateness in the records of the commission proceedings.
- b) The Filing of the Appeal: The appeal must pertain "to issuance or denial of a certificate of appropriateness"; and set out "the alleged errors or illegality of the commission's action and grounds thereof."
- c) Review by City Council: The city council shall review the petition, record, documents, and other materials produced by the commission of architectural review pursuant to this section, and the city council may reverse or modify the decision appealed, in whole or in part, when it is satisfied that the decision of the commission is in error under this division, or the city council may affirm the decision of the commission. If the city council finds that the testimony of witnesses is necessary for a proper disposition of the matter, it may hear evidence.
- d) Review by the Circuit Court The circuit court shall review the record, documents and other materials filed by the city clerk pursuant to this section. The circuit court may reverse or modify the decision of the city council, in whole or in part, if it finds upon review that the decision of the city council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or the court may affirm the decision of the city council.

Subcommittee recommendation: Have the City Attorney prepare a clear statement of City Council's role in the appeals process, preferably at a time when there is no active appeal. CAR staff will include this statement with the appeal response that is provided to all members of City Council as a timely reminder of their statutory role in the process.

Revise the ordinance to add language to Section 114-930.8.(c) similar to that found in the City Code Section 114-930.6.(g) requiring the Commission to state its reasons for its actions. "City Council shall state clearly its reasons for reversing or modifying the decision appealed, in whole or in part, including the procedure(s) or standard(s) determined to have been misapplied by the Commission and that satisfy City Council that the decision of the commission is in error under this division, or the city council may affirm the decision of the Commission."

III. Clarification of the Old and Historic District Designation Process

Applicable sections of the City of Richmond's Old and Historic District ordinance.

DIVISION 4. OLD AND HISTORIC DISTRICTS

Sec. 114-930.4. Process for establishment and regulation.

(a) *Scope.* There may be created in the city certain districts to be known as old and historic districts, which are referred to as such in this division and which shall be an overlay to the other zoning districts into which the city is divided. The boundaries of any districts created shall be shown on the official zoning map on file with the department of community development, as such may be amended from time to time by the city council, which map is incorporated in this division by reference and made a part of this division. Materials documenting the process of establishing an old and historic district shall be kept in the files of the department of community development. The adoption, amendment or repeal of any boundaries of such old and historic districts shall comply with and be subject to all procedures and criteria set forth in the Charter applicable to the adoption, amendment or repeal of the comprehensive zoning ordinance.

(b) *Process for creation of districts.* As the commission of architectural review undertakes the evaluation of historic resources in the city, it may deem it appropriate to initiate the establishment of additional old and historic districts. Any individual or organization may request that the commission initiate the review of a potential old and historic district. The review of a proposed old and historic district shall be at the discretion of the commission. However, it shall be undertaken automatically upon introduction of a paper proposing the establishment of a new old and historic district by the mayor or by a member of the city council. To begin the review process of a proposed old and historic district, the commission shall pass a resolution instructing the secretary to begin administration of the review process.

(c) *Commission review; public hearing.* To begin the review process for the creation of an old and historic district, the commission of architectural review shall hold a public hearing with notice to all property owners within the proposed old and historic district boundary and all owners of all property, any part of which lies within 150 feet of the proposed district. Notice of the public hearing shall be published twice in a daily newspaper of general circulation in the city. The first notice shall be published not less than 14 days prior to the date of such hearing; the second shall be published not less than seven days prior to the date of the hearing. In addition, the establishment of an old and historic district shall follow the procedures set forth in article XI of this chapter. The commission may choose to set forth additional procedures for the review of old and historic districts in its rules of procedure.

(d) *Criteria for establishment of additional districts.* The following criteria shall be used by the commission of architectural review in evaluating potential old and historic districts. The commission may recommend a neighborhood, district, building, structure or site for designation as an old and historic district, if it meets one or more of the following criteria:

- (1) It has significant character, interest or value as a part of the historic development of the city.
- (2) It is the site of an historic event which had a significant impact on the history of the city.
- (3) It exemplifies the architectural, cultural, economic, social, political, artistic, or religious history of the city.
- (4) It portrays the architectural character of a particular era in the history of the city.

- (5) It is a rare example of a building built for a particular purpose, a type or form of building, a particular architectural style, or a form of engineering.
- (6) It is the work of a designer or craftsman whose individual work has significantly impacted the city, the commonwealth, or the United States of America.
- (7) It contains elements of design, detail, material or craftsmanship that represent a significant innovation for its time period.
- (8) It is related to a park, street configuration, open space, hill, body of water, or landscaped grounds of significance in the areas of urban planning or landscape architecture.
- (9) It constitutes a landmark of the city, owing to its unique location or unusual physical characteristics.
- (10) It is contiguous with a neighborhood, district, building, structure, or site that meets one or more of the criteria in subsections (d)(1) through (9) of this section, and changes to it could impact the neighborhood, district, building, structure or site that meets such criteria.

All old and historic districts created prior to the adoption of the ordinance from which this section is derived shall be deemed to meet one or more of these criteria.

(e) *Relation to other districts.* Old and historic districts shall be in addition to the underlying zoning and shall be applied so as to overlay and be superimposed on such other zoning districts as permitted by this chapter and shown on the official zoning map. Any property lying within an old and historic district shall also lie within one or more of such other zoning districts, which shall be known as underlying districts.

