

**NOTICE OF A REGULAR MEETING  
OF THE DESIGN REVIEW BOARD OF THE TOWN OF CLARKDALE**

In accordance with Resolution #215 of the Town of Clarkdale, and Section 38-431.02, Arizona Revised Statutes,

**NOTICE IS HEREBY GIVEN that the Design Review Board of the Town of Clarkdale will hold a REGULAR Meeting on Wednesday, September 3, 2014, at 6:30 p.m., in the Men's Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, Arizona.**

*All members of the public are invited to attend.*

The undersigned hereby certifies that a copy of this notice was duly posted on the Town Hall bulletin board, located at 890 Main Street, Clarkdale, Arizona on the 25<sup>th</sup> day of August 2014 at 9:00 a.m.

Dated this 25<sup>th</sup> day of August, 2014 by:

*Vicki McReynolds*

Vicki McReynolds  
Administrative Assistant II

**ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR DISCUSSION AND POSSIBLE ACTION, UNLESS OTHERWISE NOTED.**

1. **CALL TO ORDER:**
2. **ROLL CALL:**
3. **MINUTES:** Consideration of the **Regular Meeting Minutes of June 4, 2014.**
4. **REPORTS:**
  - a. Chairperson & Members Report:
  - b. Staff Report:
5. **PUBLIC COMMENT** – The public is invited to provide comments at this time on items that are not on this agenda. Action taken as a result of public comment will be limited to directing staff to study the matter, or scheduling the matter for further consideration and decision on a later agenda, as required by the Arizona Open Meeting Law. Each speaker is asked to limit comments to **FIVE minutes.**
6. **NEW BUSINESS**

**DISCUSSION & POSSIBLE ACTION:** DRB-090931 – A request to add a sidewalk café to the front of the building on Parcel # 400-03-161 at 911 N. Main St.

- **Staff Report:**
- **Applicant Presentation:**
- **Questions to Staff/Applicant:**
- **Discussion:**
- **Action/Motion:**

**DISCUSSION & POSSIBLE ACTION:** Regarding possible adoption of a Historic Preservation Ordinance.

7. **FUTURE AGENDA ITEMS:**

8. **ADJOURNMENT:**

Reasonable accommodations may be requested by contacting Town Hall at (928) 634-9591 (TTY: 1-800-367-8939) at least 72 hours in advance of the meeting.



- 5. AGENDA ITEM: PUBLIC COMMENT:** The public is invited to provide comments at this time on items that are not on this agenda. Action taken as a result of public comment will be limited to directing staff to study the matter, or scheduling the matter for further consideration and decision on a later agenda, as required by the Arizona Open Meeting Law. Each speaker is asked to limit comments to **FIVE minutes**. **There was no public comment.**

**NEW BUSINESS**

*Chairperson Robyn Prud'homme-Bauer recused herself from this agenda item due to a conflict of interest. Vice Chairperson Marsha Foutz recused herself from this agenda item due to a conflict of interest.*

- 6. AGENDA ITEM: DISCUSSION & POSSIBLE ACTION:** DRB-090892 – A portable sign to be placed at the front of the building on Parcel #400-03-158 at 920 Main Street.

**Staff Report:**

**Background:**

Ms. Prud'homme-Bauer has submitted an application to Design Review for a portable sign for Made in Clarkdale – The Corner Gallery, a business located at 921 Main Street.

The proposed 2' x 3' portable sign is to be placed on the sidewalk in front of their business. The proposed portable sign will display the "Made in Clarkdale" logo in black and a line of black text reading "The Corner Gallery" below will be red text reading "Open". The lower part of the portable sign will have posters added for future events.

**Staff Analysis:**

Pertinent Design Guidelines as adopted by DRB on 2/6/2013.

1. No more than three different fonts should be used in the text for the sign. The proposed sign has (3) three different fonts and does not exceed the suggested font count.
2. Sign should have no more than 50 percent opacity. Dark background colors are preferred. Made in Clarkdale – The Corner Gallery with the added future event posters – the sign complies with the new criteria. (See attached photos).
3. Signs should be non-reflective. The proposed sign has no reflectivity.
4. Signs should be readable from the closest major road. The readability of the Made in Clarkdale – The Corner Gallery proposed sign complies with the new criteria.

**Portable Sign**

Zoning Code Chapter 7 Sign Code Section 7-8-H Portable Signs applicable code: The Made in Clarkdale – The Corner Gallery portable sign complies with this code.

1. Permitted in the Commercial and Central Business Districts with the following restrictions:

***Design Review Board  
June 4, 2014***

Maximum size is six (6) square feet. Portable sign is (6) six square feet.

Information on signs shall be current. The proposed portable sign shall display open.

Signs shall be of sufficient weight and durability to withstand wind gusts and storms so as not to blow over or become airborne. The proposed portable sign will have an under-mounted counter weight.

One portable sign is allowed per business. Only one proposed portable sign is submitted.

One five (5) foot wide pedestrian passage way must be maintained around signs on a public sidewalk. The portable sign will be located on the public right of way and applicant shall assure minimum 5 foot American Disabilities Act ADA isle width is maintained.

No attachments to a portable sign are permitted. Proposed portable sign has no attachments.

Portable signs shall be displayed only during the posted hours of the business is open. Proposed portable sign will be removed at the close of business hours.

**Possible Actions:**

The Design Review Board may approve the signage submitted, conditionally approve the signage with stipulations, or disapprove the application as filed.

**Staff Recommendations:**

Having met all code requirements, staff recommends the signage as presented be approved with the following stipulations:

1. Made in Clarkdale – The Corner Gallery must keep up appearance of sandwich board to comply with Zoning Code Chapter 7 Sign Code Section 7-2-H. General Provisions: Signs shall be maintained and be free of chipping paint, visible cracks or gouges, or general deterioration.

One five (5) foot wide pedestrian passage way must be maintained around signs on a public sidewalk. Applicant portable sign must comply with the American Disabilities Act (ADA) 5' required clearance.

**Applicant Presentation:** Staff went over the applicants request according to the information provided in the Board Member's meeting packets.

**Questions to Staff/Applicant:** None.

**Discussion:** None.

**Action/Motion:** Board Member Garvey motioned to approve DRB-090892 – A portable sign to be placed at the front of the building on Parcel #400-03-158 at 920 Main Street as presented with the following Staff stipulations:

-Made in Clarkdale – The Corner Gallery must keep up appearance of sandwich board to comply with Zoning Code Chapter 7 Sign Code Section 7-2H. General Provisions: Signs shall be maintained and be free of chipping paint, visible cracks or gouges, or general deterioration.

-One five (5) foot wide pedestrian passage way must be maintained around signs on a public sidewalk. Applicant portable sign must comply with the American Disabilities Act (ADA) 5' required clearance.

Board Member Stevenson seconded the motion. The motion passed unanimously.

*Chairperson Robyn Prud'homme-Bauer and Vice Chairperson Marsha Foutz returned to the meeting.*

**AGENDA ITEM: DISCUSSION & POSSIBLE ACTION:** DRB-090891 – A request to add a sidewalk café to the front of the building on Parcel #400-03-160 at 915 Main Street-Clarkdale Market.

**Staff Report:**

**Background:**

Mrs. Caryll Beard has submitted an application to the Design Review Board for a sidewalk café for a business located at 915 Main St.

On March 14, 2012 Resolution #1388 “The Sidewalk Café Permit Code” was approved and created a new Section 4-16: General Provisions Sidewalk Café Permit in the Zoning Code Chapter 4. The purpose of the section is to promote general economic development, protect the public health, safety and general welfare and protect the atmosphere of the Town for the benefit of all businesses, citizens and visitors.

The proposed sidewalk café will consist of three 18” x 26” round tables and six folding chairs to be placed 2’ foot from the street, leaving a 8’ public right of way complying with the American Disabilities Act (ADA) 5’ required clearance. All tables and chairs will be brought in at the close of business. No stanchions are submitted as the business will not be serving alcoholic beverages. (See attached photos.)

