

Historic Landmark Designation Review - Process

A cultural resource may individually be designated as a historic landmark if the cultural resource is at least 50 years old and is of historic, architectural, and/or geographical significance. If the cultural resource is not at least 50 years old, it must have exceptional significance. The process for designation is laid out below.

Administrative Review

The Historic Preservation Administrator shall make a reasonable effort to secure the owner's consent to a designation before the nomination is accepted as complete for review by the Historic Preservation Commission. If the Historic Preservation Administrator is unable to provide an owner with the notice, a written request for consent to designation shall be sent by certified mail, return receipt requested, to the owner of the property as shown on the most recent records. Once consent is obtained, a public hearing shall be scheduled and held by the Historic Preservation Commission.

Once contacted, the owner of an individually nominated cultural resource or a property located in a nominated historic district shall notify the Historic Preservation Administrator, in writing, of any objection to a designation within 30 days from the date of mailing the nomination consent request. The Administrator shall notify the Historic Preservation Commission of all owners' objections received. Failure to provide written objection to the nomination within 30 days of receipt of the nomination consent request shall be considered as the owner's consent to the nomination.

Upon the filing of an application for nomination for designation, the Historic Preservation Administrator shall notify the owner of record of the nominated cultural resource or owners of the properties in the proposed historic district, by regular United States mail.

The nomination shall be referred to all relevant agencies for referral, review and comment at least 15 days prior to the public hearing. The Historic Preservation Administrator shall set the dates for the Historic Preservation Commission public hearing.

Historic Preservation Commission Review

The Historic Preservation Commission shall hold the public hearing to review a nomination for designation of a historic landmark or historic district at the next available regular Historic Preservation Commission meeting and shall make a determination as to the appropriateness of the nomination, according to the standards and criteria adopted in this Section.

The Historic Preservation Commission may continue the public hearing for review of the nomination for no more than two additional 30 day periods if it finds that further investigation is required prior to issuing a recommendation. The Historic Preservation Commission shall make specific findings to justify any continuance.

Following the close of the public hearing, the Historic Preservation Commission shall, by written resolution, recommend approval, approval with conditions or deny the nomination for historic designation to the City Council.

1. If the nominated cultural resource or district is found to possess significance, as determined by the standards and criteria of this Section, the Historic Preservation Commission shall make a recommendation of approval to designate the cultural resource as a historic landmark or historic district to the City Council.
2. If the Historic Preservation Commission makes a recommendation of denial or approval with conditions, the Commission shall approve a resolution with findings of fact that constitute the basis for its decision.

If the Historic Preservation Commission fails to issue a recommendation regarding the nomination within these time frames, the nomination shall be deemed rejected.

City Council Review

Following action by the Historic Preservation Commission, the Historic Preservation Administrator shall submit a report to the City Council which shall include relevant documentation and information, the Historic Preservation Commission resolution, and further information as may be requested by the City Council.

The City Manager shall set the date for the City Council public hearing at the next available City Council regular meeting.

The City Council shall then conduct a public hearing, pursuant to published and mailed notice as required above, and consider all relevant evidence concerning the proposed nomination.

The City Council may take the following actions:

1. Approve the nomination by ordinance;
2. Approve the nomination with conditions by ordinance;
3. Deny the nomination by motion or resolution, as the City Council deems appropriate; or
4. Continue the nomination to a later, specified date by motion.

The City Clerk shall record, in the office of the applicable County Clerk and Recorder, a certified copy of the ordinance designating the specified cultural resource as a historic landmark or historic district and include a listing of the individual cultural resources and properties included.

The Historic Preservation Administrator shall send to the owner of each property a copy of the ordinance and a letter which contains an explanation of the owner's obligations and restrictions created by a designation and specifically advising the owner of the owner's responsibility to apply for a Certificate of Appropriateness (COA) prior to any alteration to a historic landmark.

