

City of Erie - Historic Review Commission

Regular Meeting Agenda

Monday, January 6, 2025

(agenda combined with snowstorm meeting cancellation from Monday, December 2, 2024)

A regular meeting of the City of Erie Historic Review Commission will be held Monday, January 6, 2025 at 1:00 pm in City Council Chambers. Virtual attendance is available by contacting the Planning Department in advance of the meeting.

Call to Order/Roll Call

| <i>Regular Member</i> | <i>Present</i> | <i>Absent</i> |
|--------------------------|----------------|---------------|
| Jean Craige Pepper | | |
| Dave Brennan | | |
| Mark Tannenbaum | | |
| Melinda Meyer | | |
| Matthew Falcone | | |
| <i>Ex-Officio Member</i> | | |
| Jason Wieczorek | | |
| <i>Other</i> | | |
| | | |

1. Public Comment
2. Approval of Past Meeting Minutes:
 - a. Regular meeting: November 4, 2024 @ 1pm
3. Old Business
 - a. Reschedule-‘Downtown Design Guidelines’ discussion with EDP and city staff
 - b. Review and discussion of Zoning Ordinance article 7 updates
4. New Business
 - a. Upcoming “public hearings” for location designation of Old Customs House (as historic structure) & Erie Day School (as historic site) Wednesday, January 8, 2025 @ 9am
 - b. Tentative 2025 meeting dates: 1/6, 2/3, 3/3, 4/7, 5/5, 6/2, 7/7, 8/4, 9/8, 10/6, 11/3, 12/1
 - c. Set date, time, format for: 2024 HRC work plan review & 2025 goals meeting/discussion
 - d. CHRS
 - i. Update on EDR schedule/next areas of city for field-based survey
 - ii. Commissioner sign-up (optional) for “mapping our history” days @ HHC/other
 - iii. Request for commissioners as local public outreach & dispersing of project flyers
 - iv. Request for online Story-map participation <https://bit.ly/ErieHistory>
5. Adjourn

City of Erie Historic Review Commission
Minutes of the Regular Meeting Monday, November 4, 2024 at 1 pm
At City Council Chambers, City Hall, 626 State Street, Erie

In attendance: Commissioners David Brennan, Mark Tannenbaum, Matthew Falcone, Jean Craige Pepper, and Melinda Meyer

Others in attendance: Heather Olson, Preservation Planner, City of Erie

Absent: Jason Wieczorek, Liaison for Erie City Planning Commission

The meeting was called to order by Chair D. Brennan at 1:07 pm.

Public Comment

Lisa Austin commended the City of Erie and Historic Review Commission for its work in historic preservation. Next month, several individuals will be presenting a Christmas concert at St. Andrew's Parish, and she invited commissioners to attend.

Meeting Minutes

Motion: To approve the minutes of the September 9th regular meeting of the Historic Review Commission. Motion made by M. Falcone, seconded by J.C. Pepper. Motion carried.

Motion: To approve the minutes of the October 7th regular meeting of the Historic Review Commission. Motion made by M. Falcone, seconded by M. Tannenbaum. Motion carried.

OLD BUSINESS

Design Guidelines

Discussion: A study session has been scheduled for Monday, December 2, 2024 11:30 am – 12:30 pm to discuss the use of the Erie Downtown Partnership's (EDP) Design Guidelines by the Historic Review Commission. EDP executive director Emily Fetcko has been invited to attend, and the PA State Historic Preservation Office (SHPO) has requested to be present at the meeting as well. Commissioners were encouraged to bring lunch to the meeting.

Motion: To hold a study session Monday, December 2, 2024 11:30 am – 12:30 pm at City Hall to discuss the use of the Erie Downtown Partnership's Design Guidelines. Motion made by M. Falcone, seconded by M. Tannenbaum. Motion carried.

NEW BUSINESS

PA State Historic Preservation Office Visit

Discussion: PA SHPO staff Elizabeth Rairigh and Bill Callahan met with City staff October 29th to discuss a variety of topics. The City was encouraged to apply for future rounds of Certified Local Government grant funding and advised not to rely on Keystone Historic

Preservation Planning grant program support for future phases of the citywide historic resource survey. SHPO staff felt that the CLG grant program was the better fit for this project. SHPO staff also asked to be involved in the development of design guidelines and requested an update on the citywide historic resource survey. The Hagen History Center has been a good research and communication partner on the project. The SHPO congratulated the City on recently receiving an award from the PA American Planning Association for the City of Erie Historic Preservation Plan. The SHPO also recommended pausing acceptance of local designation nominations until Article 7 (Historic Resource Protection) of the City Zoning Handbook can be reviewed and updated.

Erie Art Museum / Customs House Local Designation Nomination

Discussion: Melanie Vadzemnieks, development director of the Erie Art Museum, was in attendance to present the nomination of the Old Customs House to the City of Erie Register of Historic Places (local designation). Ms. Vadzemnieks shared a brief history of the Erie Art Museum as an organization and its home, the Old Customs House.

Motion: To accept the nomination of the Old Customs House. Motion made by M. Falcone, seconded by J.C. Pepper. Motion carried.

Motion: To positively recommend the nomination of the Old Customs House to the City of Erie Register of Historic Places to the City of Erie Planning Commission. Motion made by M. Falcone, seconded by M. Tannenbaum. Motion carried.

Citywide Historic Resource Survey

Discussion: H. Olson requested that commissioners serve as advocates for the citywide historic resource survey and help share information with others. The Hagen History Center has approved several dates/times during which City staff will set up a booth at the museum and collect stories, photographs, and other materials from the public. The History Center has also been a tremendous resource for research.

EDR, the consulting firm hired to work on the citywide historic resource survey, will be starting the field work in downtown Erie Monday or Tuesday of next week (Nov. 11-12).

