

Article 6: Historic Preservation

6.1 Legislative Intent

The City of Syracuse finds as a matter of public policy that the preservation and protection of buildings, structures, sites, landscapes, objects, and districts of historic, architectural, cultural, educational, and/or aesthetic merit are public necessities and are in the interests of the health, prosperity, and welfare of the people of the City of Syracuse. The purpose of this Article is to:

- A.** Protect, enhance, and perpetuate the use of those districts, sites and structures, which represent the many and varied architectural, artistic, and cultural achievements of the City and which cannot be duplicated or otherwise replaced;
- B.** Strengthen the economy of the City by stabilizing and improving property values and by enhancing the City's attractiveness for all who live, work and visit the City;
- C.** Encourage energy conservation and the conservation of natural and material resources through the rehabilitation and reuse of the City's existing building stock and infrastructure;
- D.** Promote the educational and cultural benefits of the preservation and continued use of historic resources, which are the physical reminders of the history, growth and development of the City; and
- E.** Foster civic pride in those elements of the City's past which give Syracuse its unique character and set it apart from other cities.

6.2 Preservation Review Procedures

A. Purpose

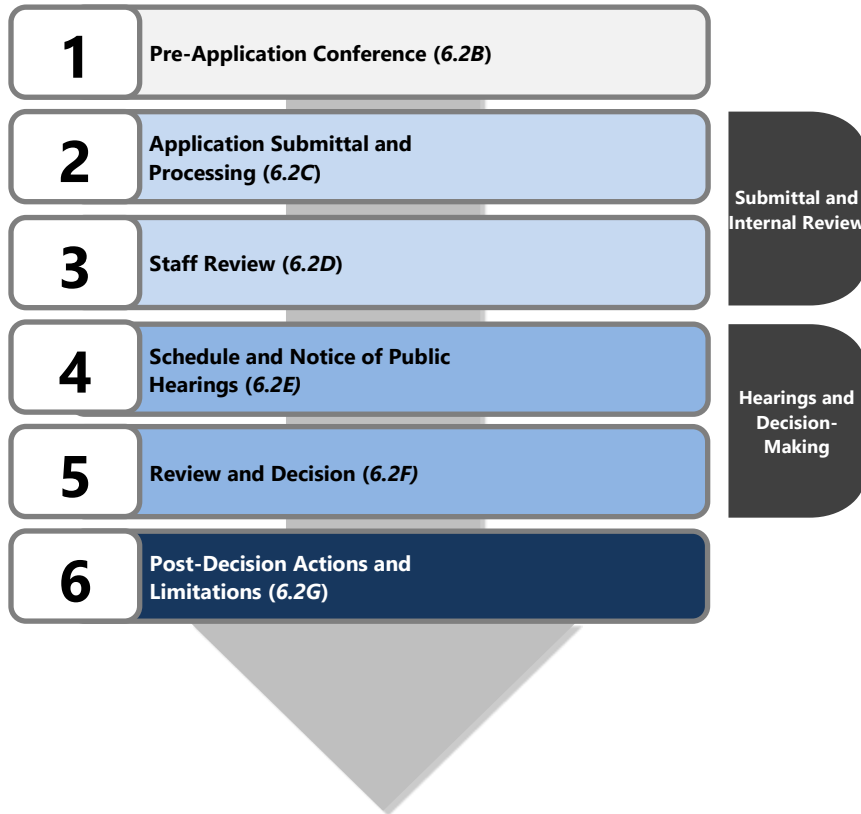
This Section describes the standard procedures and rules applicable to all preservation applications. Preservation review procedures include six steps, as illustrated in Figure 6-1: Overview of Preservation Review Procedures, not all of which are applicable to every preservation application. Application-specific procedures in Sections 6.3 and 6.4 identify additional procedures and rules beyond those in this Section.

B. Pre-Application Conference

(1) Purpose

The pre-application conference is intended to provide an opportunity for the applicant to meet with the Landmark Preservation Board and/or staff to review a proposed project, provide the applicant with information, and generally to determine the applicable submittal requirements and procedures.

Figure 6-1: Overview of Preservation Review Procedures



(2) **Pre-Application Conference**

A pre-application conference is required for certain application types as specified in Table 5.1: Summary Table of Review Procedures.

(3) **Procedure**

Pre-application conferences shall be scheduled and conducted in accordance with the following procedures:

a. **Request**

The applicant shall submit a request for a pre-application conference to the Secretary of the Board.

b. **Scheduling**

The Secretary of the Board shall schedule a pre-application conference on the next available meeting agenda of the Landmark Preservation Board.

c. **Required Information**

At least five days prior to the scheduled pre-application conference, the applicant shall submit:

1. A written description of the proposed project; and

2. Conceptual drawings showing the location, layout, and primary elements of the proposal.

d. Conference Determinations

At the pre-application conference, the Landmark Preservation Board and/or staff shall identify concerns or factors the applicant should consider related to the scope, features, and potential impacts of the project as they relate to this Article.

(4) Effect

Any information or discussions held at the pre-application review are for guidance purposes only and shall not be binding on the Landmark Preservation Board or the applicant. Discussions of potential conditions to mitigate impacts do not reflect actions by the Landmark Preservation Board until and unless the Landmark Preservation Board takes formal action.

C. Application Submittal and Processing

(1) Authority to Submit an Application

- a. Unless expressly stated otherwise in this Article, an application shall be authorized by:
 1. The owner or legal representative in the subject property; or
 2. A person authorized to submit the application on behalf of the owner, provided the application is accompanied by a letter or document signed by the owner authorizing the submission.
- b. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such property owners shall sign the application or a letter or document consenting to the application.

(2) Application Content

- a. The application shall be submitted to the Office of Zoning Administration.
- b. The application shall be submitted on a form established by the Office of Zoning Administration.
- c. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with this Article's requirements.

(3) Application Fees

- a. Application fees are non-refundable and shall be paid at time of submittal of an application. Fees shall be established by the Common Council and may be reviewed annually.
- b. All fees required by this Article shall be paid to and collected by the City of Syracuse Commissioner of Finance.