(f) *Application of district regulations.* Each old and historic district is established to create a certificate of appropriateness review process as provided in this section. In all other respects, the regulations normally applicable within the underlying zoning district shall apply to property within the boundaries of the old and historic district.

(Code 1993, § 32-930.4; Ord. No. 2004-360-330, § 1, 12-13-2004)

Current Procedures for the Establishment of Richmond Old and Historic Districts

(Revised July 1, 2008)

The following is intended to be an explanation of the procedures followed by the Commission of Architectural Review (CAR) in the establishment of Old and Historic Districts. The steps outlined in this document are designed to be consistent with the requirements of Section 114, Article IX, Division 4 of the City Code (Old and Historic Districts) and the requirements for rezoning a property.

1. Nomination Request Submitted. The CAR, a neighborhood organization, preservation group, property owner or other interested party requests, in writing, a staff evaluation of a neighborhood or individual property, for possible designation as an Old and Historic District; or the Mayor or a member of City Council introduces an ordinance for the creation of an Old and Historic District. In the case of a designation sponsored by a Council member or the Mayor, the process will go directly to step 3.

2. Staff Review. Staff meets with the sponsor(s) of the proposed Old and Historic District to discuss procedures for designation. Staff evaluates boundary options and identifies additional information required for preparation of a staff report for CAR review.

3. Staff Report. With the assistance of the nomination sponsor(s), staff prepares a report on the proposed Old and Historic District for the CAR. The report includes the following information on the proposed Old and Historic designation:

- A summary of the history and development of the proposed district;
- A description of the existing historic building(s), environmental features, urban design elements and non-historic features of the proposed district;
- Photographs that document the history and architecture of the proposed district;
- A map showing the boundaries and major features of the proposed district;
- The number of property owners and a discussion of the type of ownership;
- A summary of current land use and zoning;
- Information on the sponsor(s) of the designation and why the designation was requested; and
- Justification for Old and Historic District designation.

4. CAR Review. After evaluating the report, the CAR decides whether to continue to review the proposed Old and Historic District. If the designation proceeds, the CAR will request the sponsor(s) undertake an owner information process. If an ordinance has been introduced by City Council or the Mayor, the process will proceed automatically and go directly to step 7.

5. Owner Information Process. The goal of this process is to attempt to inform all affected property owners and determine property owner support (or lack thereof), before beginning the actual legal process of designation. The proposed district sponsor will be responsible for contacting all property owners within the proposed Old and Historic District. Staff will provide the mailing labels, response post cards and information on Old and Historic District designation for a direct mailing to be done by the sponsor. The packet will also include notification of the time, date, and place of a public information meeting.

A public information meeting is held by the sponsor. At the meeting staff will make a presentation on the process for designating an Old and Historic District, requirements for property owners in Old and Historic Districts and why the property or district is being considered for Old and Historic District status. Staff and a CAR representative will answer questions from those in attendance. Property owners may return a response post card stating their support, opposition, or lack of opinion on the proposed designation. The response post card can also be mailed within two weeks of designation.

6. Additional CAR Review. Upon completion of the public information process, the CAR is presented with a written summary on the process and the property owner response. After consideration of the report, the Commission determines whether to continue with the designation process.

7. Scheduling and Notice of Public Hearing. If the CAR decides to proceed, it will schedule a public hearing. The Commission will decide if the hearing will be at a regular CAR meeting or at a special time and place. The Commission Secretary will notify all property owners within and adjacent to the proposed Old and Historic District by mail, of the date, time and place of the public hearing. Adjacent property owners are those within 150 feet of the proposed district.

8. Public Hearing Is Held. The CAR will conduct a public hearing to allow the Commission the opportunity to hear public comments on the proposed designation before making a recommendation to City Council. At the hearing staff will make a presentation that summarizes the staff report and the process up to that point. Following the staff presentation, questions and statements for or against designation will be heard from those in attendance.

9. Formal Action. The Commission will vote whether or not to recommend designation to City Council.

10. Submission to Council. After approval of a recommendation for designation, staff prepares an ordinance for consideration by City Council. In addition, staff will provide a briefing packet for City Council and the City Planning Commission. Council will refer the ordinance to the City Planning Commission before taking action.

Upon submission to Council, the proposed district will be treated as any other rezoning. Following standard zoning procedures, notices with the time and place of the City Council hearing will be published in the local daily newspaper. A direct mailing will be made by the City Clerk to all property owners in the proposed district and all of those within 150 feet of the proposed district. The mailing will include the time and the place of the City Planning Commission and City Council meetings where consideration of the designation will take place.

11. City Planning Commission Review. Staff will make a presentation to the City Planning Commission that summarizes steps 1 through 10. The Planning Commission will vote whether to recommend the proposed Old and Historic District to City Council.

12. City Council Hearing. City Council will hold a public hearing and vote whether to designate the property or district as an Old and Historic District. Staff and at least one member of the CAR will attend the hearing. A presentation will be made summarizing the process and the impacts of Old and Historic District designation. The Commission member will summarize the position of the CAR. Council will consider public input and vote whether or not to designate the property or district as an Old and Historic District. A vote of seven members of Council shall be required if more than 20% of the property owners have at some point objected to the Old and Historic designation.

13. Property Owner Notification. After approval by City Council, all property owners within the approved Old and Historic District will be notified by staff.

Subcommittee recommendation: Revise language in Item 5 to clarify the method and use of the postcard survey. Property owners are sent one postcard per parcel owned. The returned responses are used to gauge the level of support for the designation.