




## MEMORANDUM

To: Mayor and City Council Members

From: Gregory I. Guernsey, AICP, Director  
Planning and Zoning Department 

Subject: Historic Preservation Office Resolution Response

Date: June 29, 2018

This memorandum is a response to the resolution the City Council approved on June 14, 2018 to address a variety of issues regarding the Planning and Zoning Department's Historic Preservation Office (HPO) and the Historic Landmark Commission (HLC). The responses are numbered as per the resolution.

### **1. Create a new Preservation Planning Division within the Planning and Zoning Department**

Staff does not believe it is necessary to create a new division for the Historic Preservation Office (HPO) given the number of employees in the office. The current division manager over Urban Design, where the HPO resides, is the project lead for the CodeNEXT project and his current workload has not allowed for full-time management of the HPO area. Therefore, staff is using an existing vacant Development Services Manager position to hire a new manager of the HPO. In addition, staff is moving the HPO from the Urban Design Division to the Current Planning

### **2. A. Management of the HPO**

As noted above, Planning and Zoning Department will be using an existing Development Services Manager position to lead the HPO.

### **B. Assist in local historic district creation**

Staff will address this issue through a re-allocation of job responsibilities within the HPO and does not believe that an additional position is needed at this time. Staff will use available historic surveys to assist neighborhoods in the creation of new historic districts.

### **C. Outreach and development of community partnerships**

The department has recently hired a new Public Information Specialist who can assist the HPO staff to expand outreach efforts and help develop community partnerships.

**D. Strengthen certificate of appropriateness and demolition reviews**

**E. Strengthen inspection of certificate of appropriateness sites and investigate historic code violations**

Staff is requesting a new Senior Planner position to assist with the two items referenced above in the upcoming FY19 Budget. This new position could assist with historic building reviews and work with other land development related departments that already conduct inspections to make sure all requirements are being enforced. The HPO will continue to conduct annual inspections as a part of the tax incentive program.

- 3. Revising outdated sections of the Land Development Code related to historic preservation activities to reflect best practices in the field, including the establishment of clearer language for designation criteria and additional qualification requirements for HLC membership in line with peer cities.**

Staff believes any changes to the historic section of the code effecting historic buildings should be addressed as a part of the current CodeNEXT process. CodeNEXT Draft 3 contains some revisions to this historic section of the code, but not all the suggestions proposed by the HLC. If CodeNEXT is adopted, then one year after the effective date of the ordinance staff will reassess the changes to the historic sections of the code and make additional for additional changes as needed.

- 4. Funding historic resource survey efforts on an annual basis**

The East Austin survey, conducted at a cost of \$300,000 is very beneficial to the HPO. Staff uses the survey to assist with building reviews and to use the survey to identify potential local historic districts. Recently the City Council allocated hotel occupancy tax funds for an additional building survey and may do so on the future.

- 5. Posting backup materials for commission and public review at least three business days prior to HLC meetings.**

Staff will work with the HLC and stakeholders to adjust the applicant submittal deadlines and subcommittee meeting dates of the HLC so that back up may be provided on Thursdays before the Monday HLC meetings. This adjustment would provide the HLC an additional day of review.

- 6. Streamlining commission meetings through identification of cases that may be administratively approved.**

Staff will consider process improvements to streamline the process and re-assess any changes after 3 months to consider their effectiveness.

- 7. Permitting HPO staff to apply for and accept grants in any amount to carry out preservation programming.**

After consultation with the City Controller staff does not recommend adjusting the minimum amount of a grant that is accepted. The chief concern is the expense and potential liability of ensuring compliance with the grant conditions. An additional concern is that if the City is found to not be complying with the terms of a small grant it may jeopardize the continuing ability of the City to receive larger grants. Planning and Zoning Department will maintain funding to train HPO staff and consider additional funding in its operating budget for an annual training for HLC commissioners

**8. Providing adequate support and training of HPO staff and HLC members by a City attorney with experience in preservation law or provide for outside expert counsel on an as-needed basis**

Currently the Law Department provides support to the HLC following the model established for Planning Commission and Zoning and Platting Commission coverage. The Law Department works closely with HPO staff on items before they are placed on an agenda to help identify legal issues in advance. If a case presents legal issues requiring the presence of an attorney at the meeting, an assistant city attorney will attend for that item. In addition, an assistant city attorney is "on-call", meaning staff will have a number to call and ask for guidance if a legal issue arises. The Law Department has assigned an attorney as the lead on historic issues, Mr. Lee Simmons, who responds to issues raised by HPO staff and the HLC. The Law Department will hire outside counsel on an as-needed basis.

**9. Reviewing the current historic zoning fee structure to identify opportunities for equity and affordability**

Historic zoning fees are legally required to be based upon the cost of service with the assistance of an outside consultant. The City Council sets the fees every year as a part of the budget process.

In an audit of the HPO the City Auditor's Office reviewed the staffing levels of HPOs in nine peer cities. The highest number of employees was 19 (San Antonio) and a low of 3 (Richmond, VA). Austin currently has 4 positions and would have 6 with the assignment of a new manager and if the additional position is added in the budget. This compares to 5 positions in Dallas, 3.5 in Ft. Worth and 6.5. There would be no budget impact in re-assigning the existing manager position. The addition of a Senior Planner position adds \$.

If you have any questions, please contact Greg Guernsey at 512-974-2387 or Jerry Rusthoven at 512-974-3207 or via email at [greg.guernsey@austintexas.gov](mailto:greg.guernsey@austintexas.gov) or [jerry.rusthoven@austintexas.gov](mailto:jerry.rusthoven@austintexas.gov)

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