City Solicitors' Recommendations for Zoning Article 7

Discussion: Jason Checques, a solicitor for the City of Erie, spoke at the meeting and expressed concern over specific sections of Article 7. One of the issues identified, for example, is that the nomination process outlined in the ordinance does not require notification of property owners. It was recommended that nominations be tabled until Article 7 can be revised. Extensive discussion was held regarding the proposed timeline for updating Article 7. As City staff, the City's solicitors, the SHPO staff, and HRC members will all participate in the review of the ordinance, which will also need to be reviewed and

approved by the City Planning Commission and City Council, H. Olson estimated that it may take 3-4 months for the updated ordinance to be adopted.

Motion: To institute a moratorium on accepting new nominations to the City of Erie Register of Historic Places until Article 7 can be updated and ultimately approved by the City Planning Commission and City Council. Motion made by M. Falcone, seconded by M. Tannenbaum. Motion carried.

Adjournment

Motion: To adjourn the November 4th meeting of the Historic Review Commission was made at 2:12 pm. Motion made by M. Falcone, seconded by J.C. Pepper. Motion carried.

Respectfully submitted by M. Meyer, Secretary.

CITY OF ERIE ZONING ORDINANCE

ARTICLE 1303
ZONING ORDINANCE

ARTICLE 6
Definitions

§ 601. Definitions.

EXISTING DEFINITIONS

CONTRIBUTING RESOURCE. Any building, object, or structure which adds to the historical integrity or architectural qualities that make the historic district, listed locally or federally, significant.

CERTIFICATE OF APPROPRIATENESS. The official decision made by the Historic Review Commission for proposed alterations or additions to or within Historic Districts or Resources.

ECONOMIC HARDSHIP. The denial of all reasonable beneficial uses or reasonable return on a property as a result of the City's denial of a Certificate of Appropriateness. Economic hardship claims may only be following the final action of the City Council on a Certificate of Appropriateness application

HISTORIC DISTRICT. A defined territorial division of land which shall include more than one (1) contiguous or related parcel of property, specifically identified by separate resolution, which meets one (1) or more of the criteria for designation as listed in Article 7 and whose designation has been approved by the City.

HISTORIC OBJECT. A material thing of historic significance for functional, aesthetic cultural, or scientific reasons that may be, by nature or design, movable yet related to a specific setting of environment and meets one (1) or more of the criteria for designation as listed in Article 7 and whose designation has been approved by the City.

HISTORIC RESOURCES. A term used to include Historic Structures, Historic Districts, Historic Sites, or Historic Objects that have been officially designated as such by the City of Erie through the Historic Review Commission as outlined in Article 7.

HISTORIC SITE. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure whether standing, ruined or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structures and meets one (1) or more of the criteria for designation as listed in Article 7 and whose designation has been approved by the City.

HISTORIC STRUCTURE. Anything constructed or erected, the use of which requires directly or indirectly, a permanent location of land, including walks, fences, signs, steps and sidewalks, which meets one (1) or more of the criteria for designation as listed in Article 7 and whose designation has been approved by the City.

NEW PROPOSED DEFINITIONS

EXTERIOR ALTERATION. The alteration of exterior architectural features which can be seen from a public street or way. This shall include projects which require a building, demolition or sign permit and all exterior improvements, alterations and renovations which can be accomplished without obtaining a permit such as change of location of historic object; the kind, color and texture of building materials; the type and design of all windows, doors, lights, stair

Commented [KW1]: Update Definitions after draft is acceptable. List along with staff

Commented [WC2]: Suggest this language for Contributing Resource: "A contributing building, site, structure, or object which adds to the historic association, historic architectural quality, or archeological value for which a property is significant."

My suggestions for Contributing, District, Object and Structure are essentially right out of the National Register. There's a reason for that (other than bias) that I'm happy to discuss.

Commented [WC3]: Suggestion: "Document issued by the Historic Review Commission for approval of any new construction, demolition, exterior alterations or change of location of a designated property."

Commented [WC4]: Additional/alternate language to consider for Historic District: "An historic resource consisting of a significant concentration, linkage, or continuity of sites, structures, or objects united historically or aesthetically by plan or physical development."

I would keep "A defined territorial division of land which shall include more than one (1) contiguous or related parcel of property" or something similar to account for parks and/or other similar landscape features.

Commented [WC5]: Suggested additional/alternate language to consider for Historic Object: "An historic resource distinguished from structures whose construction may primarily be artistic or scientific in nature or is relatively small in scale. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment. "

Commented [WC6]: Suggested additional/alternate text:

"A construction created principally to shelter any form of human activity, or any functional construction built for purposes other than creating human shelter."

CITY OF ERIE ZONING ORDINANCE

railings, and other fixtures; and the method of building cleaning.

MAJOR EXTERIOR ALTERATIONS. Exterior Alterations relating to designated Historic Resources such as new construction, demolition of any exterior portion or all of a Historic Resource, substantial alterations and use of non-historically appropriate material.

MINOR EXTERIOR ALTERATIONS. Exterior alterations relating to designated Historic Resources that include maintenance and repair, change of paint color, replacement of non-original material, and minor changes that do not materially change the historic characteristics of the property.

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES. Standards established by the Secretary of the Interior to provide guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers prior to beginning work. These shall be followed in determining Certificates of Appropriateness until such time as the City of Erie adopts new standards.

Commented [WC7]: I would be careful of terms like “substantial” and “non-historically appropriate material” Substantial because it can be open to interpretation unless we try to define it more clearly. “non-historically appropriate material” because I don’t know what that means in the context of an ordinance. It’s something that can be addressed in a design guideline, which can then be incorporated by reference. But to put this kind of language in the ordinance, in my view, creates a lack of clarity. As does “substantial.”

