
City of Cedar Rapids

Historic Preservation Commission

Community Development & Planning Department, City Hall, 101 First Street SE, Cedar Rapids, IA 52401, 319-286-5041

MEETING NOTICE

The City of Cedar Rapids Historic Preservation Commission will meet at:

4:30 P.M.

Thursday, January 28, 2016

in the

Training Room, City Hall

101 First Street SE, Cedar Rapids, Iowa

AGENDA

Call Meeting to Order

1. Public Comment

Each member of the public is welcome to speak and we ask that you keep your comments to five (5) minutes or less. If the proceedings become lengthy, the Chair may ask that comments be focused on any new facts or evidence not already presented.

2. Approve Meeting Minutes

3. Action Items

- a) Certificates of Appropriateness (20 minutes)
 - i. 1744 2nd Avenue SE – replacement of three windows on house

4. New Business (30 minutes)

- a) Presentation and Discussion on Demolition Review Process and Procedures
- b) Presentation and Discussion on Certificate of No Material Effect Process and Procedures

5. Knutson Building (15 minutes)

- a) Responses to Questions Regarding the National Historic Preservation Act
- b) Project Update

6. Preservation Showcase 2016 Update (10 minutes)

7. MOA/LOA Project Updates – (if necessary) (5 minutes)

8. Announcements

9. Adjournment

MINUTES
HISTORIC PRESERVATION COMMISSION REGULAR MEETING,
Thursday, January 14, 2016 @ 4:30 p.m.
Training Room, City Hall, 101 First Street SE

Members Present: Amanda McKnight-Grafton Chair
Todd McNall
Bob Grafton
Ron Mussman
Tim Oberbroeckling
Mark Stoffer Hunter
Barb Westercamp
Pat Cargin
Caitlin Hartman

Members Absent: Sam Bergus
BJ Hobart

City Staff: Jeff Hintz, Planner
Jennifer Pratt, Community Development Director
Bill Micheel, Community Development Assistant Director
Kevin Ciabatti, Building Services Director
Anne Kroll, Administrative Assistant II

Call Meeting to Order

- Amanda McKnight Grafton called the meeting to order at 4:33 p.m.
- Nine (9) Commissioners were present with two (2) absent.

1. Public Comment

- No public comment

Item 3 was considered next.

3. Approve Meeting Minutes

- Barb Westercamp made a motion to approve the minutes from December 10, 2015. Tim Oberbroeckling seconded the motion. The motion passed unanimously.

4. Action Items

a) National Register Nomination

i. Sinclair Building (Smulekoffs Furniture Store) 97 3rd Avenue SE

- Jeff Hintz stated that the nomination is being pursued by the future property owner. The City currently owns the property but there is a development agreement moving forward. Documentation information indicates Criteria A is applicable. Criteria A states “That are associated with events that have made a significant contribution to the broad patterns of

our history”. Staff recommendation is for the Commission to concur with the NRHP documentation Criteria A is the most appropriate for this structure and to recommend to Council and SHPO that the structure be added to NRHP.

- Amanda McKnight Grafton asked if the future owner has permission to apply for the National Register. Jeff Hintz stated that it is part of the initial agreement for the future owner to apply.
- Mark Stoffer Hunter provided some history on the building.
- Bob Grafton asked what should be done if the narrative on the building is not accurate. Jeff Hintz stated that any corrections should be sent to staff so that staff can send those corrections on to the State. Mark Stoffer Hunter will do historic proofing on the document to catch any mistakes.
- Tim Oberbroeckling made a motion to approve the staff recommendation to concur with the NRHP documentation that Criteria A is the most appropriate for this structure and to recommend to Council and SHPO that the structure be added to NRHP. Barb Westercamp seconded the motion. The motion passed unanimously.

b) Section 106 Review – Iowa Theater Building 102 3rd Street SE

- Jeff Hintz stated that this was initiated by the Iowa DOT and this is an invitation for the Commission to comment. The project removes the existing connection between the Iowa Theatre Building and the parking garage to the south. There will be construction of a new walkway along the south side of the building. Mr. Hintz shared a plan view of the project along with the renderings of the new walkway. The proposal conditions from the Iowa DOT are consultation with SHPO on the project and following the Secretary of the Interior’s Standards for Rehabilitation Historic Buildings along with care to avoid replacement of character defining features. If replacement is necessary, SHPO will be consulted. Staff’s recommendation is to make comment that the project scope and conditions as outlined be followed as described.

