

## ORDINANCE AMENDMENT REVIEW SHEET

**Amendment:** C20-2017-001 – Historic Landmark Commission Majority

**Description:** Consider an amendment to City Code Title 25 to change Historic Landmark Commission voting requirements such that a simple majority is required to recommend Historic Zoning over the objection of a property owner.

**Proposed Language:** See attached draft language.

**Summary of proposed code changes:**

Change the number of members of the Historic Landmark Commission (HLC) required to recommend zoning or rezoning property as a historic landmark (H) combining district if a property owner files a written statement protesting the zoning or rezoning, *from two-thirds to a simple majority.*

**Background:** Initiated by City Council by Resolution 20170126-046 on January 26, 2017.

From Council's initiating Resolution:

*"WHEREAS, no other advisory body to the City Council is required to affirm a recommendation on a vote of two-thirds of the body's membership; and WHEREAS, this requirement has resulted in numerous failures to initiate historic designation despite the fact that a majority of Historic Landmark Commission members supported the initiation; and WHEREAS, the Montopolis Negro School was one such structure that received majority support from the Landmark Commission but failed to receive a two-thirds majority; and WHEREAS, once the Historic Landmark Commission fails to recommend landmark status with a two-thirds majority most structures end up demolished;*

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:*

*That the City Manager is directed to initiate an amendment to City Code, repealing Section 25-2-355(C) requiring the affirmative vote of two-thirds of the members of the Commission to recommend zoning or rezoning property as a historic landmark if a record owner of the property files a written statement protesting the zoning or rezoning."*

**NOTE:** In the past two years there have been three cases that received a majority vote (6 votes) at the HLC, but not the required 2/3rds vote (8 votes) needed to designate historic zoning:

1. Cherico-Franzetti-Arriaga House, 1403 E. 6th Street; vote to recommend historic zoning: 7-2-1.
2. Ben and Maude Leifeste House, 3108 Grandview Street; vote to recommend historic zoning: 6-4.
3. Montopolis Negro School, 500 Montopolis Drive; vote to recommend historic zoning: 7-1.

**Staff Recommendation:** Approve proposed language change. Staff feels the change would bring the zoning process at HLC in line with the existing zoning process at Planning Commission and the Zoning and Platting Commission, which only require a simple majority vote to recommend a zoning change. A three-fourths vote of Council would still be required to approve a zoning change over the opposition of the property owner.

**Board and Commission Actions:**

March 27, 2017: Recommended by the Historic Landmark Commission on a 7-2 vote (Commissioners Tollett and Papavasiliou nay).

April 19, 2017: Postponed by the Codes & Ordinances Joint Committee.

May 17, 2017: No recommendation from the Codes & Ordinances Joint Committee, on a 3-1-1 vote (not enough votes for an affirmative action; Commissioners Flores and Seeger absent).

May 23, 2017: Postponed by the Planning Commission.

June 13, 2017: Motion by Commissioner Shieh, seconded by Commissioner Schissler to deny the proposed code amendment and instead recommend amending the membership of the Historic Landmark Commission to allow the appointment of alternate members similar to the membership structure utilized by the Board of Adjustment.

*§ 2-1-111 - BOARD OF ADJUSTMENT*

*(D) The council may appoint alternate board members to serve in the absence of regular members. An alternate member shall be appointed to serve a two-year term.*

Motion was approved on a vote of 8-2-2. Commissioners McGraw and Seeger voted nay. Commissioners White and Zaragoza abstained. Commissioner Angela De Hoyos absent.

**Council Action:**

June 8, 2017: Postponed to August 3, 2017.

August 3, 2017: A public hearing has been scheduled.

**Ordinance Number:** NA

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