(4) Submittal and Review Schedule

The Secretary of the Board shall establish a submittal and review schedule for applications and shall include that information in the Administrative Manual. The Secretary of the Board may amend the schedule to ensure effective and efficient review under this Article.

(5) Determination of Application Completeness

An application will be determined complete or incomplete within 10 business days of receipt and the applicant will be notified of this determination by the end of that period. Written notice of this determination will be provided within five business days following the determination.

a. Complete Applications

A complete application shall be processed for review according to the procedures in this Article. An application will be considered complete if it is submitted in the required form, includes all required information specified in this Article and during the pre-application conference (as applicable), meets the applicable specifications in the Administrative Manual, and is accompanied by the applicable fee. The Landmark Preservation Board may require modifications to the application before making a determination.

b. Incomplete Applications

An incomplete application shall not be processed or reviewed, and a final determination shall not be based on an incomplete application. The Secretary of the Board shall provide written notice of the submittal deficiencies and return the application. The applicant may put the application in order and correct the deficiencies and resubmit the application. The application must be put in order and include required or additional information as required by the Secretary of the Board and resubmitted within 45 days or the application shall be considered withdrawn.

(6) Application Withdrawal

- a. After an application has been deemed complete and accepted for review, the applicant may withdraw the application at any time by submitting a signed letter of withdrawal to the Secretary of the Board
- b. An applicant is not entitled to a refund of application fees for applications that are withdrawn.

D. Staff Review

(1) Referral to Staff

The Secretary of the Board shall distribute the complete application to appropriate staff.

(2) Staff Review and Application Revisions

Staff shall review the application and submit comments to the applicant in a form established by the Secretary of the Board. The applicant may revise the application pursuant to subsection 6.2D(3) below.

(3) Minor Application Revisions

An applicant may make minor revisions to an application based on review comments and/or deficiencies following review according to 6.2D, *Staff Review*, or upon requesting and receiving permission from the Landmark Preservation Board, which has reviewed, but not yet taken action on, the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the Landmark Preservation Board, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive changes to the proposed project in the application, as determined by the Secretary of the Board. All other application revisions shall be processed as a new application.

(4) Applications Subject to Staff Review

a. Staff Assessment

A staff review and assessment shall be prepared that shall evaluate the degree to which the application complies with Article requirements. Assessment tools will be available to the applicant so the applicant is aware of how the application will be evaluated.

b. Distribution and Availability of Application and Staff Assessment

The Secretary of the Board shall submit a copy of any staff assessment to the applicant and the Landmark Preservation Board with sufficient time to address any changes necessary. The application and case file will be made available for public review throughout the review process to the extent practicable.

(5) Applications Subject to Staff Decision

- a. If an application is subject to staff review and final decision by the Secretary of the Board, the Secretary shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for approval of denial.
- b. Any applicant wishing to appeal an administrative decision may request review by the Landmark Preservation Board, in accordance with the procedures set forth in subsection 6.4B, *Appeal of Administrative Decision* .

E. Schedule and Notice of Public Hearings

(1) Schedule

- a. If an application is subject to a public hearing per Table 5.1: Summary Table of Review Procedures, the Secretary of the Board shall schedule the public hearing on a complete application for either a regularly scheduled meeting or special meeting of the Landmark Preservation Board.
- b. The public hearing shall be scheduled to allow sufficient time to prepare a staff assessment per subsection 6.2D.

(2) Public Hearing Notice

a. General Notice Requirements

All public hearings on complete applications shall be preceded by the notices identified in Table 5.1: Summary Table of Review Procedures.

b. Responsibility of Party Seeking Hearing

The Secretary of the Board shall be responsible for the proper publication and mailing of notice of the public hearing. The applicant shall post notice of the public hearing on the subject property within three business days of the date of public notice. The applicant shall pay all costs for all forms of notice.

(3) Notice Format and Content

a. Published and Mailed Notice

1. Required published or mailed notices shall contain all content specified in the Administrative Manual.
2. Published notice shall appear in a newspaper of general circulation in the City at least 10 days prior to the scheduled hearing.
3. Mailed notices shall be sent at least five days prior to the scheduled hearing via first class mail to the applicant and all property owners as listed in the records of the Onondaga County tax assessor's office within 400 feet of the subject property, as measured from property boundaries.
4. Notice of videoconferencing, live streaming, and other online meetings shall be provided pursuant to the Administrative Manual.

b. Posted Notice

For an application requiring posted notice per Table 5.1: Summary Table of Review Procedures, the applicant shall post at least one sign on the project site at least 10 business days prior to the date of the scheduled hearing. The required sign shall be provided. The sign shall be clearly visible from the most heavily traveled adjacent street or public right-of-way and shall remain on the property until a decision is rendered.

1. Additional signs may be necessary based on access and configuration of the property(ies)/project site involved in a project/proposal as directed by the Zoning Administrator or the Secretary of the Board.
2. Posted notice shall be of a type and form as determined by the Zoning Administrator, and must:
 - i. Identify the application type; and
 - ii. Identify a website and telephone number for additional information.

c. Certification of Notice

The applicant shall provide certification and photographic evidence that proper notice has been posted. The format of such certification shall be established by the Secretary of the Board. The applicant shall submit the certification to the Secretary of the Board at least 10 days prior to the scheduled public hearing.

F. Review and Decision of the Landmark Preservation Board

(1) Hearing, Review, and Decision

- a. The application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 5.1: Summary Table of Review Procedures.
- b. The Landmark Preservation Board shall consider the application, relevant support materials, staff assessment, and any evidence and public comments from the public hearing (if required).
- c. The Landmark Preservation Board shall render a decision on the application based on the applicable approval criteria listed in the application-specific procedures.

- d. If the review involves a public hearing, the recommendation or decision, as applicable, shall be based only on the record of the public hearing; shall be in writing; shall include findings of fact based on competent, material, and substantial evidence presented at the hearing; shall reflect the determination of contested facts; and shall state how the findings support compliance with applicable review standards.
- e. The Landmark Preservation Board shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.
- f. Unless otherwise provided in this Article, any representations made by the property owner or their agent, or in submittal materials or during public hearings, shall be binding as conditions of approval.

