

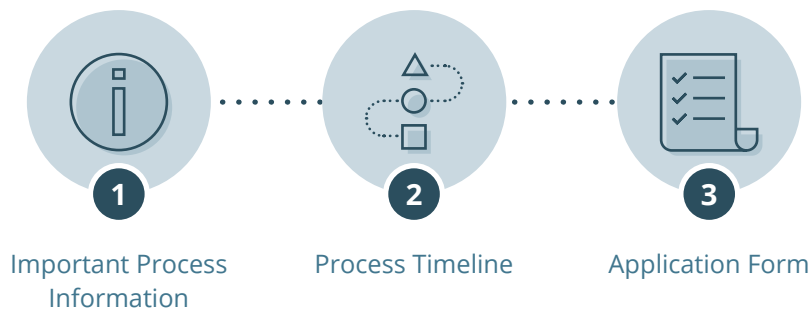


# HISTORIC PRESERVATION // **ECONOMIC HARDSHIP**

## ABOUT THE APPLICATION

The following packet will provide general information to get started on your Economic Hardship request and guide you through the application process from start to finish. The package is broken down into three sections: Information about the application, a visual diagram of the application process, and the application form.

**We highly encourage you to work with our Planning staff prior to submitting an application.** For questions regarding any of the information listed in this packet or to set up a pre-submittal meeting please contact us at [historicpreservation@slcgov.com](mailto:historicpreservation@slcgov.com) or give us a call at 801.535.7757.



### PURPOSE & INTENT OF THE PROCESS



#### **An Economic Hardship may be applied for when:**

1. The Historic Landmark Commission has denied a request for a Certificate of Appropriateness for Demolition of a Contributing Structure. The Economic Hardship request must be submitted within one year from the end of the appeal period for the Demolition request.
2. In conjunction with an application for Demolition of a Landmark Site.

In this process, the property owner must provide evidence that the decision constitutes a denial of all reasonable beneficial or economically viable use of a property without just compensation.

### EVIDENCE SUBMITTED



The burden of proof is on the owner or owner's representative to provide sufficient evidence to demonstrate an economic hardship. Any finding in support of economic hardship shall be based solely on the hardship of the property.

### IN CASE OF AN APPLICATION DENIAL



**Applicant can submit an appeal within thirty (30) days of the Historic Landmark Commission decision.** No further economic hardship determination applications may be considered for the subject property for 3 years from the date of the final decision of the Historic Landmark Commission.

The Historic Landmark Commission may waive this restriction if the Historic Landmark Commission finds there are circumstances sufficient to warrant a new hearing other than the re-sale of the property or those caused by the negligence or intentional acts of the owner.

### CONSULTATION



If you have questions regarding the HP: Economic Hardship regulations or process, please contact the Salt Lake City Planning Counter staff at [historicpreservation@slcgov.com](mailto:historicpreservation@slcgov.com) or give us a call at 801.535.7757. If you would like to discuss your development plan in more detail, you can request a pre-submittal meeting with Planning staff by contacting the Planning Counter.

**Pre-submittal meetings are held on Thursdays in 30 minute slots between 1:30 and 3:30 pm.**

# PROCESS TIMELINE

## TIME FRAME

🕒 2 - 3 MONTHS

- APPLICANT
- STAFF



### APPLICATION RECEIVED

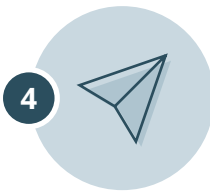
Application submitted and pre-screened to ensure submittal requirements are met and fees are paid.



### PLANNER ASSIGNED

Application reviewed by Planner to ensure complete documentation (if incomplete, the applicant will be provided a list of missing info to submit).

🕒 14 days



### PUBLIC NOTICE

Public notices sent to nearby neighbors, property owners and Community Councils (when required by ordinance). Application routed to City Departments for review.



### QUALIFIED EXPERT REPORT

Qualified expert appointed by the Planning Director to evaluate the application and prepare a report for the Historic Landmark Commission to consider.



### PUBLIC HEARING

Historic Landmark Commission will consider evidence and advice/testimony of appointed qualified expert to make decision.



### DECISION & APPEAL PERIOD

Public hearing held and decision made. 30 day applicant appeal period starts after decision, other affected parties must submit within 10 days.



### BUILDING PERMIT PROCESS

Start of building permit process. Time frames determined by Building Services. [www.slc.gov/buildingservices](http://www.slc.gov/buildingservices)



### HLC NEW CONSTRUCTION

If the Economic Hardship is approved, a HLC New Construction application must be submitted prior to any approval permit for a demolition.

**DISCLAIMER:** APPLICATION TIME FRAMES MAY VARY DEPENDING ON CURRENT WORKLOAD AND COMPLEXITY OF APPLICATIONS. INCOMPLETE OR MISSING INFORMATION ON DRAWINGS AND APPLICATION FORMS WILL DELAY THE PROCESS.

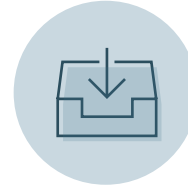
# HP // ECONOMIC HARDSHIP

## IMPORTANT INFORMATION



### CONSULTATION

Available prior to submitting an application. For questions regarding the requirements, email us at [historicpreservation@slcgov.com](mailto:historicpreservation@slcgov.com).



### SUBMISSION

Submit your application online through the [Citizen Access Portal](#). Learn how to submit online by following the [step-by-step guide](#).