Todd McNall arrived at the meeting at 4:50 p.m.

- Tim Oberbroeckling asked if the new walkway is free standing or connected to the building. Kevin Vrchoticky, Civil Engineer and project manager with the City of Cedar Rapids, stated that it is not connected to the building.
- Bob Grafton asked if the alley will be vacated for this structure. Mr. Vrchoticky stated that it will be built at the edge of the alley with the intent that traffic could still go through the alley.
- Amanda McKnight asked how the Iowa Theater Building will be restored after the existing connection is demolished. Tim Roach, from Shive-Hattery, stated that brick will be put up to match as closely as possible with the existing brick.
- Mark Stoffer Hunter stated that he is excited for this project as it will connect the skywalk system and made a motion to approve the project scope as described, but to note the comment that the brick match the existing brick as closely as possible. Tim Oberbroeckling seconded the motion. The motion passed unanimously.

2. Election of Officers for 2016

- Jeff Hintz stated that, according to the by-laws, the Commission will need to elect a Chair, Vice Chair, and Secretary at the first meeting of the year for the next calendar year. The current Chair is Amanda McKnight Grafton, the current Vice Chair is Todd McNall, and the current Secretary is Bob Grafton.

- Tim Oberbroeckling made a motion to re-elect Amanda McKnight Grafton as Chair, Todd McNall as Vice Chair, and Bob Grafton as Secretary. Barb Westercamp seconded the motion. The motion passed unanimously.

5. New Business

a) 2015 Certified Local Government Report

- Jeff Hintz stated that these reports are done every year and the purpose of the report is that it makes SHPO aware of Commission/Staff activities, provides a summary of the 2015 year, highlights changes to historic structures and districts, and includes a summary of Commissioners. Any changes or additions the Commissioners have need to be submitted to staff by January 26, 2016. The CLG report will be presented to City Council for approval.
- Ron Mussman stated that the Knutson Building discussions should be added to number eight (8) in the report.
- Bob Grafton stated that the initiative to revamp Chapter 18 should be added to the report.

Jennifer Pratt arrived at the meeting at 5:00 p.m.

b) Discussion of Potential Local Historic in the 3rd Street & 16th Avenue SE Area

- Bill Micheel shared the background for this item:
 - June 2015: Meeting with City staff and representatives of the Czech Village/New Bohemia Main Street District
 - November 2015: Request from Commissioner for input from the Commission
- Mr. Micheel shared the eight (8) steps to creating a Local Historic District
 - 1) cursory survey to determine potential eligibility – *Citywide Survey, November 2014*
 - 2) Outreach and buy in from stakeholders and community groups
 - 3) Intensive Survey and Research of an area identified as potentially historic to:
 - a. Identify District Boundaries
 - b. Develop Site Inventory Forms
 - c. Identify Contributing and non-Contributing Properties
 - 4) Signatures of 51% of property owners within proposed historic district – includes outreach
 - 5) Review and recommendation by HPC
 - 6) Review of intensive survey and district boundaries by State Historic Preservation Office
 - 7) Review and recommendation of proposed district by City Planning Commission
 - 8) Public hearing and possible introduction of an ordinance by City Council
- Mr. Micheel reviewed the issues to consider
 - Historic Preservation Plan:
 - Two main initiatives identified by the Commission include: 1) Update to Chapter 18, and 2) Update to the Guidelines for Cedar Rapids Historic Districts
 - Prioritizing areas identified for intensive survey is scheduled to commence within 2-3 years of Plan adoption
 - Outreach to Property Owners:
 - Current update to Chapter 18 complicates outreach

