



# HLC: Demolition or Economic Hardship

Use for demolition of a contributing or non-contributing structure and economic hardship. Please use application for minor alterations for demolition of accessory structure.

OFFICE USE ONLY

Petition No.:  
Date Received:  
Reviewed By:

SALT LAKE CITY PLANNING

Address of Subject Property:

Project Name:

Name of Applicant:

Phone:

Address of Applicant:

E-mail Address of Applicant

Cell/Fax:

Applicant's Interest in Subject Property:

Name of Property Owner:

Phone:

E-mail Address of Property Owner:

Cell/Fax:

County Tax ("Sidwell #"):

Zoning:

Legal Description (if different than tax parcel number):

Existing Property Use:

Proposed Property Use

**Please Check Type of Application and submit associate fee**

Type	Application Fee	Additional Fee
Demolition (non-contributing)	\$27.69	Plus cost of first class postage
Demolition (contributing structure)	\$442.96	Plus cost of first class postage
Economic Hardship (Conditional Use Process)	\$221.48	Plus cost of first class postage
Economic Hardship (Demolition Process)	\$221.48	Plus cost of first class postage

**Notice:** Additional information may be required by the project planner to ensure adequate information is provided for staff analysis.

All information submitted as part of the application may be copied and made public including professional architectural or engineering drawings which will be made available to decision makers, public and any interested party.

**File the complete application at:**

SLC Planning Division 451 S State,  
Room 215 PO Box 145471  
Salt Lake City, UT 84114-5480  
Telephone: (801) 535-7700

Signature of Property Owner \_\_\_\_\_

*Or authorized agent*

**Please include with the application:**

Attach additional sheets, if necessary

- Postage for all property owners within four-hundred and fifty (450) feet from edge of subject property. The name, address, and Sidwell number of each property owner must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair.
- Recent and historic photographs
- Written explanation of project that includes reason for request and description
- An application for New Construction

OR

- A site plan (drawn to scale) which includes the location of the property lines, driveways, sidewalks, landscaping, irrigation system and remaining structures. Please refer to SLC Zoning Ordinance 21A.48 for requirements for landscaped lots.
- Other information as requested by Zoning Administrator.

For **Economic Hardship** applications, please also include:

- Completed Economic Hardship Work Sheet for Economic Hardship applications

\*\*\* Please note that attachments will be included in staff reports that will be available to the public.

**Review:** Applications will be reviewed and assigned to planners each week. The application shall be reviewed according to the standards set forth in subsections J-P of section 21A.34.020 as well as Design Guidelines and Policy Document adopted by the Historic Landmark Commission. A link to the ordinance may be found at [www.slcgov.com](http://www.slcgov.com) and the Design Guidelines and Policy Document at [www.slcgov.com/ced/hlc](http://www.slcgov.com/ced/hlc).

**Standards For Demolition Of Landmark Site:**

1. The demolition is required to alleviate a threat to public health and safety pursuant to subsection Q of this section; or
2. The demolition is required to rectify a condition of economic hardship, as defined and determined pursuant to the provisions of subsection K of this section.

**Standards For Demolition Of A Contributing Structure:**

- a. The physical integrity of the site as defined in subsection C2b of this section is no longer evident;
- b. The streetscape within the context of the H historic preservation overlay district would not be negatively affected;
- c. The demolition would not adversely affect the H historic preservation overlay district due to the surrounding noncontributing structures;
- d. The base zoning of the site is incompatible with reuse of the structure;
- e. The reuse plan is consistent with the standards outlined in subsection H of this section;
- f. The site has not suffered from wilful neglect, as evidenced by the following:
  - i. Wilful or negligent acts by the owner that deteriorates the structure,
  - ii. Failure to perform normal maintenance and repairs,
  - iii. Failure to diligently solicit and retain tenants, and
  - iv. Failure to secure and board the structure if vacant; and
- g. The denial of a certificate of appropriateness for demolition would cause an economic hardship as defined and determined pursuant to the provisions of subsection K of this section.

Upon making findings that at least six (6) of the standards are met, the historic landmark commission shall approve the certificate of appropriateness for demolition. Upon making findings that two (2) or less of the standards are met, the historic landmark commission shall deny the certificate of appropriateness for demolition. Upon making findings that three (3) to five (5) of the standards are met, the historic landmark commission shall defer a decision for up to one year.

