

Section 17D.100.230 Demolition Permits for Historic Structures in the Downtown Boundary Area ~~((and))~~, National Register Historic Districts, and Centers and Corridors

A. Definitions.

1. Building Footprint.

As defined in SMC 17A.020.020.

2. Floor Area.

As defined in SMC 17A.020.060.

B. Where This Section Applies.

1. The requirements of this section only apply to structures that are listed or eligible to be listed on the National or Local Register of Historic Places; and

2. This section only applies to structures in the following areas:

a. The Downtown Boundary Area shown in Map 17D.100.230-M1; or

b. Land zoned as Center and Corridor (as defined in SMC 17C.122 Center and Corridor Zones); or

c. Within a National Register Historic District.

3. Structures listed as Historic Landmarks or Contributing Resources within Spokane Register Historic Districts are addressed in SMC 17D.100.220 and are not subject to the requirements of this section.

4. This section shall not apply to orders of the building official or fire marshal regarding orders that a structure be demolished due to public health, safety, or welfare concerns.

C. Determination of Eligibility.

1. Administrative Determination.

The HPO may administratively determine that a structure proposed for demolition is not eligible for listing and may waive requirements for the submission of an eligibility document.

2. Determination from Spokane Historic Landmarks Commission.

Eligibility shall be determined by the Spokane Historic Landmarks Commission within thirty (30) days of the submission of the application for a demolition permit and a completed determination of eligibility document. The applicant shall be responsible to submit a determination of eligibility demonstrating the ineligibility of the structure based upon the National Register Criteria for Evaluation (36 CFR 60). Applications for structures that are determined not to be listed or eligible to be listed on a National or Local Register of Historic Places shall be processed pursuant to existing regulations for non-historic buildings.

D. Limitation on Issuance of Demolition Permit.

~~((A.))~~ No demolition permits ~~((for structures that are listed or eligible to be listed on the National or Local Register of Historic Places located in the area shown on Map 17D.100.230-M1, Downtown Boundary Area and in all National Register Historic Districts))~~ shall be issued unless the structure to be demolished is to be replaced with a replacement structure that is administratively approved ~~((by the commission))~~ through a Certificate of Appropriateness under the ~~((following))~~ criteria provided herein.~~((:))~~

E. Criteria for Certificate of Appropriateness.

1. Building Footprint of Replacement Structure.

- a. The replacement structure shall have a Building Footprint equal to or greater than the Building Footprint of the landmark structure to be demolished.
- b. The footprint of the new construction shall be located on the footprint of the demolished building.

2. Floor Area for Replacement Structure.

a. Downtown Boundary Area or Centers and Corridors Zones.

The replacement structure shall have a Floor Area equal to or greater than one hundred percent (100%) of that of the eligible or listed structure(s) to be demolished. The maximum size of the replacement structure shall be as determined by the underlying zoning of the area.

b. National Register Historic Districts.

~~((1. The replacement structure shall have a footprint square footage equal to or greater than the footprint square footage of the landmark structure to be demolished. The replacement structure must also have a floor area ratio equal to or greater than 60% of that of the landmark structure to be demolished. The square footage of the footprint may be reduced:))~~

The replacement structure shall have a Floor Area equal to or greater than seventy-five percent (75%) and not larger than one hundred fifty percent (150%) of that of the contributing structure(s) to be demolished.

c. Overlap of National Register Historic District with Downtown Boundary Area or Centers and Corridors Zone.

i. For property within a National Register Historic District and also with the Downtown Boundary Area or a Centers and Corridors Zone, the replacement structure shall have a Floor Area equal to or greater than seventy-five percent (75%) and not larger than two hundred percent (200%) of that of the contributing structure(s) to be demolished.

ii. In cases where another section of Title 17 imposes a minimum Floor Area that exceeds two hundred percent (200%) of the contributing structure to be demolished, the minimum Floor Area of the other section shall apply. The replacement structure's Floor Area shall not exceed the minimum Floor Area of the other section, plus ten percent (10%).