- City staff cannot accurately provide information to property owners until Chapter 18 and Guidelines are updated
 - Multiple planning efforts going on in the area:
 - Creation of SSMID
 - Update to Overlay District
 - Existing Reviewing Body:
 - DRTAC makes recommendations on the exterior design of new structures within the existing Czech Bohemia Overlay District
- Todd McNall asked what the update to the Overlay District is. Jennifer Pratt stated that the biggest update is a change in the boundary is proposed. The other updates add more clarification. The MedQ had hired a consultant to help them with a master planning process and they had much more specific areas of consideration for those design elements. Staff liked the way this was approached and so staff took that model to the NewBo Czech Village Overlay group and they went through a process on what applied to their district and what did not and used that as a template. Todd McNall asked what the boundary change was. Jennifer Pratt stated that it takes out the single family residential area. Already in the overlay ordinance it does not apply to single family residential so this was a way to remove them from the overlay.
- Mr. Micheel stated that staff is committed to working with the HPC and others on the creation of new local districts. Staff recommends completing the following two initiatives in the Historic Preservation Plan prior to pursuing a new local historic district designation: the Chapter 18 Update and the update to the Guidelines.
- Todd McNall discussed what the boundaries could be for the Local Historic District as well as who in the area is interested. Mr. McNall also discussed the possibility of a Conservation District. Mr. McNall stated that it will have to be figured out how a Local Historic District will intermesh with DRTAC Guidelines.
- The Commission discussed contributing and noncontributing properties in the area as well as what happens if someone is not interested in being a part of the Local Historic District.
- Amanda McKnight Grafton asked if the property owners in this potential Local Historic District could be invited to the public outreach for Chapter 18 update. Jeff Hintz stated that they are already included in the distribution list for those outreach events. B Avenue and Auto Row property owners have also been included.

Bill Micheel left the meeting at 5:27 p.m.

- Todd McNall stated that the current Local Historic District Ordinance does not include any guidelines for commercial structures. For this specific area we could adopt the existing guidelines that are in place for DRTAC. Jeff Hintz stated that staff does want to include guidelines for commercial structures.
- The Commission agreed with staff's recommendation to wait until the updates to Chapter 18 and the Guidelines are finished before creating a new local district.

c) Discussion of Commission Meeting Format and Procedures

- Jeff Hintz shared the background for this discussion.
 - January 4, 2016:
 - HPC Chapter 18 Update Sub-Committee discussed ways to streamline Commission meetings

- Sub-Committee requested input from the full Commission
- Mr. Hintz shared some possible opportunities to streamline the meetings:
 - Run Meetings Similar to CPC:
 - CPC follows a structured process that could be replicated for COAs and demo review:
 - Chairperson announces the agenda item and acknowledges City staff
 - City staff presents the project
 - Chairperson acknowledges applicant who is provided 5 minutes to speak
 - Commission discussion, which may include questions to the staff and applicant
 - Commission Etiquette:
 - Wait to speak until acknowledged by the Chairperson
 - Raise your hand to let the Chairperson know you have a comment
 - Announcements:
 - Every HPC agenda includes an opportunity for Commission members and staff to share good news and provide quick updates
 - Comments should be restricted to announcements only
 - Commission can only discuss items that are specifically listed on the agenda
 - Focus Discussion of Demos & COAs:
 - Demolition review should focus on determination of historic significance
 - COA discussions should focus on whether the proposal is consistent with the design guidelines
- The Commission liked the idea of having a structured process like CPC does. They also liked the idea of not bantering with the applicants and not having sidebar conversations and interrupting each other.
- Amanda McKnight Grafton asked what to do when the Commission has a lot of questions for the applicant. Jeff Hintz suggested having the Chair collect the questions and then ask the applicant to answer them. If the Chair collects the questions it helps minimize repeated questions and interruptions.
- Bob Grafton asked that staff strongly suggest that the applicant bring pictures of the project because that would expedite HPC's recommendation.
- Todd McNall stated that the Commission should not be asked to choose between options. It is the Commission's role to look at one thing and decide if it is appropriate or not.
- Bob Grafton suggested setting up the tables differently at meetings so that everyone can be seen by each other and the Chair.
- Jeff Hintz stated that staff will work with the Commission to make the changes to the format of meetings and the table set up for the meetings.