**M. Bona Fide Preservation Effort:** Upon the decision of the historic landmark commission to defer the decision of a certificate of appropriateness for demolition for up to one year, the applicant must undertake bona fide efforts to preserve the structure. The one year period shall begin only when the bona fide effort has commenced. A bona fide effort shall consist of all of the following actions:

1. Marketing the property for sale or lease;
2. Filing an application for alternative funding sources for preservation, such as federal or state preservation tax credits, Utah heritage revolving fund loans, redevelopment agency loans, etc.;
3. Filing an application for alternative uses if available or feasible, such as conditional uses, special exceptions, etc.; and
4. Obtaining written statements from licensed building contractors or architects detailing the actual costs to rehabilitate the property.

**N. Final Decision For Certificate Of Appropriateness For Demolition Following One Year Deferral:** Upon the completion of the one year period and if the applicant provides evidence of a bona fide preservation effort, the historic landmark commission shall make a final decision for the certificate of appropriateness for demolition pursuant to subsection F2 of this section. The historic landmark commission shall approve the certificate of appropriateness for demolition and approve, approve with modifications or deny the certificate of appropriateness for the reuse plan for new construction pursuant to subsection F2, H or P of this section.

**O. Recordation Requirement For Approved Certificate Of Appropriateness For Demolition:** Upon approval of a certificate of appropriateness for demolition of a landmark site or a contributing structure, the historic landmark commission shall require the applicant to provide archival quality photographs, plans or elevation drawings, as available, necessary to record the structure(s) being demolished.

**P. Review Of Post Demolition Plan For New Construction Or Landscape Plan And Bond Requirements For Approved Certificate Of Appropriateness For Demolition:** Prior to approval of any certificate of appropriateness for demolition the historic landmark commission shall review the post demolition plans to assure that the plans comply with the standards of subsection H of this section. If the post demolition plan

is to landscape the site, a bond shall be required to ensure the completion of the landscape plan approved by the historic landmark commission. The design standards and guidelines for the landscape plan are provided in section 21A.48.050 of this title.

1. The bond shall be issued in a form approved by the city attorney. The bond shall be in an amount determined by the zoning administrator and shall be sufficient to cover the estimated cost, to: a) restore the grade as required by title 18 of this code; b) install an automatic sprinkling system; and c) revegetate and landscape as per the approved plan.

2. The bond shall require installation of landscaping and sprinklers within six (6) months, unless the owner has obtained a building permit and commenced construction of a building or structure on the site.

Decision: The historic landmark commission shall make a decision at a regularly scheduled meeting, within one hundred twenty (120) days following receipt of a completed application.

After reviewing all materials submitted for the case, the recommendation of the planning division and conducting a field inspection, if necessary, the historic landmark commission shall make written findings of fact based on the standards of approval. On the basis of its written findings of fact the historic landmark commission shall either approve, deny, conditionally approve or defer a decision or up to one year. The decision of the historic landmark commission shall become effective at the time the decision is made; however, Certificate of Appropriateness will not be issued until the thirty day appeal period has expired.

Appeals: The applicant, any owner of abutting property or of property located within the same overlay district, any recognized or registered organization may object to the decision by filing a written appeal with the Land Use Appeals Board within thirty (30) days following the decision. Following the filing of an appeal the planning director shall secure an opinion of the city attorney evaluating whether the denial or deferral would result in an unconstitutional taking of property without just compensation under the Utah and United States constitutions or otherwise violate any applicable constitutional provision, law, ordinance or regulation.

The Land Use Appeals Board's decision may be appealed to district court within thirty (30) days following their decision.

#### **Standards for Demolition of a Non-Contributing Structure:**

Please see Standards G and H of 21A. 34.020 of the zoning ordinance.

Decision: Staff may make the decision following receipt of a completed application or may choose to submit to the Historic Landmark Commission.

Appeals: When the application has been denied by Staff, the applicant may appeal to the Historic Landmark Commission.

The applicant, any owner of abutting property or of property located within the same overlay district, any recognized or registered organization may object to the decision of the Historic Landmark Commission by filing a written appeal with the Land Use Appeals Board within thirty (30) days following the decision. Following the filing of an appeal the planning director shall secure an opinion of the city attorney evaluating whether the denial or deferral would result in an unconstitutional taking of property without just compensation under the Utah and United States constitutions or otherwise violate any applicable constitutional provision, law, ordinance or regulation.

The Land Use Appeals Board's decision may be appealed to district court within thirty (30) days following their decision.