(2) Public Hearings

Public hearings required by this Article shall be conducted according to the procedures established by the Landmark Preservation Board.

(3) Final Plans

Within 30 calendar days of approval, the applicant shall submit to the Secretary of the Board a final version of any plans approved showing any conditions, restrictions, or other modifications agreed to or required during final approval. Failure to do so shall nullify the approval. The applicant may request one, 30-day extension for good cause shown.

G. Post-Decision Actions and Limitations

(1) Notice of Decision

After a decision on an application, or final adoption of the resolution, if applicable, the Secretary of the Board shall provide written notification of the decision via hand delivery, electronic mail, or first-class mail to the property owner and/or applicable parties listed on the application.

(2) Appeal of Decision

A party aggrieved by a decision of the Landmark Preservation Board may appeal the decision to the City Planning Commission in accordance with the procedures and standards in this Ordinance.

(3) Expiration of Approval

- a. Unless otherwise provided in this Article, an application approval shall be valid as authorization for the approved activity for a period of two years.
- b. The Secretary of the Board may grant extensions of the approval expiration time period for up to one year following a written request for such extension prior to the expiration date. The request shall include reasonable cause for an extension. Further extensions shall be subject to the approval of the Landmark Preservation Board for the original application.
- c. A change in ownership of the land shall not affect the established expiration time period of an approval.

(4) Modification or Amendment of Approval

Unless otherwise provided in this Article, any modification of an approved project, or condition of approval following the decision shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application.

(5) Limitation on Subsequent Similar Applications

- a. Following denial of an application, the Landmark Preservation Board shall not decide on applications that are the same or substantially similar, as determined by the Secretary of the Board, within one year of the previous denial. This waiting period may be waived by the Landmark Preservation Board provided that there is a unanimous vote by the Landmark Preservation Board and one of the following conditions is met:
 1. There is a substantial change to facts, evidence, or conditions with respect to the property or district, and/or new information is available relevant to the issues or facts considered during the previous application review; or
 2. The new application is materially different from the previous application.
- b. The above does not apply if Landmark Preservation Board denied the application without prejudice, in which case an applicant may resubmit at any time with a new application that must address the reasons for denial.

6.3 Preservation Applications and Procedures

A. Designation of Protected Sites and Preservation Districts

(1) Purpose

This Section describes the procedures by which the Landmark Preservation Board shall evaluate and determine if individual properties or groups of properties meet the criteria for designation as Protected Sites or as Preservation Districts, respectively. The Landmark Preservation Board will recommend designation of those properties that meet the designation criteria to the City Planning Commission and Common Council for review and approval.

(2) Authority to Submit an Application

Any person, group of persons, or association may petition the Landmark Preservation Board for adoption of the designation of a Preservation District or Protected Site.

(3) Criteria and Designation of Protected Sites and Preservation Districts

- a. The Landmark Preservation Board may recommend designation if a property, structure, object, landscape, site, or district is found to possess one or more of the following characteristics:
 1. Association with persons or events of historic significance to the city, region, state or nation;
 2. Illustrative of historic growth and development of the city, region, state, or nation;
 3. In the case of structures or sites, embodying distinctive characteristics of a type, period or method of construction, or representing the work of a master, or possessing unique

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A: Designation of Protected Sites and Preservation Districts

architectural and artistic qualities, or representing a significant and distinguishable entity whose components may lack individual distinction;

4. In the case of districts, possessing a unique overall quality of architectural scale, texture, form and visual homogeneity even though certain structures within the district may lack individual distinction; and
 5. In the case of interiors, possessing one or more of the characteristics enumerated in paragraphs 1, 2, or 3 above; and, in addition, embodying distinctive characteristics of architectural scale, form, and visual homogeneity, which are an integral part of the character of the structure in which the space is contained.
- b. In addition to possession of one or more of the characteristics noted above, the property must retain historic integrity, or the ability to convey its significance through its location, design, setting, materials, workmanship, feeling and/or association.
 - c. Designation of a Protected Site shall apply to the exterior of a property, including, but not limited to, the principal structure and its exterior building components, secondary buildings and their exterior components, and site features, including natural and human-made features.
 - d. Designation of a Protected Site may apply to the interior of a property if such interior has special historical, educational and/or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the city, region, state, or nation; and:
 1. It is customarily open or accessible to the public; or
 2. It is an interior into which the public is customarily invited.
 - e. Designation of a Preservation District shall be deemed to apply to the exterior only of structures, features, or sites within the Preservation District. Interiors of any structure within the Preservation District also may be designated by specific reference within the designation document.
 - f. Properties that have achieved significance within the past 50 years may qualify for designation if they are:
 1. Integral components of preservation districts that meet the criteria for designation; or
 2. They are properties of exceptional historic, architectural, or cultural importance.

(4) **City Permitting**

No building permits or demolition permits shall be issued by the City of Syracuse as long as the proposed designation is under active consideration by the Landmark Preservation Board, City Planning Commission, or Common Council, and until the Landmark Preservation Board, City Planning Commission, and/or Council has made its decision.