***Zoning Code Chapter 4, Section 4-16 Sidewalk Café Permit.***

**Design Review Board  
June 4, 2014**

- C. Permit required and fees: *An annual permit issued by the Town to operate a sidewalk cafe is required and may be issued only to a business that holds all current Federal, State and local licenses required to operate said business wishing to establish a sidewalk cafe on the public or private property directly adjacent to the business to be used by the general public. Applicant has been informed and will purchase a Sidewalk café permit before implementing further actions on premises.*
- D. Furniture: *Use furniture and any other objects of such quality, design, materials, and workmanship that are approved or otherwise authorized by the Design Review Board, including but not limited to barriers, umbrellas, chairs, and tables made of fire retardant and/or pressure treated materials and that can be properly secured/weighted to withstand strong winds. Umbrellas, chairs or tables with advertising, signage or other writing on them are not allowed. Tables and chairs will be pulled in at closing and no advertising exists on proposed tables and chairs.*
- E. Signage: *One temporary, single-sided sign not exceeding six square feet in area, non-illuminated and displayed at a height not exceeding four feet, shall be permitted. The wording of such temporary sign shall be limited to the name of the business operating the sidewalk cafe and may state the items and prices of food offered for sale. The temporary sign shall be placed within the permitted area and shall not be placed on the adjacent building or on any permanent structure and shall be displayed only while the sidewalk cafe is open and operating. The following types of signs and decorations are prohibited: Signs painted or lettered on banner-type material; moving, fluttering and flapping pennants, flags, balloons and similar decorations. Applicant has an approved portable sign.*
- F. Hours: *Sidewalk cafes may operate during the regular business hours of the restaurant operating the sidewalk cafe, but no later than 11:00 p.m. No orders for food and/or beverages shall be taken after 10:00 p.m. for service at the sidewalk cafe. Applicant's business hours are 7:00 AM to 7:00 PM at this time.*
- G. Lighting: *Lighting shall be that from the existing business or street lamps. For safety reasons, no extension cords or free standing temporary lighting will be permitted. Battery operated lights attached to the umbrella poles so as to minimize impact on dark skies and adjacent properties will be permitted. Applicant has been informed of this portion of the code and has no intention of adding lighting at this time.*
- H. Other restrictions:
1. *No outdoor cooking of any type is permitted within the sidewalk cafe area.*

2. *No amplified music is permitted within the sidewalk cafe area. Single acoustic instruments such as a guitar will be allowed so long as musicians have a contractual arrangement with the owner.*
3. **Liquor Service. Each sidewalk cafe serving alcoholic beverages shall provide all services in compliance with relevant local, state, and federal laws, including but not limited to the compliance with State Liquor License requirements and the verification of the legal drinking age of all patrons. No alcoholic beverages shall be removed from the sidewalk cafe in which they were served. Food service shall be available at all times commensurate with alcohol service. The operator of the sidewalk cafe shall comply with all barriers as may be required with an extension of premises of the relevant liquor license. The applicant does not hold a liquor license.**
4. *Health Codes Compliance. Each sidewalk cafe shall ensure compliance with all applicable County Health Codes and obtain any necessary extension/expansion permits required by the County.*
5. *Trash removal. The operator of the sidewalk cafe shall ensure all trash is removed from the sidewalk cafe area at the close of operating hours daily.*
6. *Sidewalk Cafe Location Restrictions. The cafe shall not block or restrict the sidewalk to less than applicable Americans with Disabilities Act (ADA) requirements or block the ingress/egress to any building. Also, no items shall be placed so as to block any doorway, driveway, crosswalk, or counter service window. Clearances should take into consideration nearest immovable object on the sidewalk.*
7. *Smoking. The availability of smoking areas shall be in compliance with applicable federal, state and local laws.*
8. *Any outdoor heating devices need Fire District and Building Official review and approval. The applicant is aware of these other restrictions and shall comply.*

**I. Indemnity & Liability:** *As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying and releasing the Town of Clarkdale, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever. The Town shall not be liable to any permittee or any license holder for any damage, loss, inconvenience, business interruption, demolition, loss of business. The applicant is aware of the Indemnity & Liability obligations and shall comply.*

**Staff Recommendations**

Having met all code requirements, staff recommends the Sidewalk Cafe as presented be approved with the following stipulations:

1. Applicant will purchase a Sidewalk Café permit and submit a liability waiver before implementing further actions on premises.

**Applicant Presentation:** Applicant was not present. Staff went over the applicants request according to the information provided in the Board Member's meeting packets.

**Questions to Staff/Applicant:** None.

**Discussion:** The following are comments from the Board Members:

- The pictures of the tables and chairs provided by the applicant are indoor tables and chairs and would blow away. This does not come close to the design quality of Sidewalk Café seating style.
- Metal chairs will get too hot for the public.
- There was no thought to the design. The tables and chairs are not inviting. The color was fine.
- There is nothing attractive about them out front. The overall appearance is not what we want the Main Street to look like.
- There is a safety issue with the tables and chairs because of the wind.
- They are just too light weight.

**Action/Motion:** Board Member Snyder motioned to not approve DRB-090891 – A request to add a sidewalk café to the front of the building on Parcel #400-03-160 at 915 Main Street-Clarkdale Market as presented, based on lack of compliance with Zoning Code Chapter 4 Section 4-16 Sidewalk Café Permit (D) Furniture: Quality and Wind Safety.

Board Member Garvey seconded the motion. The motion passed unanimously.

7. **AGENDA ITEM: FUTURE AGENDA ITEMS:** None at this time.
8. **AGENDA ITEM: ADJOURNMENT:** Board Member Snyder motioned to adjourn the meeting. Board Member Foutz seconded the motion. The motion passed unanimously. The meeting adjourned at 7:15 p.m.

**APPROVED BY:**

\_\_\_\_\_  
**Chairperson  
Robyn Prud'homme-Bauer**

**SUBMITTED BY:**

\_\_\_\_\_  
**Guss Espolt  
GIS/Planner II**



# STAFF REPORT

## DESIGN REVIEW BOARD

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**Agenda Item:** Discussion/possible action DRB-090931 – A request to add a sidewalk café to the front of the building on Parcel # 400-03-161 at 911 N. Main St.

**Staff Contact:** Guss R. Espolt, Community Development GIS / Planner II

**Submitted By:** Lauranna Dettinger / Manager of the Clarkdale Newstand Bar

**Meeting Date:** September 3, 2014

### **Background:**

Mrs. Lauranna Dettinger has submitted an application to the Design Review Board for a sidewalk café for a business located at 911 N. Main St.

On March 14, 2012 Resolution #1388 “The Sidewalk Café Permit Code” was approved and created a new Section 4-16: General Provisions Sidewalk Café Permit in the Zoning Code Chapter 4. The purpose of the section is to promote general economic development, protect the public health, safety and general welfare and protect the atmosphere of the Town for the benefit of all businesses, citizens and visitors.

The proposed sidewalk café will consist of two aged bronze cast aluminum tables and four chairs of same make and style. Tables are 26.75” tall x 23.5” wide, Chairs are 34” tall x 17.5” wide. The 14’8” x 5’ area will have heavy-weight 16 lb. rust-resistant black powder-coated steel base stanchions with black 2” retractable nylon belts extended around proposed tables and chairs leaving a 5’ public right of way complying with the American Disabilities Act (ADA) 5’ required clearance. All tables and chairs will be brought in at the close of business. (See attached photos.)