Commented [WC8]: Same here as above—how does one define maintenance? “...do not materially change the historic characteristics...” is also unclear.

Commented [WC9]: My suggestion is to simply define “Alterations” using clearly defined terms and do not attempt to parse “minor” and “major”

Commented [WC10]: I would refer simply to the Secretary of the Interior’s Standards for the Rehabilitation of Historic Buildings. The Treatment standards include restoration and reconstruction, which are highly unlikely to ever be an issue in the context of this ordinance. If a property owner chooses to follow a reconstruction or restoration design ethic (good for them), those standards would still be considered to meet the rehab standards—the opposite is not likely to be true. The rehab standards also have extensive guidelines which can be referenced.

CITY OF ERIE ZONING ORDINANCE

ARTICLE 7

Historic Resource Protection

| | | | |
|--------|--|--------|---|
| § 701. | Purpose. | | |
| § 702. | Overview of provisions. | | |
| § 703. | Zoning overlay concept. | § 707. | HRC certificate of appropriateness. |
| § 704. | Establishment of the Historic Review Commission. | § 708. | Administrative review. |
| § 705. | Criteria for designation. | § 709. | Economic hardship. |
| § 706. | Designation of historic preservation overlay for historic structures, districts, sites and objects. | § 710. | Violations, penalties and enforcement. |

CITY OF ERIE ZONING ORDINANCE

ARTICLE 7
Historic Resource Protection

§ 701. Purpose.

This article is in support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Erie is among its most valued and important assets, and preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people. The purpose of the article is to:

- 701.1. Stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historic and aesthetic attractions to tourists and thereby promote and stimulate business;
- 701.2. Enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law;
- 701.3. Provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts to participate in federal or state programs to do the same;
- 701.4. Promote the retention of community character through preservation of the local heritage by recognition and protection of historic and cultural resources;
- 701.5. Establish a clear process by which proposed changes affecting historic resources are reviewed;
- 701.6. Mitigate the negative effects of proposed changes affecting historic resources;
- 701.7. Encourage the continued use of historic resources and facilitate their appropriate rehabilitation and adaptive reuse;
- 701.8. Encourage pleasing and harmonious relationship between old and new buildings and structures that will maintain and strengthen the architectural character of historic districts;
- 701.9. Implement the following sections of the Pennsylvania Municipalities Planning Code: Section 603(g)(2), which states that "zoning ordinances shall provide for protection of natural historic features and resources"; Section 604(1), which states that "the provisions of zoning ordinances shall be designed to promote, protect and facilitate any or all of the following: ... preservation of the natural, scenic and historic values ..."; and Section 605(2)(vi), whereby uses and structures at or near places having unique historical, architectural or patriotic interest or value may be regulated.³⁴

Commented [WC11]: Excellent

§ 702. Overview of provisions.

This article provides for the creation of a Historic Resource Protection (or HP) designation, for the City of Erie, which affects historic resources. Identified historic resources include, but are not necessarily limited to, historic districts, structures, buildings, objects, or sites hereinafter referred to as "historic resources." Historic resources shall be shown on the City of Erie Zoning Map as ~~with~~-an overlay as a Historic Preservation (HP) District. Historic resources not located within a district shall also be listed on the Historic Resources Inventory. Owners of properties in the HP District and listed on the Historic Resources Inventory must comply with the provisions of this article, as well as the provisions of the underlying zoning district.

23. Editor's Note: See 53 P.S. §§ 10603, 10604 and 10605, respectively.

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§ 703. Zoning overlay concept.

The "Zoning Map, City of Erie, Pennsylvania," may be amended to show one or more HP District(s) as an overlay zone. An overlay zone may encompass one or more underlying zoning districts and imposes additional requirements above that required by the underlying zone. The HP designation is designed for the purposes of historic preservation.

703.1. Historic Resources Protection Map is a companion to the City's Official Zoning Map and shall be kept on file at the office of the Zoning. This map will be based upon comprehensive surveys and inventories of designated historic/cultural resources. The map may contain all, or portions, of the City. Requests for designation of a historic district will be permitted as outlined in the review and approval process as prescribed in this article.

703.2. The Historic Resources Protection Map may be revised or amended by action of the City in accordance with this article.

703.3. In considering the preparation of, or any revision, including additions, deletions, or changes to, the Historic Resources Protection Map or the Historic Resources Inventory, the City will rely on the written recommendation from the Erie City Planning Commission and the Historic Review Commission.

703.4. Should the designation of the HP ~~either as a district or as an individual resource~~ District be revised as a result of legislative or administrative action or a judicial decision, the zoning requirements and other regulatory measures applicable to any properties deleted therefrom shall be those of the underlying zoning district.

Commented [WC12]: Why the change from "...district or as an individual resource" to just "District?"

§ 704. Establishment of the Historic Review Commission.

704.1. Historic Review Commission (HRC) is hereby established, and the same shall consist of five citizen members, the majority of whom shall reside in the City of Erie, and two ex officio members representing the City. The membership positions shall be filled by appointment by the Mayor and by City Council. The Mayor shall appoint two citizen members and the ex officio members while City Council may appoint three citizen members. The five citizen members are voting members and a majority for the purposes of this section shall be three or more. Ex officio members are nonvoting members and act in advisory capacity to the HRC. The Historic Review Commission member positions shall be filled as follows:

Commented [WC13]: This is a comment, not a recommendation per se. Have we thought about making the composition of the HRC to be "not less than five or more than (say) seven citizen members?"

That could give future flexibility to Council and the Mayor for a variety of circumstances. The membership requirements could be adjusted accordingly.