(5) **Local Protected Site and Preservation District Application Procedure**

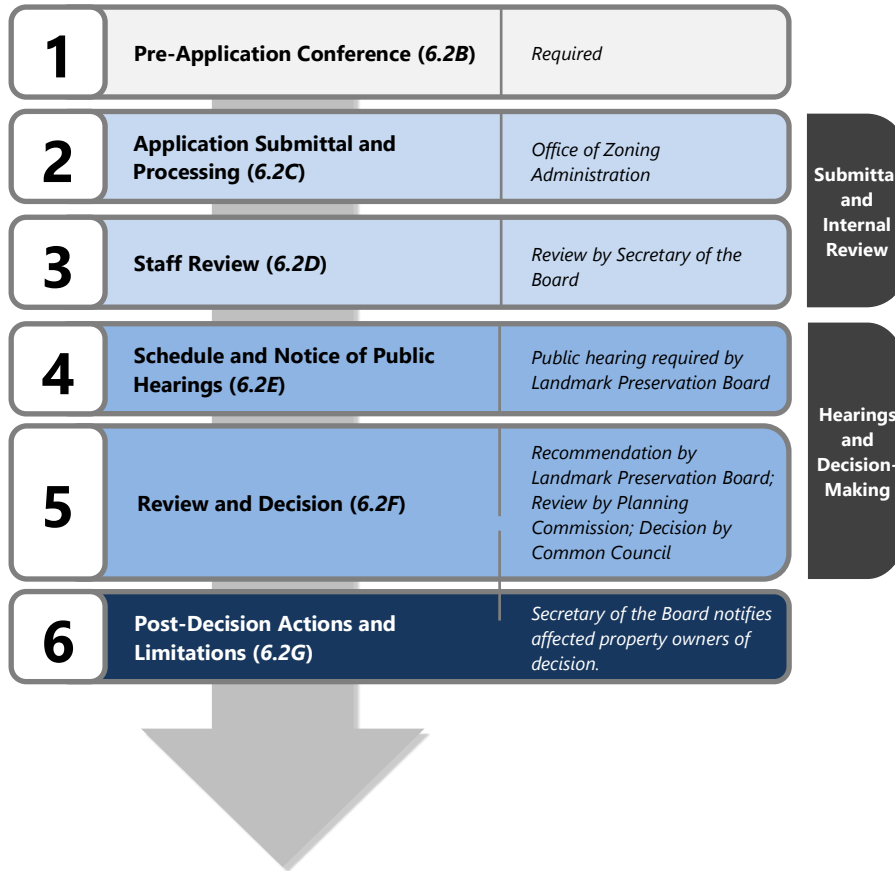
Figure 6-2: Summary of Local Protected Site and Preservation District Procedure, identifies the applicable steps from the preservation review procedures in Section 6.2, *Preservation Review Procedures*. Additions or modifications to the review procedures are noted below.

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6.3: Preservation Applications and Procedures

A: Designation of Protected Sites and Preservation Districts

Figure 6-2: Summary of Local Protected Site and Preservation District Procedure



a. Pre-Application Review

A pre-application conference shall be held in accordance with subsection 6.2B.

b. Application Submittal and Processing

The local Protected Site or Preservation District nomination application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 6.2C.

c. Staff Review

Staff shall review the local Protected Site or Preservation District application and prepare a staff assessment in accordance with subsection 6.2D.

d. Schedule and Notice of Public Hearing

The application shall be scheduled for public hearing before the Landmark Preservation Board and noticed in accordance with subsection 6.2E and with the following additions.

1. In the case of an individual designation, in addition to the property owner and contiguous property owners as noted in subsection 6.2E, a copy of the hearing notice shall be sent to each member of the Common Council, each member of the City Planning Commission, the City Clerk, and the Corporation Counsel.

2. In the case of a district designation, a copy of the hearing notice shall be sent to the owner or owners of each property within the district boundaries as listed in the records of the Onondaga County tax assessor's office, each member of Common Council, each member of the City Planning Commission, the City Clerk and the Corporation Counsel.

e. **Review and Decision**

1. The Landmark Preservation Board shall have 62 days to make a decision following the submission of the complete application.
2. The Landmark Preservation Board shall review and approve or deny the local Protected Site or Preservation District application, in accordance with subsection 6.2F. If the Landmark Preservation Board recommends designation of the subject property as a Protected Site or group of properties as a Preservation District, the decision shall be recorded by the Secretary of the Board and the Secretary shall be responsible for transmitting a copy of the decision of the Landmark Preservation Board to the City Planning Commission and affected property owners.
3. The City Planning Commission shall hold a public hearing to consider the petition of the Landmark Preservation Board for the proposed designation. The Landmark Preservation Board's Chairperson or designee shall appear at the public hearing and give testimony on behalf of the Landmark Preservation Board.
4. The resolution of the City Planning Commission with respect to any proposed designation or change thereof, together with the recommendation of the Landmark Preservation Board shall be forwarded to the City Clerk, who shall transmit copies of the same to the members of the Common Council. The Common Council shall adopt, modify, or reject the recommendations of the City Planning Commission and Landmark Preservation Board with respect to a proposed designation or change thereof.

f. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in subsection 6.2G shall apply, with the following addition.

1. Within five business days after Common Council adopts a designation, notice of the designation shall be sent to all affected property owners, and to all City and county departments having power to administer and enforce any laws, codes or regulations governing real property within the City.

g. **Amendment or Rescission**

The Landmark Preservation Board may amend or rescind any designation of a Protected Site or Preservation District in the same manner and using the same procedures as followed for designation.

B. Certificate of Appropriateness

(1) **Purpose**

This Section describes the process by which the Landmark Preservation Board shall approve or disapprove proposals resulting in the material change in appearance to designated historic properties through the submission of a certificate of appropriateness application.

(2) Regulated Conduct

- a. No person or entity shall carry out the exterior alteration, reconstruction, demolition, new construction, or relocation of a Protected Site or property within a Preservation District, nor shall any person or entity make any material change in appearance of such properties or its features, including, but not limited to, light fixtures, signs, sidewalks, fences, steps, paving or other exterior site elements without obtaining a certificate of appropriateness that authorizes such work.
- b. A certificate of appropriateness shall be in addition to and not in lieu of any building permit or other approval that may be required by any state or local law, ordinance or regulation.
- c. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any Protected Site or structure within a Preservation District, which does not result in a change in material appearance.