### ***Zoning Code Chapter 4, Section 4-16 Sidewalk Café Permit.***

**C. Permit required and fees:** *An annual permit issued by the Town to operate a sidewalk cafe is required and may be issued only to a business that holds*

*all current federal, state and local licenses required to operate said business wishing to establish a sidewalk cafe on the public or private property directly adjacent to the business to be used by the general public. Applicant has been informed and will purchase a Sidewalk café permit before implementing further actions on premises.*

- D. Furniture:** *Use furniture and any other objects of such quality, design, materials, and workmanship that are approved or otherwise authorized by the Design Review Board, including but not limited to barriers, umbrellas, chairs, and tables made of fire retardant and/or pressure treated materials and that can be properly secured/weighted to withstand strong winds. Umbrellas, chairs or tables with advertising, signage or other writing on them are not allowed. The tables and chairs weigh 60 lbs. and will be pulled in at closing, no advertising exists on proposed tables and chairs.*
- E. Signage:** *One temporary, single-sided sign not exceeding six square feet in area, non-illuminated and displayed at a height not exceeding four feet, shall be permitted. The wording of such temporary sign shall be limited to the name of the business operating the sidewalk cafe and may state the items and prices of food offered for sale. The temporary sign shall be placed within the permitted area and shall not be placed on the adjacent building or on any permanent structure and shall be displayed only while the sidewalk cafe is open and operating. The following types of signs and decorations are prohibited: Signs painted or lettered on banner-type material; moving, fluttering and flapping pennants, flags, balloons and similar decorations. Applicant has no portable signage design at this time.*
- F. Hours:** *Sidewalk cafes may operate during the regular business hours of the restaurant operating the sidewalk cafe, but no later than 11:00 p.m. No orders for food and/or beverages shall be taken after 10:00 p.m. for service at the sidewalk cafe. Applicant's business hours are 10:00 AM to 2:00 AM. Local restaurants supply and deliver food to customers of the Clarkdale Newstand Bar.*
- G. Lighting:** *Lighting shall be that from the existing business or street lamps. For safety reasons, no extension cords or free standing temporary lighting will be permitted. Battery operated lights attached to the umbrella poles so as to minimize impact on dark skies and adjacent properties will be permitted. Applicant has been informed of this portion of the code and has no intention of adding lighting at this time.*

#### **H. Other restrictions:**

1. *No outdoor cooking of any type is permitted within the sidewalk cafe area.*
2. *No amplified music is permitted within the sidewalk cafe area. Single acoustic instruments such as a guitar will be allowed so long as musicians have a contractual arrangement with the owner.*
3. *Liquor Service. Each sidewalk cafe serving alcoholic beverages shall provide all services in compliance with relevant local, state, and federal laws, including but not limited to the compliance with State Liquor License requirements and the verification of the legal drinking age of all patrons. No alcoholic beverages shall be removed from the sidewalk cafe in which they were served. Food service shall be available at all times commensurate with alcohol service. The operator of the sidewalk cafe shall comply with all barriers as may be required with an extension of premises of the relevant liquor license.*
4. *Health Codes Compliance. Each sidewalk cafe shall ensure compliance with all applicable County Health Codes and obtain any necessary extension/expansion permits required by the County.*
5. *Trash removal. The operator of the sidewalk cafe shall ensure all trash is removed from the sidewalk cafe area at the close of operating hours daily.*
6. *Sidewalk Cafe Location Restrictions. The cafe shall not block or restrict the sidewalk to less than applicable Americans with Disabilities Act (ADA) requirements or block the ingress/egress to any building. Also, no items shall be placed so as to block any doorway, driveway, crosswalk, or counter service window. Clearances should take into consideration nearest immovable object on the sidewalk.*
7. *Smoking. The availability of smoking areas shall be in compliance with applicable federal, state and local laws.*
8. *Any outdoor heating devices need Fire District and Building Official review and approval. The applicant is aware of these other restrictions and shall comply.*

**I. Indemnity & Liability:** *As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying and releasing the Town of Clarkdale, its agents, employees*

*and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever. The Town shall not be liable to any permittee or any license holder for any damage, loss, inconvenience, business interruption, demolition, loss of business.* The applicant is aware of the Indemnity & Liability obligations and shall comply.

**Staff Recommendations**

Having met all code requirements, staff recommends the Sidewalk Cafe as presented be approved with the following stipulations:

1. Applicant will purchase a Sidewalk Café permit and submit a liability waiver before implementing further actions on premises.

**Attachments**

1. Sidewalk Café layout
2. Photos of Sidewalk Café tables and chairs placement
3. Aerial view of the site
4. Town Code Chapter 10, Article 2:Smoking
5. Arizona Revised Statutes 36-601.01. Smoking-Free Arizona Act
6. A.A.C. (Arizona Administrative Code) R9-2-108 Outdoor Patios

Complete the following-Print or type (all blanks must be completed, if not applicable write "N/A"):

**INFORMATION:**

Property Address: 911 N. MAIN STREET Zoning: COMMERCIAL  
(Attach separate sheet if necessary)

CLARKDALE, AZ 86324

Applicant Name: Lauranna (Kay) Dettinger Applicant Phone #: (928) 274-5134  
(928) 634-5191

Applicant's Relationship to Property Owner: MANAGER "CLARKDALE NEWSTAND BAR"

Property Owner(s) Name and Address: (Identify partners, corporation officer; specify ownership interest: fee, option, etc.)

PRISCA T. MORELAND P.O. Box 1124 911 N. MAIN ST. CLARKDALE AZ  
86324

Type of occupancy use(s)/classification(s) of the building: BAR/TAVERN

Square footage of proposed structure (broken down by use in a mixed use project): \_\_\_\_\_

**CONTACT PERSON:**

Identify the person to serve as the contact person. This will be the only person notified by the Town of the meeting schedule. It will be his or her responsibility to notify the other parties who may be involved.

Name: Lauranna "Kay" Dettinger

Mailing Address: P.O. Box 1124 Clarkdale, AZ

Phone #: (928) 634-5191 (BAR) 86324

**OWNER CERTIFICATION:**

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the Town of Clarkdale to enter the premises described in this application.

Signature: Prisca T. Moreland Date: 06-27-14

Name (Printed): PRISCA T. MORELAND Telephone #: (928) 301-4700 cell

Mailing Address: P.O. Box 1124 Town: CLARKDALE State: AZ Zip Code: 86324

**STAFF USE ONLY**

Application Accepted By: GUSS/CDD Date: 8/7/14 Time: 1:30pm

Fee Received: \$90.00 paid Projected Design Review Board Date: 9/3/14  
CHK # 5767 - Clarkdale Newstand LLC



## Angelina Aged Bronze Bistro Set

Compare product

Rated ★★★★★ (out of 6 reviews)

Share this Product: [f](#) [t](#) [p](#) [r](#)

Item #262410

Your Price **\$129.99**

Features:  
Genuine Cast Aluminum

Shipping & Handling included \*

[Assembly Manual](#)

QUANTITY 1

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The estimated delivery time will be approximately 5 - 7 business days from the time of order.

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[Returns/Warranty](#)

[Reviews \(6\)](#)

Charming and elegant, this tulip and scroll design bistro set creates a divine dining area anywhere you place it. Perfect outdoors when placed on a patio, on a deck, or poolside, it would work equally well indoors as a cozy breakfast nook for small kitchens. It could also be nestled on a front or back porch to create the perfect coffee or tea break area. Don't let the delicate and graceful lines fool you, this set is very sturdy and is made of heavy weight cast aluminum. It will comfortably seat all ages. When left outdoors the set will weather over-time creating a beautiful patina unique to each individual set. A must have for chic, classic, "where you need it" dining.

- Color: Aged Bronze
- Set include 2 chairs and 1 table
- Made of genuine cast aluminum
- Elegant tulip design across seat back
- Sturdy and strong for comfortable seating
- Easily moved from one area to another
- Low maintenance care
- Works in many settings
- Durable and quality made for years of use
- Perfect seating for two
- May be used outdoors or indoors
- Wide leg positioning for added stability
- Assembly Required, tools included

### Dimensions:

- Chair: 34"H x 17.5"W x 17.75"L
- Table: 26.75"H x 23.5"W x 23.5"L
- Weight: 60 lbs

**Stanchion Posts: Deluxe Line Round - Matte Black w/ 9'-7" Black Belt**



**Here's What Customers Are Saying About The New Black Powder-Coated Steel Queue Pole Deluxe Stanchion:**

"We were really pleased with the stanchions- they took about 5 minutes from opening the box to being assembled and used. Having looked around at other brands, I thought that for the reasonable price there must be a sacrifice in quality, but they are really well constructed."