- (a) One citizen member shall be a professional preservationist or an architectural historian active with a broad-based local organization involved with historic preservation and/or history.
- (b) One citizen member shall be an architect who has an interest and background in historic preservation.
- (c) One citizen member shall be a representative of the viewpoints of the real estate community ~~as~~ and may be recommended by the Erie County Board of Realtors.
- (d) Two citizen members shall be any two citizens who have demonstrated an outstanding interest and/or knowledge of historic preservation or community revitalization in the City of Erie. Examples of outstanding interest can include ownership and maintenance of a historic building within the City or active membership with a community or preservation organization.
- (e) Ex officio members shall be appointed by the Mayor and shall include one staff from the Department of Planning and Neighborhood Resources and one member of the Planning Commission.

CITY OF ERIE ZONING ORDINANCE

704.2. The responsibilities of the Historic Review Commission shall be to:

- (a) Investigate and report on the appropriateness of structures, districts, sites and objects which are being considered by City Council for historic designation and to make recommendations to the Council about approval or disapproval of such designations.
- (b) Review all demolition permits, building permit and sign permit applications involving new construction or exterior alteration of historic resources or structures in locally designated historic districts and make determinations concerning the appropriateness of the work proposed in such permit applications.
- (c) Issue Certificate of Appropriateness decisions on all activity regulated by this article.
- (d) See that appropriate standards and guidelines are established for each proposed historic district and see that the residents of the geographical area being considered for designation are involved in developing and amending those standard guidelines for their district.
- (e) Seek recommendations from community groups on decisions involving applications for approval within the respective districts.
- (f) Carry on educational activities in furtherance of the purpose of this article and preservation plans for the City of Erie.
- (g) Act in an advisory role to City departments and agencies related to preservation matters.
- (h) Facilitate the redevelopment of historic structures and districts in accordance with approved development plans of the City.
- (i) Act as liaison on behalf of the City with preservation organizations, professional societies, community and other groups, private property owners, and interested citizens, concerning conservation of the historic resources of the City.
- (j) Act as a liaison on behalf of the City with State of Pennsylvania Historic Preservation Officer, agencies of the Federal government, the National Advisory Council on Historic Preservation, and the National Trust for Historic Preservation, concerning the historic resources of the City.
- (k) Prepare plans for the conservation and development of historic resources in conjunction with the Erie Planning Commission.
- (l) Undertake or encourage and facilitate the documentation of the architecture and history of the City's historic resources.
- (m) Participate in ongoing training to increase skillsets and learn about important preservation activities and tools.

704.3. Terms.

- (a) After initial staggered terms of one member for one year, two members for two years, and two members for three years, each HRC member shall serve a three-year term of office. Any appointed member of the HRC may be removed from office by the Mayor for just cause and with the approval of Council. The Mayor shall submit reasons constituting cause in writing to the Commission and to the Council. An appointment to fill a vacancy shall be only for the unexpired portion of the term.
- (b) Ex officio members shall serve in perpetuity unless they leave office or are replaced by the Mayor.

Commented [WC14]: Suggest adding language that includes activities that do not require permits. There are many changes that may occur to a property that do not necessarily require a permit from the City. Something simple like "any activity that affects the exterior of a property visible from the public way"

Simple, small and/or less visible changes could be then handled by staff. Staff could then generate a monthly/quarterly/bi-annual report on projects reviewed "at the desk."

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- (c) Officers. At the first meeting of the HRC and then the first meeting of each year afterwards, the HRC shall appoint the Chairman, Vice Chairman, Secretary and any other officers of the HRC. The Chairman shall be responsible for calling all meetings within the prescribed time limitations as set forth in this resolution. The Secretary shall keep the minutes of the meetings and a permanent record of all resolutions, motions, transactions and determinations.
- (d) Meetings. An official meeting of the HRC cannot be called to order without the establishment of a quorum of three voting Historic Review Commission members. All members of the HRC shall be entitled to vote and the decision of the HRC shall be determined by a majority vote of the Historic Review Commission members present at the meeting.

Commented [WC15]: Do we want to make accommodation for potential delegation of minutes & etc. to staff? That would cover vacancies, absences and other unforeseen difficulties related to minute-taking and record keeping.

§ 705. Criteria for designation.

705.1. Minimum criteria for designation. Every historic resource nominated for HP designation must meet one or more of the specified criteria for designation within each appropriate category of the following criteria for designation.

705.2. Designation of Historic Structures, Historic Districts, Historic Sites, and Historic Objects. The Historic Review Commission shall limit its consideration to the following criteria in making a determination on a nomination of an area, property, site, structure, or object for designation by ordinance as a historic structure, historic district, historic site, or historic object:

- (a) Its location as a site of a significant historic or prehistoric event or activity;
- (b) Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archaeological, or related aspect of the development of the City of Erie, State of Pennsylvania, Mid-Atlantic region, or the United States;
- (c) Its exemplification of an architectural type, style or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship;
- (d) Its identification as the work of an architect, designer, engineer, or builder whose individual work is significant in the history or development of the City of Erie, the State of Pennsylvania, the Mid-Atlantic region, or the United States;
- (e) Its exemplification of important planning and urban design techniques distinguished by innovation, rarity, uniqueness or overall quality of design or detail;
- (f) Its location as a site of an important archaeological resource;
- (g) Its association with important cultural or social aspects or events in the history of the City of Erie, the State of Pennsylvania, the Mid-Atlantic region, or the United States;
- (h) Its exemplification of a pattern of neighborhood development or settlement significant to the cultural history or traditions of the City, whose components may lack individual distinction.
- (i) Its representation of a cultural, historic, architectural, archaeological or related theme expressed through distinctive areas, properties, sites, structures or objects that may or may not be contiguous; or
- (j) Its unique location or distinctive physical appearance or presence representing an established and familiar visual feature of a neighborhood, community, or the City of Erie.