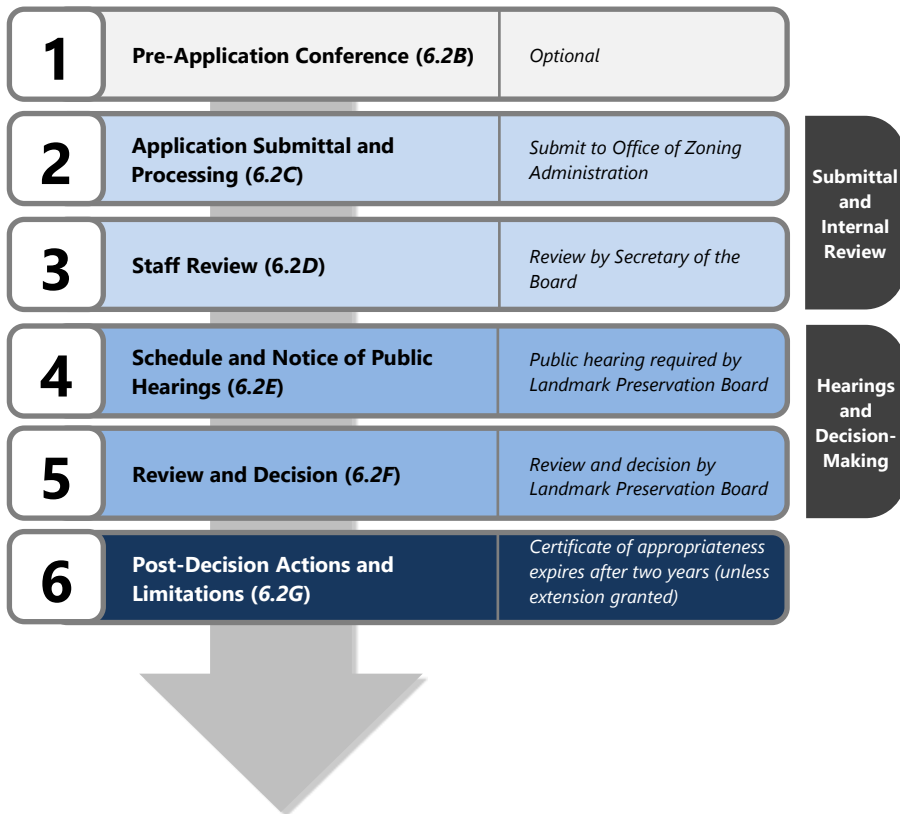
(3) Criteria of Consideration

- a. The Landmark Preservation Board shall issue a certificate of appropriateness if it determines that the proposed work will not have a substantial adverse effect on the historical, cultural, architectural, and/or educational significance and value of an individual Protected Site. In the case of a property located within a Preservation District, the proposed work will not have a substantial adverse effect on the historical, cultural, architectural, and/or educational significance of the property, the district or neighboring properties in such district.
- b. In making this determination, the Landmark Preservation Board shall be guided by the Secretary of the Interior's Standards for the Treatment of Historic Properties. A copy of this publication is accessible to the public in the Office of the Secretary of the Board and in the City Clerk's office.
- c. In addition, the Landmark Preservation Board may use adopted guidelines specific to individual Protected Sites or Preservation Districts in its decisions. These guidelines shall be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and accessible to the public in the Office of the Secretary of the Board.

(4) Certificate of Appropriateness Procedure

Figure 6-3: Summary of Certificate of Appropriateness Procedure identifies the applicable steps from the preservation review procedures in Section 6.2, *Preservation Review Procedures*. Additions or modifications to the review procedures are noted below.

Figure 6-3: Summary of Certificate of Appropriateness Procedure



- a. **Pre-Application Conference**
 An optional pre-application conference may be held in accordance with subsection 6.2B.
- b. **Application Submittal and Processing**
 The certificate of appropriateness application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 6.2C.
- c. **Staff Review**
 The staff shall review the application and prepare a staff assessment in accordance with subsection 6.2D with the following additions.
 1. The Landmark Preservation Board may delegate in writing to the Secretary of the Board the authority to:
 - i. Determine whether proposed work constitutes ordinary maintenance and repair and does not require a certificate of appropriateness; or
 - ii. Approve work that is any other type that has been previously determined by the Landmark Preservation Board to be appropriate for delegation to staff as enumerated in the Administrative Manual.

d. **Schedule and Notice of Public Hearing**

The application shall be scheduled for public hearing before the Landmark Preservation Board and noticed in accordance with subsection 6.2E.

e. **Review and Decision**

The Landmark Preservation Board shall review, approve with conditions, or deny a certificate of appropriateness application in accordance with subsection 6.2F with the following modifications.

1. The Landmark Preservation Board shall have 45 days to make a decision following the opening of the public hearing. An application may be held open for longer than the 45-day period upon the mutual agreement between the Landmark Preservation Board and the applicant.
2. The decision of the Landmark Preservation Board shall be in writing and shall state the reasons for approving, denying or modifying any application. If an approval, it will be in the form of a certificate of appropriateness. The certificate shall specify the work to be done including any conditions that the Landmark Preservation Board may deem necessary to carry out the intent and purpose of this Article. The certificate shall relate solely to the proposed plans accompanying the application or otherwise submitted to the Landmark Preservation Board for official consideration prior to issuance of said certificate.

f. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in subsection 6.2G shall apply.

(5) **Publicly Owned Property**

a. **City-Owned Property**

In the case of a project involving the construction, reconstruction, alteration or demolition of City-owned property that is designated as a local Protected Site or is located within a Preservation District, the City agency or department that is responsible for the project shall refer the project plans to the Landmark Preservation Board for review and comment prior to final City action approving or otherwise authorizing said plans. Within 20 business days after the referral, the Landmark Preservation Board shall submit its recommendations to the Mayor, the Common Council, and the referring agency or department. Failure of the Landmark Preservation Board to submit such recommendations shall be deemed approval by the Landmark Preservation Board.

b. **County, State and Federal-owned Property**

Agencies of the county, state, and federal government are encouraged to request Landmark Preservation Board comment on proposed alterations to or demolition of locally designated county, state, or federal properties. Within 20 business days after the referral, the Landmark Preservation Board shall submit its recommendations to the referring agency or department. Failure of the Landmark Preservation Board to submit such recommendations shall be deemed approval by the Landmark Preservation Board.

(6) **Removing Dangerous Conditions**

Where the Division of Code Enforcement or other appropriate City department orders the construction, removal, alteration, or demolition of any portion of a Protected Site or property

within a Preservation District for the purpose of addressing conditions that it determines to be dangerous to life, health or safety, the following shall apply:

- a. If the Division of Code Enforcement determines that the certificate of appropriateness process will prevent timely compliance with its order, the requirement for a certificate of appropriateness shall be considered waived. The department shall within three days provide written notice of its order to the Landmark Preservation Board together with a statement of reasons for the order.
- b. If the Division of Code Enforcement determines that the certificate of appropriateness process will not prevent timely compliance, the owner shall apply for a certificate of appropriateness. The Landmark Preservation Board shall consult with the agency to determine that appropriate action is taken to both minimize any material change in appearance and eliminate the dangerous condition.