- Rich Elliott, Park Street Church, Boston, MA

**GREAT FEATURES**

- Our Deluxe Line – stanchions crafted from sturdy materials with superb features – sold at the same prices as competitors' Economy stanchions!
- Non-marking rubberized base protects floor & adds stability
- Built-in 4-way adaptor expands configuration possibilities
- Traditional round design looks great in any environment; crafted from sturdy steel with a matte black finish
- Automatic belt lock prevents accidental release of belts & is built into every cassette (offered at an *additional cost* from many competitors)
- Heavy-weight, 16 lb. rust-resistant steel base; features ABS plastic protective cover (that matches stanchion posts' finish) to prevent scratching & marring of base (21.5 lb. total weight)
- Full 40" height stanchion posts, not "cut down" like many competitors' stanchion posts
- 2" high retractable, tightly-woven black nylon belt extends anywhere between 0" and 9'-7"
- Long, 9' 7" belt comes standard on all stanchion posts (no extra charge!) & means fewer stanchion posts to buy

**BONUS FEATURES!**

• **Check Out New Accessories To The Right!**

- Stanchion posts ship ground, knocked-down for the cheapest freight costs
- Comprehensive product and packaging tests ensure your stanchion posts arrive undamaged
- A simple solution to high quality stanchion posts at a low cost with a short lead time: Designed in the US by our engineers, manufactured abroad, and sent back to our warehouse so they can ship DIRECTLY to you with a *short* lead time!

**Specifications**

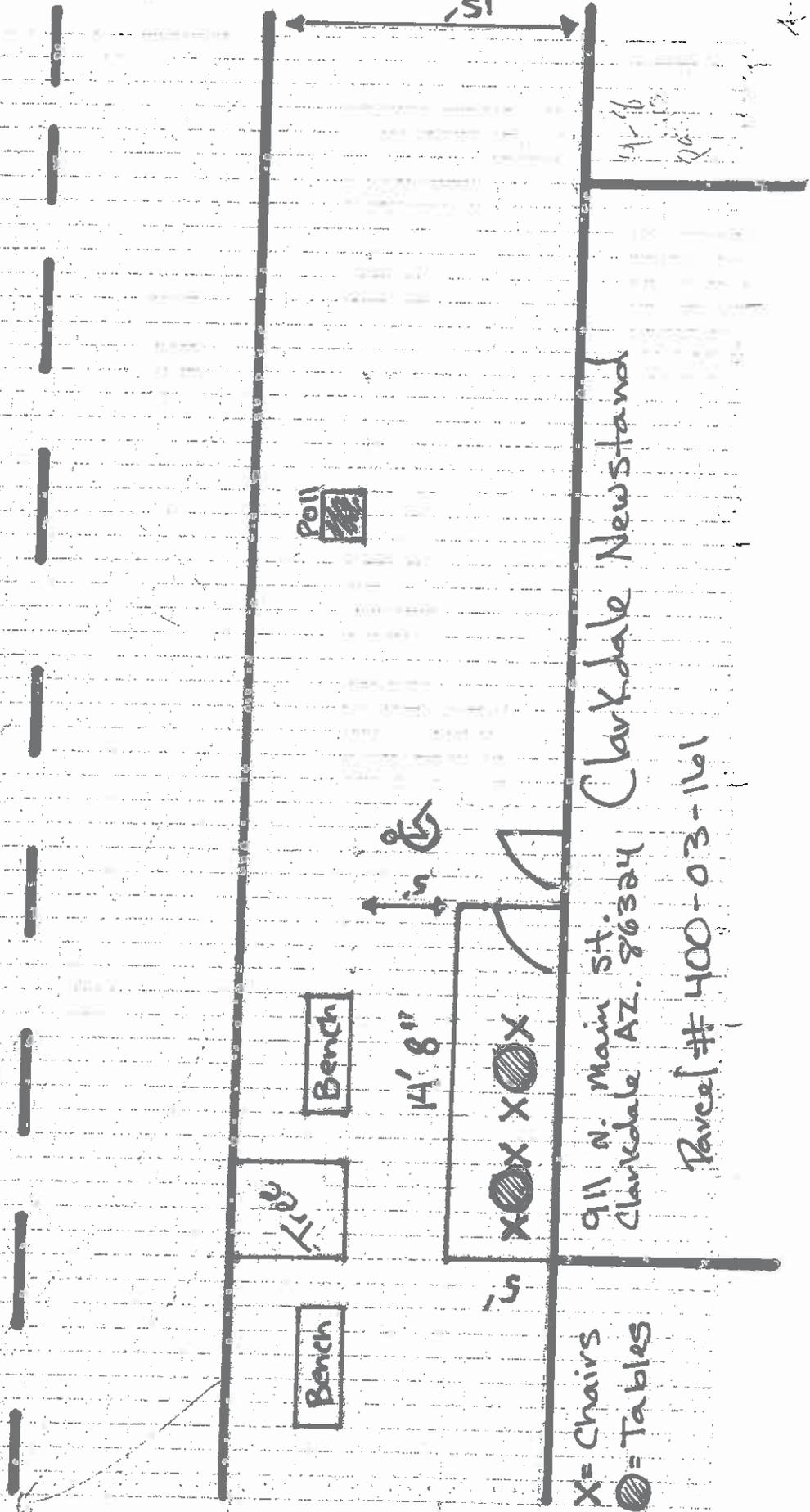
SKU	RCCDBLKBK
Height x Diameter	40.0" x 14.0"
Material	Steel
Color	Black
Weight	21.5lbs
Placement Style	Floor Standing
Belt / Rope Length	9.6'
Belt Width	2.0"
Belt / Rope / Banner Color	Black
Line / Series	QueuePole







Street



911 N. Main St. Clarkdale AZ. 86304

Parcel # 400-03-161

X = Chairs  
O = Tables

11-16  
A. J. S.



NINTH ST

MAIN ST

TENTH ST

911

**Parcel# 400-03-161**  
**911 N. Main Street**



August 12, 2014

The Town of Clarkdale  
Community Development Department  
Clarkdale, AL 36024  
(205) 639-2000



## CHAPTER 10 OFFENSES

3. Camping shall be in a recreational vehicle (RV) or travel trailer only, with a self contained sewage collection system.
- C. For the purposes of this section, the term “camping” means to use real property for living accommodation purposes such as sleeping activities, or making preparations to sleep, including the laying down of bedding for the purpose of sleeping, or storing personal belongings, or making any fire, or using any tents or shelter or other structure or vehicle for sleeping or doing any digging or earth breaking or carrying on cooking activities. The above-listed activities constitute camping when it reasonably appears, in light of all the circumstances, that the participants in conducting these activities are in fact using the area for living accommodations purposes regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

### Article 10-2 SMOKING

10-2-1	Purpose
10-2-2	Definitions
10-2-3	Regulation of Smoking in Town-Owned Public Places
10-2-4	Regulation of Smoking in Enclosed Public Places
10-2-5	Regulation of Smoking in Places of Employment
10-2-6	Hardship Cases; Exemptions
10-2-7	Appeals to the Service Committee
10-2-8	Where Smoking is Not Required
10-2-9	Posting Regulation

#### Section 10-2-1 Purpose

Since the smoking of tobacco or any other plant is a positive danger to the health and a material annoyance, inconvenience, discomfort and a health hazard to those who are present in confined spaces, and in order to serve the public health, safety and welfare, the declared purpose of this chapter is to prohibit the smoking of tobacco or any other plant within enclosed places, as defined in this chapter, and places of employment.

#### Section 10-2-2 Definitions

- A. **BAR**” means a facility devoted primarily to serving alcoholic beverages pursuant to either a Bar License or Beer and Wine Bar license from the State Liquor Department and which does not qualify as a restaurant.