- ~~((a. to accommodate an area intended for public benefit, such as public green space and/or public art;~~
- ~~b. if the owner submits plans in lieu for review and approval by the City's design review board subject to applicable zoning and design guidelines; and~~
- ~~c. if the replacement structure is, in the opinion of the HPO and the commission, and in consultation with the Design Review Board, compatible with the historic character of the Downtown Boundary Area or National Register Historic District, as appropriate.))~~

3. Building Materials.

Exterior materials of the replacement structure shall be in keeping with the surrounding historic structures. Appropriate materials include brick, stone, wood, or similar.

4. Building Permit for Replacement Structure.

No demolition permit shall be issued until a building permit for the replacement structure has been accepted, processed, and issued.

- ~~((2. Any replacement structure under this section shall satisfy all applicable zoning and design guidelines, and shall be considered by the commission within thirty days of the commission's receipt of an application for a certificate of appropriateness concerning the building for which a demolition permit is sought.~~
- ~~3. A building permit for a replacement structure under this section must be accepted, processed, and issued prior to the issuance of the demolition permit. In the alternative, the owner may obtain a demolition permit prior to the issuance of the building permit if the owner demonstrates to the satisfaction of the director of building services, in consultation with the HPO, that the owner has a valid and binding commitment or commitments for financing sufficient for the replacement use subject only to unsatisfied contingencies that are beyond the control of the owner other than another commitment for financing; or has other financial resources that are sufficient (together with any valid and binding commitments for financing) and available for such purpose.))~~

5. Financial Commitment.

The applicant shall demonstrate to the satisfaction of the Director of the Developer Services Center (DSC), in consultation with the Historic Preservation Officer, that there is a valid and binding commitment for financing (such as a term sheet or MOU) for the construction of the replacement structure.

6. Deviations from Criteria.

Deviations from these may be approved by the Historic Preservation Officer in consultation with the Planning Director at their discretion. Deviations may be less restrictive and shall not be more restrictive.

- ~~((B. Eligibility shall be determined by the commission within thirty (30) days of the submission of the application for a demolition permit. The applicant shall be responsible to submit a determination of eligibility demonstrating the ineligibility of the structure based upon the National Register Criteria for Evaluation (36 CFR 60). Applications for structures that are determined not to be listed or eligible to be listed~~

~~on a National or Local Register of Historic Places shall be processed pursuant to existing regulations.~~

~~C. This section shall not apply to orders of the building official or fire marshal regarding orders that a structure be demolished due to public health, safety, or welfare concerns.~~

~~D. If the commission issues a certificate of appropriateness for the demolition of an building on the national register or located within the downtown boundary zone, such certificate shall include conditions such as:~~

- ~~1. any temporary measures deemed necessary by the commission for the condition of the resulting property after the demolition, including, without limitation, fencing or other screening of the property;~~
- ~~2. the provision of ongoing, specific site security measures;~~
- ~~3. salvage of any historically significant artifacts or fixtures, determined in consultation with the HPO prior to demolition;~~
- ~~4. limitations on the extent of the demolition permitted, such that only non-historically significant portions of the property are subject to demolition;~~
- ~~5. if construction on a replacement structure is not commenced on the site within six (6) months of the issuance of the certificate, the owner must landscape the site for erosion protection and weed control and provide for solid waste clean-up;~~
- ~~6. abatement of any hazardous substances on the property prior to demolition;~~
- ~~7. requirement for dust control during the demolition process; and~~
- ~~8. that the certificate of appropriateness for demolition of the building is valid for three months.))~~

F. Conditions of Approval.

A Certificate of Appropriateness may be issued administratively for the demolition of a structure under this section subject to these conditions:

1. salvage of any historically significant artifacts or fixtures, determined in consultation with the HPO prior to demolition; and
2. the certificate of appropriateness for demolition of the building is valid for three months.

G. Review Period.

Administrative review of the replacement structure by the HPO will be completed within 10 business days of receipt of a completed application that addresses all requirements of this section.

H. Other Codes Apply.

Before a demolition permit is issued, all other relevant codes shall be met.

DRAFT