(7) Affirmative Maintenance and Repair Requirement

No owner or person with an interest in property designated as a Protected Site or included within a Preservation District shall permit the property to fall into a serious state of disrepair. Maintenance shall be required, consistent with the provisions of the Property Maintenance Code of New York State, Syracuse Property Conservation Code and all other applicable local regulations.

C. Demolition of Non-Landmarked Historic Properties

(1) Purpose

This Section establishes Landmark Preservation Board review procedures for non-landmarked historic properties for which demolition permits have been applied.

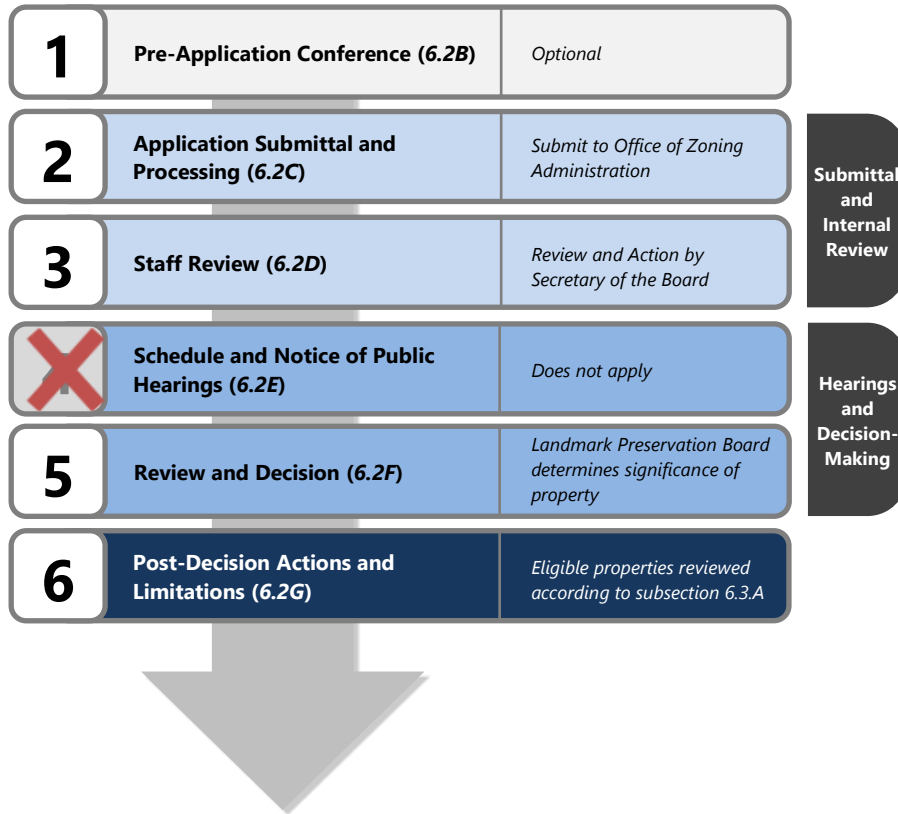
(2) Applicability

- a. This Section applies to the demolition of properties that are not designated local Protected Sites or contributing properties within a designated Preservation District but are listed in or have been determined eligible for the State or National Register of Historic Places, or are enumerated as eligible for local designation in the City of Syracuse's inventory of historic properties. This inventory may be amended to include additional historic properties. The inventory shall be filed in the Office of the City Clerk and available for public review in the Office of the Secretary of the Board.
- b. Where the Director of Code Enforcement and Chief of the Fire Department have determined that a property presents an imminent danger or hazard to public health, safety and welfare, the following review procedure shall be considered waived.

(3) Procedure

Figure 6-4: Summary of Demolition of Non-Landmarked Historic Properties Review Procedure, identifies the applicable steps from the preservation review procedures in Section 6.2, *Preservation Review Procedures*. Additions or modifications to the review procedures are noted below.

Figure 6-4: Summary of Demolition of Non-Landmarked Historic Properties Review Procedure



a. **Pre-Application Conference**

An optional pre-application conference may be held in accordance with subsection 6.2B.

b. **Application Submittal and Processing**

A demolition of non-landmarked historic property application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 6.2C.

c. **Staff Review**

The staff will review the application and prepare a staff assessment in accordance with subsection 6.2D.

d. **Review and Decision**

The Landmark Preservation Board shall review the demolition of a non-landmarked historic property application in accordance with subsection 6.2F with the following modifications.

1. The Landmark Preservation Board shall evaluate the property according to the criteria for designation enumerated in subsection 6.3A(3).
2. The Landmark Preservation Board shall determine the following:
 - i. If the Landmark Preservation Board deems a property ineligible for designation as a Protected Site or as a contributing property within a Preservation District, the

Landmark Preservation Board shall submit its determination of ineligibility to the applicant and appropriate City department. .

- ii. If the Landmark Preservation Board deems a property eligible for designation as a Protected Site or as part of a Preservation District, the Landmark Preservation Board shall submit its preliminary determination of eligibility in writing to the applicant and appropriate City department. The Landmark Preservation Board shall then initiate the procedure for the designation of protected sites and/or preservation districts as set forth under 6.3A.

e. **Post-Decision Actions and Limitations**

Post-decision actions and limitations in subsection 6.2G shall apply with the following additions.

- 1. The Landmark Preservation Board shall make its determination within 62 days of the submission of a complete application for the demolition of a non-designated historic property. Failure to take action within this time period shall be deemed a determination not to recommend the subject property be designated as a local Protected Site or as a contributing property within a Preservation District.
- 2. All decisions of the Landmark Preservation Board recommending the designation of a property as a Protected Site or as a contributing property within a Preservation District shall be made in accordance with the rules of procedure of the Landmark Preservation Board.