6. Knutson Building Update

- Jennifer Pratt stated that City Council authorized stabilization based on the cost estimate of \$167,500. Staff was able to use emergency measures to go out and find a contractor without the RFP process. Staff contacted Ryan Companies and they are not willing to stabilize due to environmental hazards. Asbestos is the big issue. RDG gave the cost estimates and their estimate did not take into account asbestos. Staff then contacted ECCO Midwest and they are not willing to abate environmental hazards due to structural issues and an unsafe environment. Preliminary clean-up of the building would cost

around \$370,000 in addition to the \$167,500 for stabilization. Ryan Companies has given staff contacts for specialized contractors that may be able to both abate and stabilize at the same time. There is no additional information at this time. Since there is no one local that can do this it will cost a significant amount of money. There is someone local who is interested in the building and if they have a contractor who wants to do a walkthrough staff will let them into the building.

- Ron Mussman asked if it makes sense now to go out for bids to find the contractor to do both the abatement and stabilization. Ms. Pratt stated staff cannot put a bid out because only \$167,500 has been authorized by City Council.
- The Commission discussed some ideas for keeping the façade of the building and demolishing the rest, as well as saving exterior walls and gutting the inside. Amanda McKnight Grafton shared examples of saved façades in other communities.
- Ron Mussman asked why there has not been a Section 106 discussion on this property. Jennifer Pratt stated that the 106 review is triggered by a federally funded project. The City does not have a federally funded Flood Control System project on the west side of the river. The Knutson Building would not be demolished because of the Flood Control System. There is an alignment that works with the Knutson Building being saved that is not yet final.
- Ron Mussman discussed Section 110 K that deals with anticipatory demolitions and neglect of eligible properties in order to avoid compliance. Mr. Mussman would like clarification on this. Jennifer Pratt stated that staff will work on getting something back to the Commission on Section 110 K.
- Tim Oberbroeckling asked how the money will be raised for the Knutson Building in the time period given. Jennifer Pratt stated that the stabilization has been delayed due to the asbestos issue. If stabilization can be done, staff will take the project back to Council to undate the entire timeline including the fundraising. There are people interested in the fundraising. It was not Council's intention for the fundraising component to be HPC's responsibility. The first priority here is to get the cost estimates for the abatement and stabilization.
- The Commission discussed some possible contacts that could help with the Knutson Building. Staff will follow up with these contacts once contact information is received.
- Ron Mussman stated that the CLG Report highly encourages cities to fund their HPC organizations and asked if staff has submitted anything for this budget year. Jennifer Pratt stated that staff has submitted a request, but it has not been submitted to Council yet and noted that this is also a recommendation in the Historic Preservation Plan.

Jennifer Pratt left the meeting at 6:28 p.m.

7. MOA/LOA Project Updates

- Jeff Hintz stated that the GIS Database has launched.
- Jeff Hintz stated that the National Register Nominations for the Downtown District, Harper and McIntire Building, and St. James United Methodist Church were listed.
- Jeff Hintz stated that Ed McMahon from the Urban Planning Institute will be in Cedar Rapids on February 4, 2016 at the library to discuss creating successful communities.

8. Announcements

- There were no announcements.

9. Adjournment

- Todd McNall made a motion to adjourn the meeting at 6:30 p.m. Tim Oberbroeckling seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Anne Kroll, Administrative Assistant II
Community Development

DRAFT



Community Development and Planning Department
City Hall
101 First Street SE
Cedar Rapids, IA 52401
Telephone: (319) 286-5041

To: Historic Preservation Commission
From: Jeff Hintz, Planner II
Subject: COA Request 1744 2nd Avenue SE
Date: January 28, 2016

Applicant Name(s): Orin Okken – Okken Construction
Owner Name: House of Hope
Address: 1744 2nd Avenue SE
Local Historic District: Second and Third Avenue Historic District
Legal Description: SAMPSON HEIGHTS NE 10' LOT 15 & ALL STR/LB 16 2
Year Built: 1910

Description of Project: Replacement of three windows, on the first floor, on the west side



elevation of the house as depicted to the left (red box around 3 windows). Replacement windows would be vinyl and approximately 6-7 inches shorter to accommodate a kitchen remodel. The existing window trim will be cut to accommodate the shorter windows and re-used on the openings. Wood lap siding which matches what is on the house now, would be used to fill the 6-7 inch gap left by the shorter windows.