Commented [KW16]: Ask about Designation of Public Interior Portion as recommended by MF

Commented [WC17R16]: I haven't looked at Matthew's comments yet but...The State Historic District Act does not allow for interior designation BUT--as a home rule City of the 3rd Class, and given this ordinance has been adopted per the Municipalities Planning Code instead of the HDA and, last, given the lack of clarity on the issue of interior designation per the MPC—it's completely silent on the issue--I think the City could definitely consider adding language for interior public spaces.

Other cities in other states specify interior spaces, I know.

That said...I don't think the concept has ever been tested in court in PA. Which doesn't mean anything right now, but thought I should mention it.

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705.3. Integrity of Historic Structures, Historic Districts, Historic Sites, and Historic Objects. Any area, property, site, structure or object that meets any one (1) or more of the criteria listed above shall also have sufficient integrity of location, design, materials and workmanship to convey significance as defined at 705.2.

- (a) Location is the place where the historic resource was constructed or the place where an historic event occurred.
- (b) Design is the combination of elements that create the form, plan, space, structure and style of an historic resource.

Commented [WC18]: These definitions are fine, great in fact. But something to consider: they could be simplified to the four criteria...definitions...used by the National Register (without saying the words "national register." More definitions as used here could provide greater flexibility. Fewer definitions, with broader language, as with the NR, could provide greater clarity.

Just fyi Pittsburgh is considering consolidating these into a smaller number.

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- (c) Materials are the physical elements that were combined or deposited during a particular time and in a particular pattern or configuration to form an historic resource.
- (d) Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- ~~(d) Is associated with an event that is significant to the history of the municipality, commonwealth, or nation.~~
- ~~(e) Is representative of broad patterns of development, heritage, or culture of the municipality, commonwealth, or nation.~~
- ~~(f) Is associated with persons of significance to the history of the municipality, commonwealth, or nation.~~
- ~~(g) Embodies distinctive characteristics of style, type, period or method of construction of architecture.~~
- ~~(h) Is the work of a notable architect, artist, craftsperson, or builder.~~
- ~~(i) Has yielded, or may be likely to yield, information important in prehistory or history.~~

§ 706. Designation of Historic Preservation Overlay District for Historic Structures, Districts, Sites and Objects.

706.1. The Council of the City of Erie, acting of its own volition or at the request of the Planning Commission or the HRC, may designate Historic Structure, Historic Districts, Historic Sites and Historic Objects.

706.2. Nomination of an area, property, site, structure, or object for consideration and designation as a Historic Structure, Historic District, Historic Site, or Historic Object may be submitted by the owner of record, or any person presently residing in the City of Erie who has established residency in the City of Erie for at least one (1) year prior to nomination.

706.3. Nomination may also be made by a member of City Council, City Planning Commission, or the Historic Review Commission. Nomination by one of these members shall not preclude that member from full participation in the review of the nomination nor from voting on the recommendation or designation.

706.4. Nomination Procedures

- a. Individuals or organizations other than the HRC, Planning Commission, or the City Council seeking to nominate Historic Structures, Historic Districts, Historic Sites and Historic Objects, shall prepare and submit a designation application in a form and manner specified by the HRC.
- b. The documentation shall include the boundaries of or the address of the proposed historic resource, historical research and documentation that the proposed resource meets one or more of the designation criteria and other information as may be specified by HRC.
- c. Within 30 calendar days of receipt of a fully documented and adequate designation application as specified by HRC, the HRC shall review the application at a regular or special meeting to determine whether the request is technically complete and contains the information necessary to evaluate the district's significance.
- d. Within 60 calendar days of determining that an application is technically complete, the HRC shall conduct one or more public meetings to review the designation application and determine

Commented [WC19]: I think we need to somehow define the elements of integrity but I'm not sure where, maybe here but maybe in the definitions section.

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Commented [WC20]: This section is a big improvement. It's important to ensure communities, organizations and individuals have an opportunity to request designation of properties that may be threatened or are for other reasons valued by the community.

The HRC's primary responsibility is to determine whether a nomination meets the criteria for designation and integrity standards. It's Council's job to consider other issues. HRC are subject matter experts on historic significance and design issues related to historic resources. That's all they should be tasked to consider and be expected to consider and the public should be given the opportunity to hear from the City's subject matter experts whether a property meets the criteria for designation. Anything else is up to Council.

Anyway--

I suggest adding the potential for organizations, such as recognized neighborhood associations, community development corporations and preservation organizations also have the ability to nominate resources for designation.

Commented [WC21]: Developing specific documentation requirements is critical. But it's good to not define that here because things change...

Commented [WC22]: We may want to rework this procedural step completely.

IMO it's important that HRC not be forced to review/consider a nomination that is inadequately documented according to the HRC's standards.

I'd suggest incorporating some language that allows staff to review applications for thoroughness/technical completeness per HRC requirements and that staff be given authority to request additional documentation per those requirements.

Staff can be given a clock for review.

Giving that initial review responsibility to staff will long-term make the application process more efficient and will also negate the need for HRC to discuss any inadequacies in an application in a public forum.

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whether the proposed Historic Resource meets one or more of the designation criteria specified in this Article. The HRC may receive written and oral testimony from the public during the meetings. All property owners of an individual Historic Resource shall receive notice of the meeting by mail sent fourteen (14) calendar days prior to the date of the meeting. In the case of a designation of a new district, notice of the meeting shall be conspicuously posted at points deemed sufficient by the city along the tract to notify potentially interested citizens. The affected tract or area shall be posted at least fourteen (14) days prior to the date of the meeting.

Commented [WC23]: If we change the intake process as at c. above, we may be able to shorten the 60 days here.

e. Following the conclusion of the public meeting, the HRC shall consider the application at a regular public meeting and shall vote on whether or not the proposal meets the designation criteria and should be designated as a Historic Resource and placed under the Historic Preservation Overlay district. The HRC shall transmit a report detailing its recommendations to the Planning Commission within 30 calendar days.

f. Within 45 calendar days following the receipt of the HRC's report and recommendations by the Planning Commission, the Planning Commission shall consider the application at a regular or special meeting. The Planning Commission shall consider whether the designation is consistent with the municipality's comprehensive plan and other development plans and policies, only, and transmit a report detailing its recommendations to City Council within 30 days of the meeting.

