

Chapter 11, Demolition

Section:	N/A	Title:	N/A	Source:	HPC Workshop
				Date:	3/22/18

Public Comment: Concern related to the definition of partial demolition to include taking down 30% of a exterior wall. What is the background?

Response: Existing language that defines what requires a demolition application for the removal of a portion of a wall is vague and potentially conflicting. Any amendments should provide more clarity on what will be reviewed.

The consensus of the Commission was to change this to 100 sf.

Section:	A	Title:	Demolition Discouraged	Source:	HPC Special Workshop
				Date:	2/15/18

Public Comment: Question about what does “every effort” entail in this context. Should there be a list of factors to consider? Does this mean “every reasonable effort?” or “practicable effort?”

Response: A list of factors is not recommended for incorporation into the guidelines. Clarification is provided with the addition of “reasonable.”

Section:	A	Title:	Demolition Discouraged	Source:	E-mail
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Public Comment: “All alternatives to preservation” needs to be changed.

Response: This was changed to “All alternatives to demolition.”

Section:	B	Title:	Demolition by Neglect	Source:	HPC Special Workshop
				Date:	2/15/18

Public Comment: Do not weaken demolition by neglect language.

Response: The intention of the amendments is to strengthen by providing clarity.

Section:	B	Title:	Demolition By Neglect	Source:	HPC Special Workshop
				Date:	2/15/18

Commission Comment: Run language by the Legal Department for review.

Response: The entire document will be reviewed by the Legal Department, with special emphasis on this section.

Comments received as of August 23, 2018 and Staff Responses

Section:	B	Title:	Demolition By Neglect	Source:	HPC Special Workshop
				Date:	2/15/18

Commission Comment: Noted that in practice, contributing properties have been approved for demolition due to neglect. Language reads as if it doesn't matter if current or previous property contributed to the neglect. Responsibility needs to be clarified. Enforcing demolition by neglect is most important in prevent demolitions.

Response: Affirmative maintenance provisions with enforcement authority are the most effective way to prevent demolition by neglect. The City's Property Maintenance Code should be an existing tool to prevent demolition by neglect.

Section:	B	Title:	Demolition By Neglect	Source:	HPC Special Workshop
				Date:	2/15/18

Commission Comment: Need to look at who can submit an application in relationship to demolition by neglect. Need to look at what is considered "beyond repair."

Response: Who can submit an application should be defined in the Rules of Procedure and/or Land Management Code. A definition of "beyond repair" is not recommended due to the variety of resource types.

Section:	B	Title:	Demolition By Neglect	Source:	HPC Special Workshop
				Date:	2/15/18

Commission Comment: It should not matter if it was the previous or current owner. Demolition by neglect should not be permitted by any property owner.

Public Comment: Clarify the demolition by neglect applies to any property owner.

Response: Changes were made that direct the Commission to consider the property and its condition, integrity and significance and not to evaluate to whom the neglect is attributable. Demolition by neglect should be documented through the Code Enforcement Department separately from the Commission. For the purposes of the Commission, it does not matter whether the previous or current owner was responsible for the neglect. If a previous owner was neglectful and contributed to the deteriorated structure, the new owner is responsible for the purchase price and any assumptions made about demolition being permitted. If they paid a price that makes it unfeasible to rehabilitate in its current condition, that is a hardship (potentially self-created). The Commission must still consider the integrity of a property and Economic Hardship provisions remain unchanged.

Section:	B	Title:	Demolition By Neglect	Source:	HPC Workshop
				Date:	3/8/18

Commission Comment: A property that has significance, but lacks integrity can still be a contributing resource. Can demolition be approved for contributing resources under certain circumstances?

Response: A property must retain both historic significance and integrity to be a contributing resource. However, this section will be reviewed by the Legal Department.

Comments received as of August 23, 2018 and Staff Responses

Section:	B	Title:	Demolition By Neglect	Source:	HPC Workshop
				Date:	3/22/18

Public Comment: Concern related to prohibiting current and future owners not to demolish due to demolition by neglect. This can create a situation where no one will have enough money to invest in the building and it will continue to deteriorate.

Response: Changes to this section have been made. Demolition is not prohibited. The preservation of contributing resources remains the goal regardless of ownership. In such cases, owners are responsible for considering rehabilitation costs where appropriate and demolition should not be assumed. Provisions for economic hardship remain.

Section:	B	Title:	Demolition By Neglect	Source:	HPC Special Workshop
				Date:	2/15/18

Public Comment: Change “may take documented demolition by neglect into account” to “shall take documented demolition by neglect into account.”

Response: This change was made.

Section:	B	Title:	Demolition By Neglect	Source:	HPC Special Workshop
				Date:	2/15/18

Public Comment: Define “deferred maintenance.”

Response: “Deferred maintenance” was changed to “neglect” for consistency.

Section:	B	Title:	Demolition By Neglect	Source:	HPC Special Workshop
				Date:	2/15/18

Public Comment: Look at how demolition by neglect and relationship to historic integrity.

Response: This section was edited to reference Section H, which includes integrity among the criteria for contributing resources. If a property has deteriorated to a point that it no longer conveys its significance, it should not be found to be a contributing resource.