Information from Historic Surveys on property:
(portions applicable to project have been bolded and underlined below)

The 1995 Site Inventory Form from the District Nomination survey lists the property as “good.” The defining features listed include: hipped roof with hipped dormers on each face; clapboard cladding; pilasters for corner boards; center projecting bay beneath gable and above entrance; wide eaves with dentils on main house, front porch and first floor of enclosed rear porch (sleeping porch above); flat porch roof supported by tapered columns on stone pedestals with spindled balustrades; vented masonry (stone) in lieu of porch skirting; **1/1 double-hung windows throughout and cottage windows either side of entrance**; carriage house has Paladian window treatment in gable end.

Options for the Commission:

1. **Approve** the application as submitted; or
2. **Modify, then Approve** the application – only if applicant agrees to modifications made; or

3. **Disapprove** the application; or
4. **Continue the item to a future, specified meeting date** in order to receive additional information.

Excerpt(s) from *Guidelines for Cedar Rapids Historic Districts* Applicable to Project:

Historic Windows:

Recommended:

- Retain and repair historic window sashes and frames
- Replace windows with the home's original window material (e.g. wood for wood)
- Replacement windows should match the originals as closely as possible
- Repair or install new storm windows
- Vinyl or aluminum products are allowed only at the rear of a house

Not Recommended:

- Windows constructed of modern building materials, such as vinyl or aluminum on the front and side of homes
- Decreasing the size of the window opening

Analysis: The current windows are sought for replacement since the kitchen is being remodeled. The existing windows would be below the countertop, which presents some practical challenges for appearance and functionality. The site inventory from notes the windows on the structure are double hung, there is no mention of grille (muntin) patterns on the site inventory form, nor were any observed on the site visit conducted by Community Development Department Staff. The replacement windows are not proposed to have a grille pattern, but would be approximately 6-7 inches shorter than the existing windows.

The applicant realizes that the three windows proposed for replacement all need to have the same alignment and size to show consistency and coherence with that of the structure. While 6-7 inches in height reduction may seem like quite a bit, note that the gap left at the bottom would be filled in with wood lap siding to match that on the house now. The wood lap siding when applied will likely be two or three pieces beneath each window. Given the 6-7 inch reduction in height of the window and the height of the wood lap siding which is generally between 2-3 inches for each piece, this is consistent with the overall look and style of the house. The new wood siding when painted, below each of these windows will not be noticeable once the project is completed.

The main thing here is that the three windows towards the rear of the house remain the same size. This project proposal seeks to keep all three windows the same size, even though the bottom is being brought up. Additionally, these windows are at the rear of the side elevation, and according to the site inventory form, these are not defining features. While visible from the street, it is unlikely that the vinyl windows would be noticeable from the public right-of-way due to the elevation of the home, which sits on a hill, and the distance of the windows from the street.

The lack of grille patterns makes the depth of wood windows less of a factor to consider as well; any shadows generated from that depth will not be as visible since there are no grille patterns.

This proposal to fill in the gaps at the bottom of the windows is in harmony with the guidelines and the vinyl windows on a side elevation towards the rear, is generally consistent with the guidelines and past Commission approvals. Given the surrounding context of the area and that the form and style of the house are being maintained, this is a positive change for the property that keeps the property in use and up to date, without sacrificing or detrimentally impacting any defining features. The modern vinyl windows will not be readily noticeable, especially since the original wood trim around them will be re-applied around the openings.

Staff Recommendation: Option one, approve as submitted by applicant.

Alternative Staff Recommendation: *If* the vinyl windows are not agreeable to the Commission, the project should be denied unless the Commission suggests modifications during the meeting which the applicant is agreeable to, the Commission could then approve with those changes.

Attachments: Application from applicant.