Eligible Applicants

Designation of a historic landmark or district may be initiated by the City Council, the Historic Preservation Commission, the City Manager, or the owners of at least 51% of the cultural resource to be designated for a landmark, or the owners of at least 51% of the individual properties in a proposed district.

Historic Landmark Designation Eligibility Criteria

A cultural resource may individually be designated as a historic landmark if the cultural resource is at least 50 years old and is of historic, architectural, and/or geographical significance. If the cultural resource is not at least 50 years old, it must have exceptional significance. The criteria for designation is laid out below.

Historic Landmark Eligibility Criteria

The finding of significance requires that the cultural resource meets at least one criterion within one of the following categories, or at least one criterion within two of the following categories for a finding of exceptional significance:

- a. *Architectural category*: In order to be considered significant in the architectural category, at least one of the following criteria must be met. The cultural resource:
 1. Exemplifies specific distinguishing characteristics of an architectural period or style;
 2. Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;
 3. Demonstrates superior craftsmanship or high artistic value;
 4. Contains elements of architectural design, detail, materials, construction, or craftsmanship which represent a significant innovation; or
 5. Evidences a style particularly associated with the Brighton area.
- b. *Social and historic category*: In order to be considered significant in the social and historic category, at least one of the following criteria must be met. The cultural resource:
 1. Is the site of a historic event that had an effect upon society;
 2. Exemplifies cultural, political, economic or social heritage of the community;
 3. Represents a built environment of a group of people in an era of history;
 4. Has significant character, interest or value, as part of the development, heritage or cultural characteristics of the City, State, or Nation; or
 5. Has an association with a notable person or the work of a notable person.
- c. *Geographic and environmental category*: In order to be considered significant in the geographic and environmental category, at least one of the following criteria must be met. The cultural resource:
 1. Enhances a sense of identity of the community;
 2. By being part of, or related to, a square, park, or other distinctive area which should be developed or preserved according to a plan based on a historic, cultural, or architectural motif;
 3. Is unique in its location of singular physical characteristics;
 4. Possesses unique and notable historic, cultural, or architectural motifs; or
 5. Is an established and familiar mutual setting or visual feature of the community.

Historic District Eligibility Criteria

An area may be designated as a historic district upon a finding that the district has a definable area containing a number of individual cultural resources having historic, architectural, and/or geographical significance that apply to the patterns and unifying elements of that particular district. Significance is determined by applying criteria to the patterns and unifying elements found within a district.

- a. The district boundaries shall be defined by visual changes, historic documentation of different associations or patterns of development, or evidence of changes in site type, density, or other characteristics as established through a survey and inventory.
- b. Each individual cultural resource within a historic district shall be evaluated as to the degree of their significance, and assigned to one of the following categories:

Noncontributing resource. A resource that does not meet at least one of the categories for significance or is not at least 50 years old shall be considered a noncontributing resource. Noncontributing resources may be included within the boundaries of a designated historic district; however, their presence must not noticeably detract from the overall district's sense of time, place and significance. Noncontributing resources will be evaluated for their magnitude of impact by considering their size, scale, design, location and/or information potential.

Contributing resource. A resource that contributes to the district's overall sense of time and place, meets at least one of the categories for significance, and is at least 50 years old shall be considered a significant resource. If the resource is not at least 50 years old, it must exhibit exceptional significance, meaning it meets at least two of the categories for significance.

The establishment of a historic district shall be based on a finding that no more than 25% of the structures within a historic district are noncontributing resources.

Review without Owner Consent

If consent cannot be obtained, the Historic Preservation Administrator shall inform the property owner of the date and time of the Historic Preservation Commission review of the nomination.

If consent to the nomination has not been obtained, the Historic Preservation Commission may review the nomination for designation of a historic landmark or historic district at a public hearing.

In order to refer a nomination for designation to the City Council without the consent of the property owner, the Historic Preservation Commission must find that the cultural resource and/or historic district has exceptional significance.