Commented [WC24]: So HRC's recommendations are not seen by Council until the PC reviews the nominated resource for consistency with the comp plan.

g. Within 30 calendar days of receiving the reports of the HRC and Planning Commission, the City Council shall consider whether to designate the area as a Historic Preservation Overlay. If the City Council determines that the area should be designated, it shall follow the procedures outlined for a zoning map amendment within Article 4.

If that's correct, we should add language in f. here that requires the PC to forward HRC's recommendations and any associated documentation provided the HRC to Council at the same time as their own analysis for comp plan consistency.

h. Following certification of an historic district's boundaries by the City Council, the HRC shall determine whether each property within the district is a contributing or non-contributing resource. Such determinations will be adopted by the HRC and may be amended from time to time.

OR create a separate stipulation that allows HRC to directly submit to Council.

i. Nomination of an area, property, site structure, or object for consideration and designation as a Historic Structure, Historic District, Historic Site or Historic Object may be withdrawn by its nominator(s), provided such withdrawal is filed in writing with the Historic Review Commission prior to the vote of the Commission on its recommendation to City Council.

Commented [WC25]: Why? Are we treating non-contributing properties differently in the overlay? I don't think we should.

j. In the event that the nominator(s) withdraw(s) the nomination of a Historic Structure, Historic District, Historic Site or Historic Object, any qualified individual or organization, may intervene as the nominator of record by filing a written notice with the Historic Review Commission prior to the vote of the Commission on its recommendation to City Council.

706.1. The Council of the City of Erie may nominate historic structures, historic districts, historic sites and historic objects upon request or upon its own initiative which will act as an official request for amendment to the Zoning Ordinance for the City of Erie as outlined in Article 4.

Commented [KW26]: Add a subsection to outline the process if City Council initiates the nomination.

(a) In the case of a nomination as a historic district, the nominator may be the owner of record for at least one property located within the district or by a community-based organization representing the district. Nominations may be an outcome of a preservation plan completed by the HRC and duly adopted by the City Council which includes an inventory of historic resources within the City.

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(b) In the case of a nomination for a structure, site or object, the nominator may be the owner of record. Nominations may also be an outcome of a preservation plan completed by the HRC and

Commented [KW27]: Change this to allow property owner, HRC, Planning Commission, City Council, Mayor's Office. Or recognized community-based organization located within the neighborhood containing the district. Expand and clarify

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duly adopted by the City Council which includes an inventory of historic resources within the City.

- ~~(c) The HRC may establish all necessary application requirements for nomination requests for historic resources.~~

~~706.2. Prior to Planning Commission's review of requested amendments that would apply the Historic Preservation (HP) Overlay District, the City Council shall forward the nomination to the Historic Review Commission for their review and recommendation.~~

- ~~(a) The HRC shall decide if there is reasonable cause to determine that the nominated district, structure, site or object will meet the criteria for designation as noted above. An affirmative decision of the HRC must be supported by the votes of a majority of the members of the HRC present, and shall be transmitted in writing to the nominator and to the owner(s) of the property(ies) nominated.~~
- ~~(b) For proposed districts, the HRC shall conduct a public meeting and take comments from any party, subject to the rules and procedures adopted by the HRC, before making its preliminary determination concerning the nomination.~~

~~706.3. Community meeting by the Historic Review Commission for nominations of historic districts as defined in this article the following process shall be commenced:~~

- ~~(a) The HRC shall schedule a public meeting held on the nomination within 30 days following receipt of the nomination for a historic district. Notice of the time, place and purpose of such meeting shall be given by the HRC at least seven days prior thereto to all property owners within the affected district.~~
- ~~(b) The meeting shall be conducted in accordance with the pertinent section of the rules and procedures for the HRC as established and adopted by the HRC. The HRC shall consider all comments or evidence relating to the designation criteria from any person who makes written submissions or appears at the public meeting. The staff of the Department of Planning and Neighborhood Resources shall be requested to provide a recommendation relating to the designation to the HRC.~~
- ~~(c) The owner of any property within a nominated district shall be afforded notice of any meeting of the Historic Review Commission and an opportunity to be heard at said meeting.~~
- ~~(d) The recommendation of the Historic Review Commission shall be made in writing, and shall contain findings and the reasons for the recommendation and shall be delivered to the applicant for a nominated district, or their counsel personally, or by mail.~~
- ~~(e) Following the conclusion of the public meeting for a district or within 30 days of receiving a completed nomination form for an individual resource, the HRC shall consider the application at a regular public meeting and shall vote on whether or not the proposed district or historic resource meets the designation criteria and should be designated as a historic district. The HRC shall transmit a report detailing its recommendations to the Planning Commission within 30 calendar days.~~
- ~~(f) Within 30 calendar days following the conclusion of the HRC's consideration and recommendation, the Planning Commission shall consider the application at a regular or special meeting. The Planning Commission shall consider whether the designation is consistent with the municipality's Comprehensive Plan and other development plans and policies and transmit a report detailing its recommendations to City Council within 30 days of the meeting.~~
- ~~(g) The City Planning Commission shall consider effects of designation on adjoining properties and~~

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~~surrounding neighborhoods within the framework of established planning, development and land use objectives for the City of Erie.~~

~~(h) The City Planning Commission shall transmit their recommendations to City Council according to the process used for other similar amendments to the Zoning Ordinance for the City of Erie as outlined in Section 405.~~

§ 707. HRC Certificate of Appropriateness.