B # 47949-2016

CEDAR RAPIDS HISTORIC DISTRICT APPLICATION

Department of Development, 3851 River Ridge Dr NE, Cedar Rapids, IA 52402, Phone 319-286-5041, Fax 319-286-5130

Owner Information		Applicant Information	
Name	<u>House of Hope</u>	Name	<u>Orin OrKen</u>
Address	<u>1744 2nd Ave SE</u>	Company	<u>OrKen Const</u>
City	<u>CR</u>	Address	<u>5160 Chestnut Ridge NE</u>
State	<u>IA</u>	City	<u>CR</u>
Zip	<u>52403</u>	State	<u>IA</u>
Phone	<u>366 4673</u>	Zip	<u>52411</u>
		Home Ph	<u>Email OrinOrKen@gmail.com</u>
		Work Ph.	<u>319-981-7547</u>

Address of property where work is to be done:
1744 2nd Ave SE

Project type: House , Garage , Shed , Fence , Addition , other _____

Project description 3 new windows + add a small bit of siding around smaller windows.

Location: Describe where (what part of building, or where on property) work will be done
West side of house

Materials: Type and design to be used wood siding + vinyl window
matching All original Trim + siding

Estimates required: If you will not be using the same type of materials as already used on the building, then you must obtain two estimates using the existing material(s) and two estimates using the new material(s).

Plans/Illustrations: If major elements such as windows and doors are proposed for replacement, then drawings, photographs, or product literature for the proposed new elements must be submitted with the application. Large projects, such as building additions and new garages, require plans and elevations.

Samples: Applicant must bring a sample of the material(s) to HPC meeting if a COA is required.

Applicant's signature Orin OrKen

For Development Department use only:

Date Received:	Received by:	File No. _____
Redmond Park-Grande Avenue <input type="checkbox"/>	Contributing structure? <input type="checkbox"/> Yes <input type="checkbox"/> No	CNME Issued? <input type="checkbox"/> Yes <input type="checkbox"/> No
Second and Third <input type="checkbox"/>	Key structure? <input type="checkbox"/> Yes <input type="checkbox"/> No	COA required? <input type="checkbox"/> Yes <input type="checkbox"/> No



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City Hall
101 First Street SE
Cedar Rapids, IA 52401
Telephone: (319) 286-5041

To: Historic Preservation Commission
From: Jeff Hintz, Planner II
Subject: Presentation & Discussion on Demolition Review Process & Procedures
Date: January 28, 2016

Background: On January 4, 2016, during the Commission's subcommittee meeting to discuss the update to Chapter 18, the topic of demolition review and photo documentation was discussed. The subcommittee asked if a presentation and discussion on the procedures for documenting a property under demolition review could be discussed with the full Commission.

Legal procedure for placing a demolition hold: In the demolition review process, the role of the Commission is to make a determination on whether or not the property is historically significant. Municipal Code Section 18.10 (d) requires the Commission to determine if a structure is historically significant. In determining historical significance, the definition in Municipal Code Section 18.02 (l) is as follows:

“(l) Historically significant building: A principal building determined to be fifty (50) years old or older, and;

1. The building is associated with any significant historic events;
2. The building is associated with any significant lives of persons;
3. The building signifies distinctive architectural character/era;
4. The building is associated with the lives of persons significant in our past;
5. The building is archeologically significant.”

If the Commission makes a determination that the building is historically significant, the Commission may place the property on a 60 day demolition hold. If the building is not historically significant, the Commission does not have the authority to hold the property. Furthermore, when the building is determined to be historically significant, the Commission may consider working with the property owner towards one or more of the following options identified in Municipal Code Section 18.10 (g):

1. The building can be considered for landmark designation.
2. Rehabilitation the building with the assistance of State or Federal tax incentives or other private financial assistance.
3. Adapting the building to a new use.
4. Finding a new owner who is interested in preserving/rehabilitation the building.
5. Incorporating the building into the owner/applicant's redevelopment plans.
6. Assisting in finding a different location for the owner's redevelopment.
7. Moving the building to an alternative location.
8. Salvaging building materials if the structure is to be demolished.

9. Documenting the building prior to the issuance of a demolition permit.

In the event a building is determined historically significant and there is no desire amongst the Commission to pursue any of the options listed in Municipal Code Section 18.10 (g), a hold should not be placed.