## CHAPTER 10 OFFENSES

- B. **“DESIGNATED SMOKING AREA”** means any area within an enclosed public place where smoking is specifically permitted, provided however, that any designated smoking area shall not exceed in area and size of the nonsmoking area and shall be so situated as to allow nonsmoking individuals reasonable opportunity to conduct normal activity in a smoke free environment.
- C. **“EMPLOYEE”** means any person who is employed by an employer for direct or indirect monetary wages or profit.
- D. **“EMPLOYER”** means any person or entity employing the services of an employee.
- E. **“ENCLOSED PUBLIC PLACE”** means any area closed in by a roof and walls with openings for ingress and egress which is available to and customarily used by the public. Enclosed public places regulated by this chapter shall include but not be limited to public areas of grocery stores, waiting rooms, public and private schools, doctors office buildings, community centers, child care centers, public restrooms, hotels, motels, all indoor facilities, all public places regulated by A.R.S. 36-601.01, and restaurants or cafeterias. A private residence is not a “public place.”
- F. **“PLACE OF EMPLOYMENT”** means any enclosed area under the control of a private or public employer. A private residence is not a “place of employment.”
- G. **“PRIVATE OFFICE”** means a fully enclosed area, with doorways and walls extending from the floor to the ceiling occupied by a single person.
- H. **“RESTAURANT”** Means a facility which is regularly open for the primary purpose of serving food prepared for consumption, either on or off the premises, to customers for compensation. No facility shall be classified as a restaurant unless such facility receives at least forty percent (40%) of its gross revenues from serving food.
- I. **“SMOKE” OR “SMOKING”** as defined in this chapter includes:
1. Carrying or placing of a lighted cigarette or lighted cigar or lighted pipe or any other lighted smoking equipment in one’s mouth for the purpose of inhaling and exhaling smoke or blowing smoke rings.
  2. Placing of a lighted cigarette or lighted cigar or lighted pipe or any other lighted smoking equipment in an ashtray or other receptacle, and allowing

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smoke to diffuse in the air.

3. Carrying or placing of a lighted cigarette or lighted cigar or lighted pipe or any other lighted smoking equipment in one's hands or any appendage or devices and allowing smoke to diffuse in the air.

- J. "SMOKE MEDICAL MARIJUANA" as defined in this chapter means the use of medical marijuana as authorized under the provisions of the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency, including smoking or any method of consumption other than smoking. (Created 3/8/11 Ordinance #331)

### Section 10-2-3 Regulation of Smoking in Town - Owned Public Places

All enclosed public places occupied by the Town of Clarkdale shall be subject to the provisions of this Chapter.

### Section 10-2-4 Regulation of Smoking in Enclosed Public Places (Revised 3/8/11 Ordinance #331)

- A. No person shall smoke in any enclosed public place except in designated smoking areas.
- B. No person shall smoke medical marijuana in any enclosed public place or public place, as defined by the pursuant to the Arizona Medical Marijuana Act and the regulations promulgated by the Arizona Department of Health Services or its successor agency.
- C. Any violation of this section is a petty offense punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) shall be imposed.

### Section 10-2-5 Regulation of Smoking in Places of Employment

- A. On or before September 15, 1988, each employer in each place of employment within the Town shall adopt, implement, maintain, and announce to its employees a smoking policy containing at a minimum the following requirements:
  1. Smoking is prohibited in conference rooms, meeting rooms, classrooms, auditoriums, restrooms provided by employers for employee use, and in waiting areas, medical facilities, hallways, stairways and elevators.

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2. Provision and maintenance of a separate nonsmoking area of not less than one-half of the seating capacity and floor space in cafeterias, lunchrooms and employee lounges.
  3. Any nonsmoking employee may object to his or her employer about smoke in his or her immediate work area. The employer shall include in its written policy a reasonable definition of the term "immediate work area." The employer shall use its best efforts to reasonably accommodate the preferences of nonsmoking and smoking employees, but no employer is required to make any structural changes to the place of employment.
  4. If no accommodation reasonably satisfactory to all affected nonsmoking employees can be reached in any given work area, the preferences of nonsmoking employees shall prevail and the employer shall prohibit smoking in that work area. Where the employer permits smoking in a work area, it shall clearly mark that area with appropriate "Smoking Permitted" signs, and upon request provide signs to employee(s) for use in designating such areas.
  5. The occupant of a private office may designate such office as either a "smoking permitted" or a "no smoking" area. If designated as a smoking area, the occupant of the office shall mark the private office with appropriate "smoking permitted" signs.
- B. Notwithstanding the provisions of subsection A of this section every employer shall have the right to designate any place of employment, or portion thereof, as a nonsmoking area.
- C. No employee shall be terminated or subject to disciplinary action solely as a result of his or her complaint about smoking or nonsmoking in the work place.
- D. The Fire Chief, or his designee, is authorized to investigate any complaints of violation of this section. Upon a determination of reasonable cause that a violation exists, the Fire Chief, or his designee, may issue and serve upon the employer, or the employer's agent, a notice of violation stating with reasonable particularity the nature of the violation. Within fifteen (15) days of service of said notice the employer shall in writing either submit a compliance plan to the Fire Chief, or request a hearing on the violation by filing a written request with the Town Manager. If a hearing is requested, a hearing officer appointed by the Town Manager, or his designee, shall designate a time and place for the hearing and shall serve upon the employer a notice thereof not less than ten (10) days before the date of the hearing. For purposes of this subsection, service on the employer, or the employer's agent, shall be made by mailing a copy thereof to the

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place of business of the employer by certified or registered mail. Service shall be deemed completed when mailed.

- E. At the hearing it shall be the burden of the Town to provide by a preponderance of the evidence that a violation has occurred. Formal rules of evidence shall not apply and the hearing officer may admit whatever evidence he or she deems probative.
- F. If the hearing officer determines that a violation has occurred the hearing officer shall issue an order declaring continued noncompliance with this Section to be a nuisance and shall impose a civil sanction of one hundred dollars (\$100.00) against the employer. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.
- G. Failure to respond timely to a notice of violation as described in Subsection D shall result in a default judgment imposing the penalties provided for in Subsection F being entered against the violator.

### Section 10-2-6 Hardship Cases: Exemptions

- A. An employer may be granted an exemption from the requirements of Section 10-2-5 on a showing that an undue hardship would result to the business of the employer forced to comply with the provisions of that Section, and such exemption would not be detrimental to the employees of the employer.
- B. An application for an exemption pursuant to this subsection shall be made to the Town Manager and shall be in writing. The application shall set forth the reasons why the requirements of this Chapter would result in an undue hardship shall contain a statement by the employer that such an exemption would not be detrimental to any of the employees, and shall list the names, addresses and telephone numbers of all employees of the employer.
- C. Upon receiving an application, the Town Manager shall appoint a hearing officer to hear the application. The hearing officer shall set a hearing date, time and place within a reasonable time. The employer and all employees of the employer shall be given written notice by the hearing officer of the date, time and place of the hearing, and be given an opportunity to be heard. If the hearing officer finds that compliance with the requirements of Section 10-2-5 would be an undue hardship and that an exemption would not be detrimental to any of the employees, the hearing officer may grant an exemption.

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### Section 10-2-7 Appeals to the Town Council

- A. Any person who appeared before the hearing officer at the hearing provided for in Section 10-2-6 may appeal the decision of the hearing officer to the Town Council. An appeal may be taken by filing with the hearing officer, appointed pursuant to Section 6, a notice of appeal specifying the grounds thereof. The hearing officer shall forthwith transmit to the members of the Town Council all papers constituting the records upon which the action appealed from was taken.
- B. Upon receiving the notice of appeal and the records from the hearing officer the Town Council shall set a hearing date, time and place with a reasonable time, with the hearing to be held before the Town Council. The employer and all employees of the employer shall be given written notice by the Mayor of the Town Council of the date, time and place of the hearing and be given an opportunity to be heard. The Town Council may affirm, reverse or modify any ruling made by the hearing officer, and the decision of the Town Council shall be final.