#### **Standards For Economic Hardship:**

- a. The applicant's knowledge of the landmark designation at the time of acquisition, or whether the property was designated subsequent to acquisition;
- b. The current level of economic return on the property as considered in relation to the following:
  - i. The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant, and the person from whom the property was purchased,
  - ii. The annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service, if any, for the previous three (3) years,
  - iii. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the previous three (3) years,
  - iv. Real estate taxes for the previous four (4) years and assessed value of the property according to the two (2) most recent assessed valuations by the Salt Lake County assessor,
  - v. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property,
  - vi. The fair market value of the property immediately prior to its designation as a landmark site and the fair market value of the property as a landmark site at the time the application is filed,
  - vii. Form of ownership or operation of the property, i.e., sole proprietorship, for profit corporation or not for profit corporation, limited partnership, joint venture, etc., and

- viii. Any state or federal income tax returns on or relating to the property for the previous two (2) years;
- c. The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and price asked and offers received, if any, within the previous two (2) years. This determination can include testimony and relevant documents regarding:
  - i. Any real estate broker or firm engaged to sell or lease the property,
  - ii. Reasonableness of the price or rent sought by the applicant, and
  - iii. Any advertisements placed for the sale or rent of the property;
- d. The infeasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:
  - i. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation,
  - ii. Estimate of the cost of the proposed construction, alteration, demolition or removal, and an estimate of any additional cost that would be incurred to comply with the decision of the historic landmark commission concerning the appropriateness of proposed alterations,
  - iii. Estimated market value of the property in the current condition after completion of the demolition and proposed new construction; and after renovation of the existing property for continued use, and
  - iv. The testimony of an architect, developer, real estate consultant, appraiser, or other professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
- e. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

**Procedure For Determination Of Economic Hardship:** The historic landmark commission shall establish a three (3) person economic review panel. This panel shall be comprised of three (3) real estate and redevelopment experts knowledgeable in real estate economics in general, and more specifically, in the economics of renovation, redevelopment and other aspects of rehabilitation. The panel shall consist of one person selected by the historic landmark commission, one person selected by the applicant, and one person selected by the first two (2) appointees. If the first two (2) appointees cannot agree on a third person within thirty (30) days of the date of the initial public hearing, the third appointee shall be selected by the mayor within five (5) days after the expiration of the thirty (30) day period.

a. **Review Of Evidence:** All of the evidence and documentation presented to the historic landmark commission shall be made available to and reviewed by the economic review panel. The economic review panel shall convene a meeting complying with the open meetings act to review the evidence of economic hardship in relation to the standards set forth in subsection K2 of this section. The economic review panel may, at its discretion, convene a public hearing to receive testimony by any interested party; provided, that notice for such public hearing shall be in accordance with part II, chapter 21A.10, "General Application And Public Hearing Procedures", subsection 21A.10.020E and section 21A.10.030 of this title.

b. **Report Of Economic Review Panel:** Within forty five (45) days after the economic review panel is established, the panel shall complete an evaluation of economic hardship, applying the standards set forth in subsection K2 of this section and shall forward a written report with its findings of fact and conclusions to the historic landmark commission.

c. **Historic Landmark Commission Determination Of Economic Hardship:** At the next regular historic landmark commission meeting following receipt of the report of the economic review panel, the historic landmark commission shall reconvene its public hearing to take final action on the application.

i. **Finding Of Economic Hardship:** If after reviewing all of the evidence, the historic landmark commission finds that the application of the standards set forth in subsection K2 of this section results in economic hardship, then the historic landmark commission shall issue a certificate of appropriateness for demolition.

ii. **Denial Of Economic Hardship:** If the historic landmark commission finds that the application of the standards set forth in subsection K2 of this section does not result in economic hardship then the certificate of appropriateness for demolition shall be denied.

iii. **Consistency With The Economic Review Panel Report:** The historic landmark commission decision shall be consistent with the conclusions reached by the economic review panel unless, based on all of the evidence and documentation presented to the historic landmark commission, the historic landmark commission finds by a vote of three-fourths (3/4) majority of a quorum present that the economic review panel acted in an arbitrary manner, or that its report was based on an erroneous finding of a material fact.

**Documentation:** The Historic Landmark Commission shall, as a condition of approval for a Certificate of Appropriateness for Demolition, require the property owner to provide the Historic Landmark Commission with documentation of the building, structure, or site according to the standards outlined in this policy. For more information about documentation requirements, see "Adopted Policy Document".

**For More Information:** For more information please reference 21A.34.020 and 21A.010 of the Salt Lake City Code.

# Economic Hardship-Demolition