Photo Documentation: Community Development staff documents the property from the right-of-way prior to the Commission meetings for any structure that appears on the Commission's agenda. If additional documentation beyond that presented by the staff is desired by the Commission, option 9 regarding documentation prior to demolition may be requested when the building is determined to be historically significant. Consent from the property owner is required prior to additional documentation.

Conclusion: The demolition hold question is really a two part question: 1) is the building historically significant, and 2) if historically significant, does the Commission want to pursue any of the options provided for in the code? Before moving onto the second part about options to save the structure or conduct documentation, a determination of historic significance must be made. This determination needs to occur prior to discussing any options the Commission may be interested in pursuing on the structure, including an additional documentation.



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To: Historic Preservation Commission
From: Jeff Hintz, Planner II
Subject: Presentation & Discussion on Certificate of No Material Effect Process & Procedures
Date: January 28, 2016

Background: On January 7, 2016 there were some questions from Commissioners regarding an administrative approval (i.e. Certificate of No Material Effect) at 1711 Blake Boulevard SE from earlier in 2015. Some clarity was sought on the permitting process for administrative approvals, and therefore, staff would like to use this opportunity to provide some information on the Certificate of Appropriateness (COA) and the Certificate of No Material Effect (CNME) processes.

Initial Process & Staff Evaluation: The steps outlined below provide a brief overview of the initial stages of the historic review process:

1. An application for historic review is filled out and submitted to the Community Development Department for processing and review.
2. The Community Development Department staff reviews the project application. Specifically, the staff evaluates the proposed project in order to:
 - Determine consistency with the *Guidelines for Cedar Rapids Historic Districts*, and
 - Identify the building's significant architectural features per the SHPO accepted site inventory form for the structure, completed by a certified professional architectural historian at the time the district was listed on the National Register of Historic Places.
3. Based on the staff evaluation, the proposed project moves forward on one of two tracks described below, **the COA** or **the CNME**.

Certificate of No Material Effect: This CNME is a staff-level, administrative approval that certifies that no defining architectural features are being changed in material or general appearance. This is issued when the work contemplated in the application will have no effect on any significant architectural features of a local historic landmark or on any building within a local historic district.

1. Once this certificate is issued, the applicant takes the certificate and is able to obtain a building permit for the approved work.
2. Building permit is obtained and the work commences.

3. Final inspection takes place to ensure conformance with applicable building/mechanical codes.

Certificate of Appropriateness: The COA is reserved for work which could potentially impact defining features of a building. COAs are non-administrative and require review by the Commission. If there is any question or uncertainty amongst the staff about the proposed project, the application is presented to the Commission for review and decision.

1. Community Development Department staff informs the applicant that the changes contemplated are not eligible for administrative review and require a COA from the Commission.

2. Community Development Department staff prepares a report to the Commission which includes:

- a) A description of the project;
- b) Information on the defining features of the structure from the Iowa Site Inventory Form;
- c) What is recommended in the guidelines as they relate to the project proposal;
- d) Analysis of the proposal to the guidelines and recent approvals; and
- e) A recommendation to the Commission.
- f) Alternative recommendation to the Commission.

3. If the Commission approves a project, a COA is given to the applicant and includes details of the approval. The applicant takes this certificate and is able to obtain a building permit for the approved work.

4. Building permit is obtained and the work commences.

5. Final inspection takes place to ensure conformance with applicable building/mechanical codes.

Next Steps: It was mentioned that some clarity in the process would be appreciated, especially as the Chapter 18 update process carries on. Staff would welcome any ideas or suggestions on how to improve these processes for all parties involved.



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101 First Street SE
Cedar Rapids, IA 52401
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To: Historic Preservation Commission
From: Jennifer Pratt, Community Development Director
Subject: Knutson Building - Responses to Questions Regarding the National Historic Preservation Act
Date: January 28, 2016

Background: Over the last several months members of the Historic Preservation Commission have asked Community Development staff, as well as other City staff questions regarding the applicability of the National Historic Preservation Act to the Knutson building. The staff has provided answers to these questions on multiple occasions. Since these questions continue to arise, the staff has requested that HR Green also weigh-in on these issues. Specifically, the Community Development staff requested that HR Green provide answers to the following questions:

1. Does Section 106 apply to the Knutson building? Does this constitute a federal undertaking? Why or why not?
2. Is Section 110 (k) applicable to the Knutson building?