6.4 Preservation Flexibility and Relief Procedures

A. Economic Hardship Appeal

(1) **Purpose**

This Section describes the process by which an applicant whose certificate of appropriateness application has been denied may apply to the Landmark Preservation Board for relief on the grounds of economic hardship. Upon receiving notification of the denial of a certificate of appropriateness, an applicant may seek to waive or modify any of the criteria or standards adopted pursuant to subsection 6.3A(3). The Landmark Preservation Board reserves the right to waive the criteria or standards upon a finding that such action is necessary to eliminate economic hardship associated with the strict interpretation of the provisions of this Article and that the result will not violate the spirit and intent of these provisions. The applicant shall have the burden of proving any economic hardship that is claimed.

(2) **Criteria for Consideration of Economic Hardship Appeal**

a. **Alteration Hardship**

- 1. In all cases other than a proposed demolition, removal or relocation, the applicant shall prove the existence of hardship by demonstrating to the Landmark Preservation Board that:
 - i. the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the surrounding neighborhood or district; and

- ii. the requested relief, if granted, will not alter the essential character of the property or district, as applicable; and
 - iii. the alleged hardship has not been self-created.
2. The applicant must prove that the denial of the certificate of appropriateness will prevent them from realizing a reasonable rate of return on their property, regardless of whether that return represents the most profitable return possible. The applicant must demonstrate that the impact on the rate of return is substantial based on competent financial evidence, as determined by the Landmark Preservation Board. Cost of repair alone is not sufficient grounds for a hardship determination.
3. Demonstration of a hardship shall not be based on or include any of the following circumstances:
- i. Willful or negligent acts by the owner, tenant or occupant; or
 - ii. Failure to perform normal maintenance and repairs by the owner, tenant or occupant.

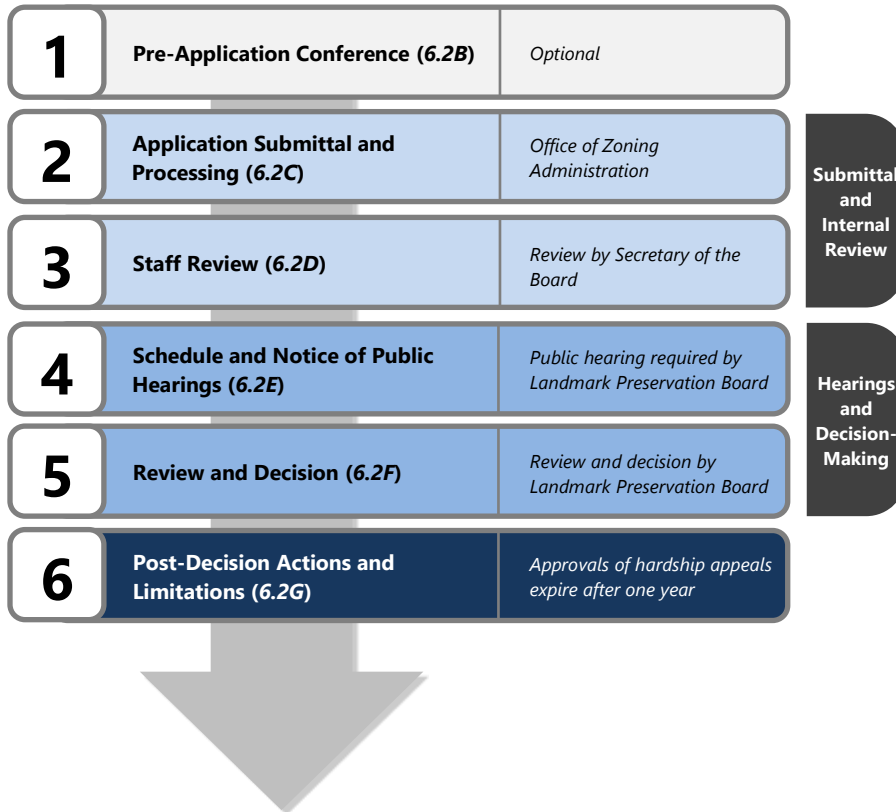
b. Demolition, Removal, or Relocation Hardship

1. Demolition, removal, or relocation of a Protected Site or property located in and contributing to a Preservation District shall be allowed only in the case of economic hardship, unless the Director of Code Enforcement or other appropriate City department, upon due deliberation, has made a written finding that the structure presents an imminent threat to the public health, safety and welfare. In order to prove the existence of a hardship sufficient to justify demolition, removal, or relocation, the applicant shall establish to the satisfaction of the Landmark Preservation Board that:
- i. Denial of a certificate of appropriateness will prevent the applicant from earning a reasonable rate of return on investment, regardless of whether that return represents the most profitable return possible; and
 - ii. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable rate of return; and
 - iii. Diligent efforts to find a purchaser interested in acquiring the property and preserving it have failed.
2. In deciding upon such application for removal, relocation or demolition, the Landmark Preservation Board may consider whether the applicant has created their own hardship through waste and neglect, thereby permitting the property to fall into a serious state of disrepair.
3. Demolition, removal, or relocation of a Protected Site or property within a Preservation District shall be permitted only after the owner has submitted and obtained design approval of their plans for new development under the provisions of this Article, including acceptable timetable and guarantees, which may include performance bonds for demolition and completion of the project. In no case shall the time between demolition and commencement of new construction or lot improvement exceed six months.

(3) Economic Hardship Appeal Procedure

Figure 6-5: Summary of Economic Hardship Appeal Procedure, identifies the applicable steps from the preservation review procedures in Section 6.2, *Preservation Review Procedures*. Additions or modifications to the review procedures are noted below.

Figure 6-5: Summary of Economic Hardship Appeal Procedure



a. Pre-Application Conference

An optional pre-application conference may be held in accordance with subsection 6.2B.

b. Application Submittal and Processing

The certificate of economic hardship application will be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 6.2C with the following additional guidance.

1. Applicants seeking a hardship finding must provide sufficient information, as determined by the Landmark Preservation Board and as enumerated in the Administrative Manual, to support a hardship finding.
2. The Landmark Preservation Board may request additional materials to supplement the application and hardship information, as required.

c. **Staff Review**

The staff will review the application and prepare a staff assessment in accordance with subsection 6.2D.

d. **Schedule and Notice of Public Hearings**

The application shall be scheduled for public hearing before the Landmark Preservation Board and noticed in accordance with subsection 6.2E.

e. **Review and Decision**

The Landmark Preservation Board shall review, approve with conditions, or deny a certificate of economic hardship application in accordance with subsection 6.2F, and with the following modifications.