### Section 10-2-8 Where Smoking is Not Regulated

Notwithstanding any other provisions of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

- A. Private Residences.
- B. Bars.
- C. Bowling lanes, billiards/recreation rooms.
- D. Hotel and motel rooms rented to guests.
- E. Retail stores.
- F. On stage smoking as part of a stage production, ballet or similar exhibition.
- G. Conference and meeting rooms and private meeting rooms while these places are being used exclusively for private functions; excluding Town-owned buildings.
- H. Private clubs and recreation facilities.
- I. Public areas of restaurants that conspicuously post a notice at each entrance that

## CHAPTER 10 OFFENSES

the restaurant does not provide nonsmoking areas in accordance with this chapter.

- J. Public areas of hotels and motels that conspicuously post a notice at each entrance that the hotel or motel does not provide nonsmoking areas in accordance with this chapter.

### Section 10-2-9 Posting Regulations

- A. "No Smoking" signs, or the international "No Smoking" symbol shall be clearly and conspicuously posted by the owner, operator, manager, or employer or other person in control in every place where smoking is controlled by this chapter, and "Smoking Permitted" signs shall be clearly and conspicuously posted in areas where smoking is permitted.
- B. Any owner, manager, operator or employer of any establishment controlled by this Chapter shall, upon either observing or being advised of a violation of Section 10-2-4, have the obligation to inform the violator of the appropriate requirements of this Chapter and then request immediate compliance.
- C. A violation of this Section is a petty offense, punishable by a fine not to exceed one hundred dollars (\$100.00).

### Article 10-3 CURFEW HOURS FOR MINORS

10-3-1	Definitions
10-3-2	Curfew Regulations
10-3-3	Defenses/Exceptions
10-3-4	Enforcement
10-5-5	Penalties

#### Section 10-3-1 Definitions

- A. "EMERGENCY" means an unforeseen combination of circumstances or the resulting state that calls for immediate action.
- B. "GUARDIAN" means a person who, under court order, is the guardian of a minor or a public or private agency with who a minor has been placed by an authorized agency or court; or at least 21 years of age and authorized by a parent or guardian to have the care and custody of a minor.

**36-601.01. Smoke-free Arizona act**

(Caution: 1998 Prop. 105 applies.)

A. Definitions. The following words and phrases, whenever used in this section, shall be construed as defined in this section:

1. "Employee" means any person who performs any service on a full-time, part-time or contracted basis whether or not the person is denominated an employee, independent contractor or otherwise and whether or not the person is compensated or is a volunteer.
2. "Employer" means a person, business, partnership, association, the state of Arizona and its political subdivisions, corporations, including a municipal corporations, trust, or non-profit entity that employs the services of one or more individual persons.
3. "Enclosed area" means all space between a floor and ceiling that is enclosed on all sides by permanent or temporary walls or windows (exclusive of doorways), which extend from the floor to the ceiling. Enclosed area includes a reasonable distance from any entrances, windows and ventilation systems so that persons entering or leaving the building or facility shall not be subjected to breathing tobacco smoke and so that tobacco smoke does not enter the building or facility through entrances, windows, ventilation systems or any other means.
4. "Health care facility" means any enclosed area utilized by any health care institution licensed according to title 36 chapter 4, chapter 6 article 7, or chapter 17, or any health care professional licensed according to title 32 chapters 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25, 28, 29, 33, 34, 35, 39, 41, or 42.
5. "Person" means an individual, partnership, corporation, limited liability company, entity, association, governmental subdivision or unit of a governmental subdivision, or a public or private organization of any character.
6. "Physically separated" means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passageway) and independently ventilated from smoke-free areas, so that air within permitted smoking areas does not drift or get vented into smoke-free areas.
7. "Places of employment" means an enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including office buildings, work areas, auditoriums, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, cafeterias, hallways, stairs, elevators, health care facilities, private offices and vehicles owned and operated by the employer during working hours when the vehicle is occupied by more than one person. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.
8. "Veteran and fraternal clubs" means a club as defined in A.R.S. 4-101(7)(a)(b) or (c).
9. "Public place" means any enclosed area to which the public is invited or in which the public is permitted, including airports, banks, bars, common areas of apartment buildings, condominiums or other multifamily housing facilities, educational facilities, entertainment facilities or venues, health care facilities, hotel and motel common areas, laundromats, public transportation facilities, reception

identifying where smoking is prohibited by this section and where complaints regarding violations may be registered.

2. Every public place and place of employment where smoking is prohibited by this section shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

3. All ashtrays shall be removed from any area where smoking is prohibited by this section by the owner, operator, manager, or other person having control of the area.

F. No employer may discharge or retaliate against an employee because that employee exercises any rights afforded by this section or reports or attempts to prosecute a violation of this section.

G. The law shall be implemented and enforced by the department of health services as follows:

1. The department shall design and implement a program, including the establishment of an internet website, to educate the public regarding the provisions of this law.

2. The department shall inform persons who own, manage, operate or otherwise control a public place or place of employment of the requirements of this law and how to comply with its provisions including making information available and providing a toll-free telephone number and e-mail address to be used exclusively for this purpose.

3. Any member of the public may report a violation of this law to the department. The department shall accept oral and written reports of violation and establish an e-mail address(es) and toll-free telephone number(s) to be used exclusively for the purpose of reporting violations. A person shall not be required to disclose the person's identity when reporting a violation.

4. If the department has reason to believe a violation of this law exists, the department may enter upon and into any public place or place of employment for purposes of determining compliance with this law. However, the department may inspect public places where food or alcohol is served at any time to determine compliance with this law.

5. If the department determines that a violation of this law exists at a public place or place of employment, the department shall issue a notice of violation to the person who owns, manages, operates or otherwise controls the public place or place of employment. The notice shall include the nature of each violation, date and time each violation occurred, and department contact person.

6. The department shall impose a civil penalty on the person in an amount of not less than \$100, but not more than \$500 for each violation. In considering whether to impose a fine and the amount of the fine, the department may consider whether the person has been cited previously and what efforts the person has taken to prevent or cure the violation including reporting the violation or taking action under subsection J. Each day that a violation occurs constitutes a separate violation. The director may issue a notice that includes the proposed amount of the civil penalty assessment. A person may appeal the assessment of a civil penalty by requesting a hearing. If a person requests a hearing to appeal an assessment, the director shall not take further action to enforce and collect the assessment until the hearing process is complete. The director shall impose a civil penalty only for those days on which the violation has been documented by the department.

7. If a civil penalty imposed by this section is not paid, the attorney general or a county attorney shall file an action to collect the civil penalty in a justice court or the superior court in the county in which the violation occurred.