Overview of Section 106 & 110 (k): Although commonly referred to as Section 106, and referenced as Section 110 (k) in the January 14 meeting of the Historic Preservation Commission, the proper citations for these sections of the National Historic Preservation Act are Sections 306108 and 306113 of Title 54 of the United States Code. These sections are excerpted and provided below:

§306108. Effect of undertaking on historic property

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

§306113. Anticipatory demolition

Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant that, with intent to avoid the requirements of section 306108 of this title, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed the significant adverse effect to occur, unless the agency, after consultation with the Council, determines

that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant.

Finally, the National Historic Preservation Act is a Federal act. This means that the responsible Federal agency is tasked with determining the applicability of these sections.

Response from HR Green: Stacy Woodson, staff from HR Green who has a background in preservation and extensive experience with projects involving federal funds, provided an answer to the questions posed above. In summary, she stated that neither Section 106 nor Section 110 (k) apply to the Knutson building because there is no federal action, no federal money, no federal permits, or other federal action that would trigger the process. Please see Attachment 1 for her full response.

Conclusion: At the Commission's January 28 meeting the staff will provide an overview of these questions, as well as the responses from HR Green.

Attachment:

1. Response from HR Green regarding HPC questions on the applicability of the National Historic Preservation Act to the Knutson building

From: [Russett, Anne M.](#)
To: [Russett, Anne M.](#)
Subject: FW: Response to HPC Members Questions on Knutson Building
Date: Thursday, January 21, 2016 4:08:04 PM

Anne, Thank you for your email. I've asked Stacy Woodson to provide her insights and perspective on this question. By way of background, Stacy is a professional engineer licensed in Iowa. A large part of her practice involves the application of NEPA and related environmental/permitting requirements for projects involving federal funds. While much of her practice involves transportation projects, NEPA is triggered for all projects involving federal funding. As such, I think her feedback has considerable significance concerning the questions conveyed in your message.

If you have additional questions, feel free to contact either Stacy or me. Thank you, Jim

JIM HALVERSON
Vice President
HR GREEN, INC.

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From: Woodson, Stacy
Sent: Wednesday, January 20, 2016 1:00 PM
To: Halverson, Jim
Subject: RE: Response to HPC Members Questions on Knutson Building

Jim ,

The answer to the question below is no, Section 106 does not apply to the Knutson building because there is no federal action, no federal money, no federal agency permits, or other federal connected action that has triggered the Section 106 process. Therefore, Section 106, Section 306113, or Section 306108 are not applicable. The Knutson Building is not on the National Register of Historic Places. In the March 2015 *Phase I Archeological and Architectural Investigations for the West Bank Cedar River Flood Risk Mitigation Within the City of Cedar Rapids* study, the Knutson Building is considered potentially eligible for listing on the National Register. However, because no federal agency is involved, the Knutson Building is not subject to protection under the National Historic Preservation Act. Since this project is being funded with local money, the City has jurisdiction over the Knutson building as a local resource.

Please keep in mind that the flood protection projects are different depending on the side of the river we are talking about. The east side is federally funded. The west side is not. If the Knutson Building was located on the east side of the river the Section 106 process would apply because of the federal funds coming from the U.S. Army Corps of Engineers (USACE). The USACE would be in the federal agency overseeing the Section 106 process. The Section 106 process is only applicable to the east side of the river. The west side does not have a federal agency involved and therefore is not subject to Section 106.

Please let me know if you have additional questions or need clarity on this issue. Thanks,

STACY E. WOODSON, P.E.

Group Manager / Senior Project Manager

HR GREEN, INC.

8710 Earhart Lane SW | Cedar Rapids, IA 52404

Main **319.841.4000** | Fax **319.841.4012** | Direct **319.841.4390** | Cell **319.310.3426**

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