707.1. General requirements.

- (a) Prior to undertaking any of the activities or actions described in this section on properties within a locally designated historic district or on any property designated as a Historic Resource within an HP Overlay District, the property owner or responsible party must obtain a Certificate of Appropriateness if the activity or resulting construction is visible from a public way. A Certificate of Appropriateness shall be required regardless of whether building or zoning permits are required.
- (b) Applications for building and zoning permits shall not be considered complete unless and until accompanied by A Certificate of Appropriateness from the HRC.
- (c) The following activities require a Certificate of Appropriateness:
 - (1) Demolition, in whole or in part, of contributing resources within a district or historic resource.
 - (2) New construction.
 - A. Construction of principal buildings within designated historic districts.
 - B. Construction of accessory buildings within designated historic districts.
 - ~~(3) Major Exterior Alteration that may not require regardless if a permit from the City of Erie is required for the improvement. Major Exterior Alteration and Minor Exterior Alterations may be reviewed in accordance with guidelines for issuance of Certificates of Appropriateness as established by the HRC. Types of major alterations include but are not limited to the following types of activities:~~
 - ~~A. Activities that change a building's overall character including size, shape, silhouette and fenestration pattern such as removal of porches or entryways.~~
 - ~~B. Adding exterior cladding that covers or obscures existing openings, installation of ATMs or other similar features.~~
 - ~~C. (3) Addition or removal of the number of windows or removal of dormers.~~

707.2. Review criteria and guidelines.

- (a) Demolition.
 - (1) In advance of a request to ~~demolition-demolish~~ a historic resource or contributing resource, the HRC may request a development plan for the site as part of their review.
 - (2) A Certificate of Appropriateness for the demolition of a historic resource or contributing resource may be issued when one or more of the following conditions have been met, only:
 - A. Denial of the Certificate of Appropriateness and retention of the resource would result

Commented [WC28]: At some point we will want to discuss what visible from a public way means. It's somewhat surprising at how broadly and/or narrowly this terminology gets interpreted.

Commented [KW29]: Adding Definitions for various degrees of improvements.

Commented [WC30]: A best practice would be to simply clearly define what an alteration is and leave it at that. Attempts at parsing major and minor alterations are a recipe for lack of clarity, arbitrary decision-making (or, at least, accusations of arbitrariness) and argument.

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Commented [WC31]: OK. It's ok to differentiate contributing/non-contributing in a demolition scenario. BUT—HRC should still be required to review any development plans for sites where a non-contributing building is being demolished.

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in economic hardship as defined in this Ordinance; or

- B. The resource poses an imminent threat to the health, safety, or welfare of its occupants, adjacent properties, or the public; or
- C. Demolition of the resource is necessary to advance a significant public interest or benefit.

Commented [WC32]: We should define what this means in the City of Erie, I assume by referring to an existing protocol. There must be a protocol for determine imminent threat?

(b) New construction or ~~Major~~ Exterior Alteration.

- (1) In considering whether to issue a Certification of Appropriateness for the construction of a new building ~~or of Exterior Alterations within the boundaries of a historic district~~, the HRC shall consider the effect of the proposed ~~building~~ project on the qualities of the historic resource that made it eligible for designation within this ordinance. ~~historic and architectural nature of the district~~Historic Resource.
- (2) The HRC shall consider the exterior architectural features which can be seen from a public way, only, and may consider the general design, arrangement, texture, material, and color of the proposed building, along with the relationship to similar features of buildings and structures in the district. HRC shall consider the project's effects on the historic integrity of the resource as defined at 705.3.
- (3) The HRC shall develop guidelines that use a combination of text, photographs, and illustrations to convey how new buildings ~~or Exterior Alterations~~ may be designed so that they are compatible with the historic and architectural nature of the ~~district~~Historic Resource. ~~The Standards as established by the Secretary of the Interior Standards and Guidelines for Preservation, Rehabilitation, Restoration and Reconstruction shall prevail until such time that the HRC establishes separate and distinct guidelines. The HRC shall submit the guidelines to the City Council for approval. There may be separate and distinct guidelines for each designated district.~~
- (4) The approved guidelines shall be utilized by HRC and the City Council for the evaluation and approval or denial of certificate of appropriateness applications.

Commented [WC33]: My apologies...I haven't been tracking my changes until now. I haven't made many within the doc itself. Sorry about that.

Commented [WC34]: Hmm. This requirement that HRC establish guidelines is good, and certainly should be included in the ordinance. However...I don't think it should be here, in the section that establishes how HRC reviews projects for a COA.

I think this section should be reworked to indicate HRC shall follow any design guidance adopted by the City for the resource OR in lieu of established Erie DG's, to use the SIS as the design standard.

707.3. Application and review procedures.

- (a) Applications for Certificates of Appropriateness shall be submitted to the ~~Zoning Officer~~Historic Preservation Planner in a form and manner as specified by the Zoning ~~Officer~~.
- (1) The HRC, in consultation with the ~~Zoning Officer~~Historic Preservation Planner, shall develop and publish forms and guidelines that specify the information and documentation that must be submitted along with COA applications. The guidelines may require different information for different types of projects.
- (b) The ~~Zoning Officer~~Historic Preservation Planner shall verify that the application meets the submission guidelines and shall forward all technically complete applications, together with all plans and other documentation submitted therewith, to the HRC at least five business days prior to the meeting where the application will be ~~considered~~.
- (c) The HRC shall consider all technically complete applications at a regular or special meeting within 30 calendar days of submission unless an extension or deferral is agreed to by both the applicant and ~~HRC~~.
- (d) The applicant shall be given notice of the time and place of the said meeting and shall be given the opportunity to present the application to the HRC.
- (e) In considering whether to recommend the issuance of a Certificate of Appropriateness, the HRC

Commented [WC35]: Is this an artifact or do we really mean the zoning officer? I think the form and manner of the COA documentation and application should be specified by the HRC in a manner consistent with Erie zoning requirements, if that's necessary.