N. Tribal sovereignty - this section has no application on Indian reservations as defined in ARS 42-3301(2).

## Information extracted from the A.A.C (Arizona Administrative Code)

### **R9-2-108. Repealed-Outdoor Patio**

**A. A proprietor may designate an area as an outdoor patio where smoking is permitted only if the area:**

- 1. Is a contiguous area of a place of employment or public place;**
- 2. Is controlled by the proprietor of the place of employment or public place; and**
- 3. Has:**
  - a. At least one side that consists of:**
    - i. Open space;**
    - ii. Permeable material;**
    - iii. A combination of open space and permeable material; or**
    - iv. A combination of open space, permeable material, and a non-permeable wall that is not higher than three and one-half feet or the minimum height required by an applicable local ordinance or building code, whichever is greater; or**
  - b. No overhead covering or an overhead covering that consists of:**
    - i. Permeable material, or**
    - ii. A combination of open space and permeable material.**

**B. If an outdoor patio where smoking is permitted has a doorway for outdoor patio patrons and does not have a wall that prevents individuals from entering the outdoor patio, the proprietor shall:**

- 1. Inform individuals that the doorway:**
  - a. Is not an entrance, and**
  - b. Is a doorway for outdoor patio patrons; and**
- 2. Direct individuals who are not outdoor patio patrons to an entrance.**

**C. If a proprietor designates an area as an outdoor patio where smoking is permitted, the proprietor shall not permit tobacco smoke to drift into areas where smoking is prohibited through entrances, windows, ventilation systems, or other means.**

**D. The reasonable distance required in R9-2-102(A) does not apply to a doorway for outdoor patio patrons, a window, or a ventilation system located in an area designated as an outdoor patio where smoking is permitted.**

**E. If an outdoor patio is located less than 20 feet from any entrance of a public place or non-vehicle place of employment, a proprietor may permit smoking on the outdoor patio only if the proprietor uses a method that:**

- 1. Permits an individual to avoid breathing tobacco smoke when using the entrance at the public place or non-vehicle place of employment, and**
- 2. Does not permit tobacco smoke to drift into the public place or non-vehicle place of employment through entrances, open windows, ventilation systems, or other means.**



# STAFF REPORT

## DESIGN REVIEW BOARD

**Agenda Item:** Discussion/possible action regarding possible adoption of a Historic Preservation Ordinance.

**Staff Contact:** Beth Escobar, Senior Planner

**Meeting Date:** September 3, 2014

**Background:**

Staff is exploring the possibility of adopting a Historic Preservation Ordinance. The original town site was listed as a Historic District on the National Registry in 1998. Several private residences and the Clark Memorial Clubhouse are individually listed on the national historic register.

The historic district classification designates Clarkdale as a locally significant property because of the history of the area.

Criteria listed in the nomination for the historic district includes:

- A. Property is associated with events that have made a significant contribution to the broad patterns of our history. (Clarkdale is an intact example of a company town – housing architecture was emphasis of nomination application)
- B. Property embodies the distinctive characteristics of a type, period or method.

The historic district designation focuses on the development of Clarkdale as a master planned, completely company-owned property, providing a place to live and access to everyday services within the town. The designation is not focused on the architectural styles used in the commercial buildings. Renovation of community-oriented services within the commercial buildings within the district reinforces the historic designation. However, staff believes the preservation of the architectural details of existing buildings within the district would help reinforce and preserve the character of Clarkdale.

A Historic Preservation Ordinance is the tool to recognize, protect and preserve architectural and design features of commercial buildings within the district.

Adoption of a historic preservation ordinance is supported by the 2012 Clarkdale General Plan:

Land Use Element Goal 2.1.a Support historic preservation of residential, commercial and institutional buildings. Action: Amend the zoning code to provide for historic preservation design codes.

1. Protect historic buildings which enhance the unique character of Clarkdale.
2. Encourage maintenance and preservation of existing historic structures.
3. Underscore the importance of the original historic structures to the economic prosperity of Clarkdale.
4. Further the Goals and Policies of the Clarkdale General Plan.
5. Establish guidelines for the renovation of existing buildings within the Clarkdale Historic District.

Upon adoption of a Historic Preservation Ordinance, the Town may be designated as a certified local government and becomes eligible for planning grants from the State Historic Preservation Office.

### **Draft Ordinance**

The Ordinance would apply to commercial use buildings only. The ordinance will identify visual aspects and components of the exterior of the buildings and the architectural elements that define the character of the area, such as shape, building materials and textures, openings, trim materials and embellishments, and roof materials and roof lines. These elements will provide a guide for review of changes and renovations to existing buildings. A draft Historic Preservation Guidelines document is included with this report. These guidelines are based on information from the National Historic Preservation Office and the Secretary of Interior Standards for Rehabilitation of Historic Buildings.

Staff is not proposing guidelines for interior remodeling. There is nothing in the historic district nomination wording recognizing any specific interior design feature as contributing to the historic district designation. Per the historic district award, reinstatement of a commercial use in these buildings and a revitalization of the commercial core of the Town serves the historic district designation. In staff's opinion, restricting interior remodeling may prove to inhibit renovation of these buildings.

A secondary purpose of the ordinance is to provide a process to facilitate placing existing buildings on the list of National Historic Landmarks. A comprehensive examination of properties within the district are which may be suitable for landmark designation has not been conducted. However, having a historic preservation ordinance in place is required before any building could apply for landmark status. Landmarking provides eligibility for both state and federal grants. Examples of other buildings in Arizona that have received landmark designation include the Riordan Mansion in Flagstaff, Sharlott Hall Museum in Prescott and the Tombstone Courthouse. Buildings within the Clarkdale Historic District that might be suitable for landmarking include the Yellow School House, buildings and structures on the old smelter site, the Main Street Commercial block, Clarkdale Classic Station, Main Street Cafe and St. Cecilia's Catholic Church. Landmarking does not limit development rights of a property. The Landmark designation would acknowledge the importance of the existing structure to the history of Clarkdale.

The draft ordinance will also contain language prohibiting demolition of an existing property within the Historic District without review and approval by the Board as well as a requirement the properties shall be maintained in good condition.

**Preservation versus Sustainability**

Staff is not suggesting the existing buildings be prevented from any upgrades that would improve the energy efficiency of the buildings, such as replacement of windows or doors or upgrades to electrical, plumbing and heating and cooling systems. Staff believes these upgrades can be accomplished within the existing framework of the structures and that increasing the energy efficiency of buildings is complementary to one of the guiding principles of the Town.

**Review Committee:**

The State Historic Preservation Office requires a citizen committee be formed to evaluate proposed renovation of buildings within the historic district and to nominate buildings for a landmark status. Staff is requesting the Design Review Board consider taking on these duties. Staff believes this Board has the knowledge of architectural and design features necessary to complete a comprehensive review of applications to renovate existing buildings within the historic district.

**Recommendation:** Staff is requesting direction from the Board as to whether they would accept acting as the Historic Preservation Commission.

**Attachments:**

1. Draft Historic Preservation Guidelines Properties
2. Top ten myths of historic preservation

## Historic Preservation Guidelines

Preservation of the existing character of commercial buildings within the Clarkdale Historic District has been identified as critical to protecting the character of the original town site and promoting the economic prosperity of Clarkdale.

Property owners are encouraged to preserve the exterior of existing buildings as much as possible. Preservation, restoration, and revitalization projects shall consider using like building materials and maintaining existing door and window openings and rooflines.

Per Ordinance # \_\_\_\_\_, any demolition, renovation or alterations of existing commercial buildings within the Clarkdale Historic District requires review and approval of the Design Review Board.

Property owners are also encouraged to preserve important features of the interior of buildings such as original flooring and light fixtures. Per the Historic Preservation Ordinance, interior renovations are not subject to review.

The Town has adopted the following guidelines to help property owners preserve the existing character of the exterior of buildings within the historic district:

- Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used.
- New additions and exterior alterations shall be compatible with the massing size, scale and architectural features of similar buildings within the historic district.
- New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property would be unimpaired.
- Building height shall be compatible with existing adjacent buildings.
- New exterior construction materials shall be comparable to existing in look, color and texture.
- Window material: If new windows are being proposed, they shall mimic the existing window openings where feasible. Changes to window openings on storefronts facing Main Street, Ninth Street and Tenth Street are strongly discouraged.
- Doorways: If new doors are being proposed, they shall mimic the existing door openings where feasible. Changes to the size and locations of door openings on storefronts is strongly discouraged.
- The following design features have been identified as elements contributing to the character of the commercial buildings within the historic district and shall be preserved whenever possible:
  - Original finishes such as stucco and brick construction with brickwork embellishments
  - Staggered rooflines

## Historic Preservation Guidelines

- Clerestory windows
- Large storefront windows
- Single wooden doors
- Antique, matte finish hardware
- Wooden door lintels
- Wooden window frames with stamped images
- Projecting signs
- Art deco design motifs
- Mission architecture style

Allowances may be considered for projects that restore an existing building to a former, or similar, community service use.