## APPLICANT INFORMATION

PROJECT NAME (OPTIONAL)

ADDRESS OF SUBJECT PROPERTY

REQUEST

NAME OF APPLICANT

PHONE

MAILING ADDRESS

EMAIL

APPLICANT'S INTEREST IN PROPERTY (*\*owner's consent required*)

Owner  Architect\*  Contractor\*  Other\*

IF OTHER, PLEASE LIST

NAME OF PROPERTY OWNER (*if different from applicant*)

PHONE

MAILING ADDRESS

EMAIL

## OFFICE USE

CASE NUMBER

RECEIVED BY

DATE RECEIVED

PROPERTY TYPE  Contributing Structure  Landmark Site

**DISCLAIMER:** PLEASE NOTE THAT ADDITIONAL INFORMATION MAY BE REQUIRED BY THE PROJECT PLANNER TO ENSURE ADEQUATE INFORMATION IS PROVIDED FOR STAFF ANALYSIS. ALL INFORMATION REQUIRED FOR STAFF ANALYSIS WILL BE COPIED AND MADE PUBLIC, INCLUDING PROFESSIONAL ARCHITECTURAL OR ENGINEERING DRAWINGS, FOR THE PURPOSES OF PUBLIC REVIEW BY ANY INTERESTED PARTY.

**ACKNOWLEDGMENT OF RESPONSIBILITY**

1. This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application will be processed under the name provided below.
2. By signing the application, I am acknowledging that I have read and understood the instructions provided for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that the documents provided are considered public records and may be made available to the public.
3. I understand that my application will not be processed until the application is deemed complete by the assigned planner from the Planning Division. I acknowledge that a complete application includes all of the required submittal requirements and provided documents comply with all applicable requirements for the specific applications. I understand that the Planning Division will provide, in writing, a list of deficiencies that must be satisfied for this application to be complete and it is the responsibility of the applicant to provide the missing or corrected information. I will keep myself informed of the deadlines for submission of material and the progress of this application.
4. I understand that a staff report will be made available for my review prior to any public hearings or public meetings. This report will be on file and available at the Planning Division and posted on the Division website when it has been finalized.

NAME OF APPLICANT

EMAIL

MAILING ADDRESS

PHONE

APPLICATION TYPE

SIGNATURE

DATE

**LEGAL PROPERTY OWNER CONSENT**

If the applicant is not the legal owner of the property, a consent from property owner must be provided. Properties with a single fee title owner may show consent by filling out the information below or by providing an affidavit.

**Affirmation of sufficient interest:** I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

LEGAL DESCRIPTION OF SUBJECT PROPERTY

NAME OF OWNER

EMAIL

MAILING ADDRESS

SIGNATURE

DATE

1. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing the action.
2. If a joint venture or partnership is the fee owner, attach copy of agreement authorizing action on behalf of the joint venture or partnership.
3. If a Home Owner's Association is the applicant then the representative/president must attach a notarized letter stating they have notified the owners of the proposed application. A vote should be taken prior to the submittal and a statement of the outcome provided to the City along with the statement that the vote meets the requirements set forth in the CC&Rs.

**DISCLAIMER:** BE ADVISED THAT KNOWINGLY MAKING A FALSE, WRITTEN STATEMENT TO A GOVERNMENT ENTITY IS A CRIME UNDER UTAH CODE CHAPTER 76-8, PART 5. SALT LAKE CITY WILL REFER FOR PROSECUTION ANY KNOWINGLY FALSE REPRESENTATIONS MADE PERTAINING TO THE APPLICANT'S INTEREST IN THE PROPERTY THAT IS THE SUBJECT OF THIS APPLICATION.

# RECOMMENDED EVIDENCE

The burden of proof is on the owner or owner's representative to provide sufficient evidence to demonstrate an economic hardship. Any finding in support of economic hardship shall be based solely on the hardship of the property. Evidence may include, but is not limited to the following items:

## CHECK RECOMMENDED

- Indicate if there was knowledge of the landmark designation at the time of acquisition or whether the property was designated subsequent to acquisition.**
- Provide a list of economic incentives and/or funding available through federal, state, city, or private programs.**
- Condition of the property at time of purchase and the applicant's plans for the property at time of purchase.**
- Show current level of economic return on the property by providing the following info:**
  - *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.*
  - *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.*
  - *Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the previous three (3) years.*
  - *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.*
  - *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.*
  - *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.*
  - *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.*
  - *Any state or federal income tax returns on or relating to the property for the previous two (2) years.*
- Show 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:**
  - *Any real estate broker or firm engaged to sell or lease the property.*
  - *Reasonableness of the price or rent sought by the applicant.*
  - *Any advertisements placed for the sale or rent of the property.*

# RECOMMENDED EVIDENCE CONTINUED

CHECK

## RECOMMENDED



**Show the feasibility of alternative uses for the property as considered in relation to the following:**

- 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.
- 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.
- 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.
- 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.



**Economic incentives and/or funding available to the applicant through Federal, State, City, or private programs.**



**Description of past and current use.**



**An itemized report that identifies what is deficient if the building does not meet minimum City Building Code standards or violations of this Code**



**Consideration of map amendment, conditional use, or other land use processes to alleviate hardship.**



**Other evidence that demonstrates economic hardship exists (please describe additional evidence).**

**INCOMPLETE INFORMATION WILL NOT BE ACCEPTED**

INITIALS

**DISCLAIMER:** I ACKNOWLEDGE THAT SALT LAKE CITY REQUIRES THE ITEMS ABOVE TO BE SUBMITTED BEFORE MY APPLICATION CAN BE PROCESSED. I UNDERSTAND THAT PLANNING WILL NOT ACCEPT MY APPLICATION UNLESS ALL OF THE FOLLOWING ITEMS ARE INCLUDED IN THE SUBMITTAL PACKAGE.