1. The Landmark Preservation Board shall approve only such work as is necessary to alleviate the hardship.
2. Before approving the removal, relocation or demolition of an individual Protected Site or contributing property within a Preservation District, the Landmark Preservation Board may suspend the application for up to 180 days to allow the applicant to consult in good faith with the Landmark Preservation Board, local preservation groups, and the public in a diligent effort to seek a less intrusive alternative to demolition.
3. As part of the decision to approve the removal, relocation, or demolition of an individual Protected Site or a contributing property within a Preservation District, the Landmark Preservation Board may require documentation at the applicant's expense of the subject property according to Historic American Buildings Survey standards as promulgated by the National Park Service.

f. **Post-Decision Actions**

1. All decisions of the Landmark Preservation Board shall be in writing and shall state the reasons for granting or denying the requested finding of hardship. A copy shall be sent to the applicant and a copy retained by the Secretary of the Board for public inspection.
2. Approval of hardship applications is valid for a period of one year from the date of issue.

B. Appeal of Administrative Decision

(1) **Purpose**

The appeal procedure establishes an administrative mechanism for persons claiming to have been aggrieved by a decision of the Secretary of the Board in administering this Article to appeal that decision.

(2) **Applicability**

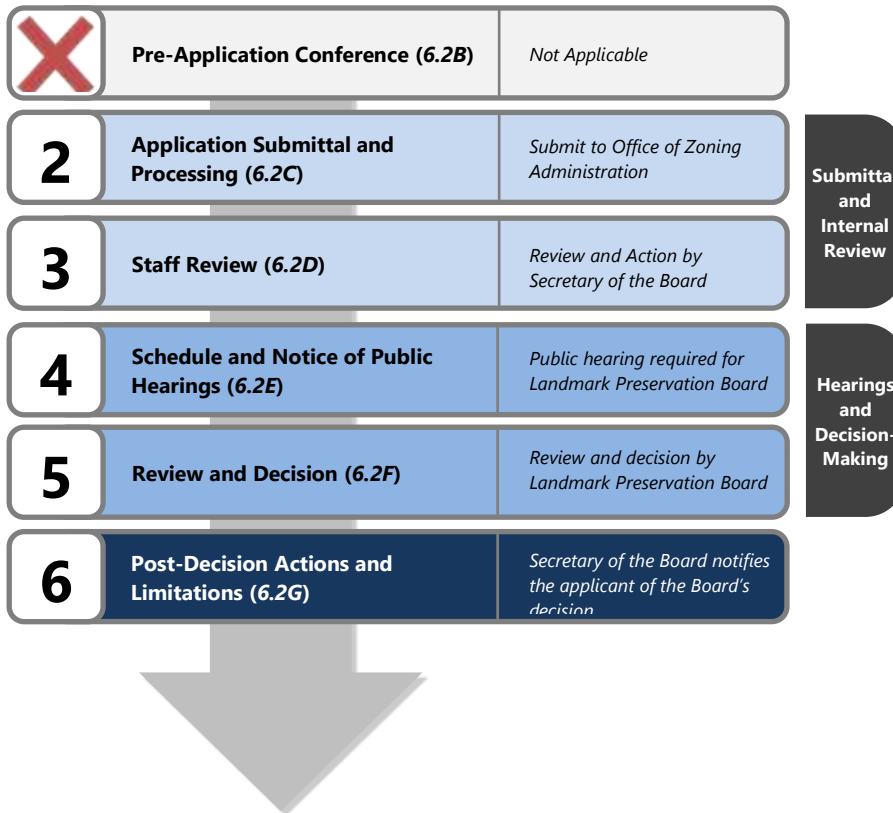
a. **Appeal of Administrative Decisions**

Any person wishing to appeal an administrative decision made by the Secretary of the Board in the administration of this Article may appeal that decision to the Landmark Preservation Board, in accordance with the procedures set forth in the following subsection 6.4B(3).

(3) **Appeal Procedure**

Figure 6-6: Summary of Appeals Procedure, identifies applicable steps from Section 6.2, *Preservation Review Procedures*, that apply to the review of appeals. Additions or modifications to the common review procedure are noted below.

Figure 6-6: Summary of Appeals Procedure



a. **Pre-Application Conference**

The pre-application conference is not applicable for this procedure.

b. **Application Submittal and Processing**

An administrative appeal application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with subsection 6.2C, with the following modifications.

1. The person making the appeal (the appellant) shall have the burden of proving the necessary facts to warrant approval of an appeal by the Landmark Preservation Board. Such proof shall include applicable specific section references within this Article and shall be provided at the time of application.
2. Appeals shall be made in writing and filed with the Secretary of the Board within seven days of the decision being denied.

c. Staff Review

The Secretary of the Board shall review the administrative appeal application and prepare a staff assessment in accordance with subsection 6.2D, with the following modifications:

1. Staff review of the appeal shall only confirm that the application is complete; and
2. The staff assessment shall not make a formal recommendation and shall only include the necessary facts to warrant an appeal, which shall be provided by the applicant.

d. Schedule and Notice of Public Hearings

The appeal shall be scheduled for public hearing before the Landmark Preservation Board and noticed in accordance with subsection 6.2E.

e. Review and Decision

The Landmark Preservation Board shall review the administrative appeal application and may reverse a previous decision in whole or in part, or may modify the decision, or determination appealed from.

(4) Approval Considerations

The Landmark Preservation Board shall consider the following in determining whether to affirm, reverse, or amend a decision or interpretation made by the Secretary of the Board:

- a. The facts stated in the application, as presented by the appellant and/or the Secretary of the Board;
- b. The requirements and intent of the applicable standards from this Article compared to the written decision that is being appealed;
- c. Evidence related to how the applicable standards from this Article have been administered or interpreted in the past; and
- d. Consistency with this Article and the Secretary of the Interior's Standards for the Treatment of Historic Properties.