## **The Top Ten Myths About Historic Preservation**

**by Ken Bernstein**

It often surprises me how many misunderstandings abound concerning historic preservation – with some people closing their minds to preservation based on inaccurate information, and others clinging to unrealistic expectations about the impacts or benefits of preservation tools. As a starting point in clearing up these misconceptions, I offer up a “top ten” list of the most prevalent myths about historic preservation.

**Myth #1: “If a property gets designated as a historic landmark, it’s protected forever and can never be demolished.”**

**Fact:** Landmark designation ensures a more thorough review of demolition proposals, but it does not prohibit demolition outright. In the City of Los Angeles, designation as a City historic landmark (Historic-Cultural Monument) allows the City’s Cultural Heritage Commission to object to the issuance of a demolition permit, but only for 180 days. The City Council may then extend the objection to demolition for an additional 180 days.

Many East Coast cities, including New York, do actually prohibit demolition of their landmarks, but these cities also leave an exception for cases of demonstrated economic hardship. Even listing in the National Register of Historic Places, which sounds more elevated than “mere” local listing, does not provide for more iron-clad protection.

Although demolition of a designated landmark in California additionally requires preparation of an Environmental Impact Report to assess the feasibility of alternatives to demolition, a truly determined property owner may be able to obtain approval to destroy even our most cherished landmarks.

**Myth #2: “Historic designation will reduce my property values.”**

**Fact:** Study after study across the nation has conclusively demonstrated that historic designation and the creation of historic districts actually increase property values. Why? In part, historic designation gives a neighborhood or an individual historic site a caché that sets it apart from ordinary properties. Many buyers seek out the unique qualities and ambiance of a historic property. Historic district designation gives potential homebuyers two rare and economically valuable assurances: that the very qualities that attracted them to their neighborhood will actually endure over time, and that they can safely reinvest in sensitive improvements to their home without fear that their neighbor will undermine this investment with a new “monster home” or inappropriate new development.

**Myth #3: “If my property is designated as a historic site, I won’t be able to change it in any way, and I don’t want my property to become like a museum.”**

**Fact:** Owners of designated historic structures may make very significant changes to their structures. Historic preservation laws, at their essence, are not meant to prevent change,

but, rather, to manage change. The tool to manage change is the Secretary of Interior's Standards for Rehabilitation, the nationally accepted benchmark for evaluating changes to historic structures.

The Standards don't require that every element of a historic site remain intact: you need not keep every doorknob! However, the most significant, or "character-defining", historic elements of a property should be retained. New additions to the historic property are allowed, but should be compatible with the site's historic architecture. The Standards urge the repair of deteriorated historic features, but do allow for replacement where the severity of deterioration leaves no other option.

**Myth #4: "Preservation is only for the rich and elite, and for high-style buildings."**

**Fact:** Historic preservation isn't just about house museums anymore. Today's preservation movement is increasingly diverse: here in Los Angeles, the two newest Historic Preservation Overlay Zones (HPOZs) are in Pico-Union and Lincoln Heights, home to economically and ethnically varied populations.

Preservation today also focuses not just on grandiose architectural landmarks, but on more modest sites of social and cultural significance. Just look at the small Ralph J. Bunche House in South Los Angeles, boyhood home of the pioneering African-American diplomat, and Little Tokyo's Far East Café, a beloved gathering place for the city's Japanese-American community – both recently restored. Or, consider a current preservation effort to save the modest Vladeck Center, a Boyle Heights building that was the center of the Jewish labor and immigrant resettlement movements of the 1930s. Such sites underscore that preservation can be about the "power of place" found at sites containing rich social and cultural meaning.

**Myth #5: "Historic preservation is bad for business."**

**Fact:** Historic preservation is at the very heart of our nation's most vibrant economic development and business attraction programs. From Southern California examples such as Old Pasadena or San Diego's Gaslamp Quarter, to traditional, historic southern cities such as Charleston or Savannah, to the recent boom in "heritage tourism," today's economic development strategies no longer see preservation and business development as competing values.

The National Main Street Center, a program that uses historic preservation to revitalize town centers and neighborhood commercial districts, has actually tracked economic results in 1,700 Main Street communities nationally. These preservation-based programs have created over 231,000 new jobs and resulted in over \$17 billion in reinvestment to date, with every dollar spent on a Main Street program yielding \$40 in economic reinvestment.

**Myth #6: Preservation is more expensive than new construction**

This is certainly true at times, but, in fact, historic preservation is typically more cost effective than new construction. Why? Historic buildings certainly do sometimes need upgrades, but these are usually less expensive than the costs of building all-new foundations, structural systems, roofs and building finishes.

The National Trust for Historic Preservation reports that in Chicago, where the public school system is now spending \$2.5 billion to upgrade facilities, bare-bones new construction is costing \$155 per square foot -- but renovation is costing just \$130.

Here in Los Angeles, the State of California learned the potential savings from historic preservation in comparing the construction of two State Office Buildings: the new Ronald Reagan State Office Building on Spring Street at 3<sup>rd</sup> St., and the Junipero Serra State Office Building just two blocks away on Broadway at 4<sup>th</sup> St., in the renovated former flagship location of the Broadway Department Store. The historic renovation not only reused and reinvigorated an important landmark from 1914, but it saved taxpayers money by delivering office space at about half the cost per square of the all-new Reagan building just a few years before.

**Myth #7: If I buy a historic property, there's lots of government money available to help me fix it up**

While it doesn't necessarily cost more to renovate a historic structure than to build anew, few large government or foundation grants are available to owners of historic properties, and even those few typically limit eligibility to government agencies or non-profits.

What is available tends to be tax incentives for private owners of historic buildings. Owners of sites listed in or eligible for the National Register of Historic Places may take advantage of a Federal Rehabilitation Tax Credit that provides a 20% tax offset for the cost of rehabilitation. National Register properties are also eligible to benefit from "conservation easements" – binding legal agreements with preservation organizations such as the Los Angeles Conservancy that can allow owners to claim a charitable deduction on their Federal income taxes. Finally, the State's Mills Act program, implemented by local governments throughout the State, including Los Angeles, allows historic property owners to take often-significant property tax reductions.

**Myth #8: Old buildings are less safe**

Although historic structures do sometimes require structural retrofits or the addition of fire sprinklers to enhance their safety, historic buildings typically perform better than newer construction in earthquakes and other natural disasters. What determines the safety of buildings is the quality of construction, not age, and, in many ways, "they just don't build 'em like they used to."

Los Angeles' signature historic structures have survived every major temblor of the past eight decades. Yet, in the 1994 Northridge earthquake, the most catastrophic damage occurred not to historic buildings but to newer construction such as parking garages, concrete tilt-up buildings, and newer apartments with "tuck-under" parking.

**Myth #9: Preservation is an un-American violation of property rights**

Historic preservation laws no more infringe on property rights than do many other laws and private rules that Americans have long accepted. Though everyone likes to believe "my home is my castle and I can do whatever I want," this statement simply doesn't reflect reality. Zoning laws prevent you from replacing your single-family home with an apartment building or a five-story vertical mansion. We should all be happy that such laws prevent our neighbor from putting a landfill or a skyscraper behind our back fence.

If you live in a condominium (or an Orange County gated community), your property rights are limited by Covenants, Conditions, and Restrictions (CC & Rs), documents that can legally prevent you from owning a pet, washing a car in your driveway, or having a basketball hoop over the garage. CC & R's restrictions are far more onerous than historic preservation laws, yet are commonly accepted even by vocal property rights advocates.

**Myth #10: Preservationists are always fighting new development and only care about the past**

Historic preservationists do care deeply about the past -- generally not just to wallow sentimentally in a bygone era, but as a way of anchoring ourselves as we move forward confidently into the future. Historic preservation is not about stopping change and is certainly not about squeezing out creative and exciting new architecture and development. Preservation allows us to retain the best of shared heritage to preserve sites of unique quality and beauty, revitalize neighborhoods, spur economic revitalization, and, quite simply, create better communities.

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