Section:	B	Title:	Demolition By Neglect	Source:	HPC Workshop
				Date:	3/22/18

Public Comment: What is considered documentation of demolition by neglect?

Response: Code violations issued by the City.

Section:	E	Title:	Proposed Work That Requires a Demolition Application	Source:	HPC Workshop
				Date:	8/23/18

Commission Comment: Consider if term “Demolition Application” will still be relevant if application forms are consolidated.

Response: The draft application form was reviewed and no changes will be required to this section if the new application is implemented.

Section:	F	Title:	Proposed Work That Does Not Require a Demolition Application	Source:	HPC Special Workshop
				Date:	2/15/18

Public Comment: **1) Removal of less than 30 percent of an exterior wall, roof, or other exterior surface.**
Question if 30 percent applied to existing walls.

Response: Yes, however in further discussion with the Commission this was changed to “100 square feet.”

Section:	F	Title:	Proposed Work That Does Not Require a Demolition Application	Source:	HPC Special Workshop, Email
				Date:	2/15/18

Public Comment: **(3) The removal of a feature that has deteriorated beyond repair and will be replaced with a replica in keeping with the historic.** This looks incomplete.

Response: This was changed to read: “The removal of a feature that has deteriorated beyond repair and will be replaced with a replica in keeping with the historic feature.”

Section:	F	Title:	Proposed Work That Does Not Require a Demolition Application	Source:	HPC Workshop
				Date:	6/28/18

Commission Comment: Removing less than 100 square feet of wall surface should not require a separated demolition application, but the alteration is still reviewed.

Response: Correct. The 100 square feet is proposed as the limit for when demolition applications are required, however less than 100 square is still an alteration that requires review.

Section:	G	Title:	Required Considerations at Demolition Hearings	Source:	HPC Special Workshop
				Date:	2/15/18

Public Comment: Request to remove added language of “if applicable” related to replacement plans.

Response: Demolition approvals may be conditioned on a replacement plan. Not all demolitions involve a replacement plan. Therefore, the amendment is appropriate.

Section:	H	Title:	The Degree of Importance Influences Demolition Decisions	Source:	E-mail
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Public Comment: **(2) Contributing Resources.**
Criteria make it more difficult to demolish a contributing resource than a resource of “unusual importance.”

Response: The criteria for approving demolition of resources of “unusual importance” and “contributing resources” were amended.

Section:	H	Title:	The Degree of Importance Influences Demolition Decisions	Source:	HPC Special Workshop
				Date:	2/15/18

Public Comment: **(4) Contributing Resources.**
Change “financial hardship” to “economic hardship”

Commission Comment: Also requested this change.

Response: This change was made.

Section:	H	Title:	The Degree of Importance Influences Demolition Decisions	Source:	HPC Special Workshop
				Date:	2/15/18

Comments received as of August 23, 2018 and Staff Responses

Public Comment: Add language on what needs to be demonstrated to show economic benefit of demolition of a structure of unusual importance. Add more requirements for what is considered to be a project that is in the best interest of the community

Response: This section was expanded to provide more information.

Section:	J	Title:	[Financial] Economic Hardship	Source:	HPC Special Workshop
				Date:	2/15/18

Public Comment: This should not be up to the HPC to consider. More guidance is needed.

Response: This is the responsibility of the Historic Preservation Commission. There is a legal definition of economic hardship that requires an evaluation of the cost to rehabilitate a structure versus its value, not with the evaluation of a particular owner’s financial situation and their ability to pay for rehabilitation. Economic hardship evaluations may also involve the ability to earn a reasonable return, the inability to adapt to an alternative viable use, or the ability to sell to another owner who will preserve the property. This section was expanded to provide more information.

Section:	J	Title:	[Financial] Economic Hardship	Source:	HPC Special Workshop
				Date:	2/15/18

Public Comment: Add more clarification on economic hardship and what needs to be proven. What type of documentation is required?

Response: The section on economic hardship was expanded. The Request for Economic Hardship application outlines all the documentation required.

Section:	J	Title:	[Financial] Economic Hardship	Source:	Email
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Public comment: Required documentation should be in the guidelines which have been voted upon by the Mayor and Board of Aldermen.

Does “required documentation” refer to economic documentation or archival documentation?

Response: The guidelines do not incorporate documentation requirements for any application types. Application requirements are set forth on application forms by the Planning Department. It is not recommended to include this information in the design guidelines since any changes to or clarifications regarding required documentation for any application type would require Mayor and Board approval.

“Documentation” in this case is referring to documentation that is required for evaluation of the economic hardship request (financial documentation). To clarify, this was changed to “Upon submission of a complete application...”

Section:	N/A	Title:	N/A	Source:	HPC Special Workshop
				Date:	2/15/18

Public Comment: Provide better definitions for: beyond repair, every effort, and “of unusual importance.”

Response:

The topic of “beyond repair” will be addressed in Chapter 1, Section J : *General Parameters for Reviewing Changes in the Frederick Town Historic District* and defined in the Glossary.