Commented [WC36]: OK good...yeah this is what I was talking about above. I think we just need to make the language consistent at 706.4

Commented [WC37]: Yes...again...we need to ensure consistency between this section and 706.4

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may consider comments from the public as well as persons and organizations with expertise and experience in matters relevant to the application.

- (f) Within 30 calendar days after the HRC meeting where the application has been discussed, the HRC shall provide the applicant with a written report detailing the findings, conclusions, and recommendations of the HRC. The HRC and applicant may mutually agree to continue consideration of the application to future meetings or to an extension of the thirty-day timeframe for issuance of a recommendation.
- (g) The report issued by the HRC shall include, but need not be limited to, the following matters:
 - (1) The address of the proposed project.
 - (2) The name of the applicant.
 - (3) A description of the proposed project.
 - (4) The findings and conclusions of the HRC as to whether the project meets the applicable criteria and guidelines for issuance of a certificate of appropriateness.
 - (5) An approval or denial a certificate of appropriateness.
- (h) The applicant shall have 15 business days following the receipt of the HRC's report to decide whether or not to make the suggested changes in plans and specifications. If the applicant determines that they will make the necessary changes, they shall advise the ~~Zoning Officer~~ Historic Preservation Planner, who shall in turn advise the HRC accordingly. The applicant may resubmit the plans for reconsideration by the HRC, after which the HRC shall have 30 additional days to make its determination on the amendment application.
- (i) The granting or denial of a Certificate of Appropriateness shall be in the form of a written resolution that shall include findings of fact related to the specific proposal and shall set forth the reasons for the granting, with or without conditions, or for the denial, referring to such criteria set forth in this chapter that were relevant to the HRC's decision.
- (j) The resolution shall provide specific recommendations for changes to the proposed plans and specifications that the applicant could make to meet the applicable guidelines and be recommended for approval.
- (k) If the HRC denies the COA, the applicant may appeal the decision to City Council in a manner prescribed the City.

Commented [WC38]: This is fine, and I think it's OK to leave it with some additional language or considerations...

The HRC's primary responsibility is to determine whether a nomination meets the criteria for designation and integrity standards and whether a project meets established design standards. Public comment to be considered by HRC should primarily be related to those things and not the relative desirability of the resource or a project. It's Council's job to consider other issues. HRC are subject matter experts on historic significance and design issues related to historic resources. That's all they should be tasked to consider and be expected to consider. The rest is up to Council.

Commented [WC39]: Photography? Map? Brief description of the historic resource's significance, and what criteria it had been nominated for?

§ 708. Administrative review.

Permits for the activities listed herein below may be issued by the ~~Zoning or Building Official~~ Historic Preservation Planner without review by the HRC. The ~~Zoning or Building Official~~ Historic Preservation Planner shall provide a record of all administrative approvals to the HRC, for their information.

708.1. In-kind replacements.

708.2. Replacement of slate roofs with slate look-alike products. The color selected ~~should~~ shall -be one that most closely matches the slate to be replaced.

708.3. Pointing or repointing of masonry, provided the proposed project specifies all new mortar applications match the original in color, composition and joint profile.

708.4. Other minor alterations as determined by ~~a policy~~ standards noted within appropriate policies and applications adopted by the HRC.

Commented [WC40]: Denied COA's don't go to Council? HRC is the final word?

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§ 709. Economic hardship.

709.1. If, following the denial of a Certificate of Appropriateness by City Council, the applicant believes they will suffer economic hardship, they may submit by affidavit to HRC information which shall include but not be limited to the following:

- (a) Date the property was acquired by its current owner.
- (b) Price paid for the property (if acquired by purchase) and the relationship (if any) between the buyer and the seller of the property.
- (c) Mortgage history of the property, including current mortgage.
- (d) Current market value of the property.
- (e) Equity in the property.
- (f) Past and current income and expense statements for a two-year period.
- (g) Past capital expenditures during the ownership of current owner.
- (h) Appraisal of the property obtained within the previous two years.
- (i) Income and property tax factors affecting the property, as specified by the City Solicitor.
- (j) The HRC may require that an applicant furnish additional information relevant to its determination of economic hardship and may receive and consider studies and economic analyses from other sources relevant to the property in question.

709.2. HRC shall consider the claim of economic hardship at a regular or special meeting, and shall determine, based on the evidence provided by the applicant and relevant testimony, whether denial of the certificate of appropriateness has resulted in economic hardship as defined in this chapter. The HRC may also consider whether there are financial or tax incentives available for the property that would alleviate the hardship.

709.3. The HRC may choose to recommend to the City Council that special economic incentives be developed to assist the owner of the resource in maintaining it and obtaining a suitable economic return or achieving a reasonable beneficial use.

709.4. The HRC is authorized to seek the assistance of appropriate local, statewide and/or national preservation organizations in developing solutions which would relieve the owner's economic hardship. If HRC chooses to explore such options, HRC may delay issuing their recommendation to the City Council regarding the certificate of appropriateness on the basis of economic hardship for a period of 90 days in addition to the time periods otherwise applicable.

709.5. The HRC shall, by motion, determine whether economic hardship exists, and shall transmit its recommendation along with supporting evidence and rationale to the City Council. The City Council shall consider the HRC's recommendation and determine whether to issue the certificate of appropriateness for reasons of economic hardship.

§ 710. Violations, penalties and enforcement.

Any person who violates the terms of this article shall be subject to the fines and penalties imposed by this Ordinance under Section 403.

Commented [WC41]: We may want to consider tightening up the definition of economic hardship. Will any dollar or percentage amount relative to the least expensive alternatives be considered to result in economic hardship? How does the "public good" created by preservation come into account? If at all?