

RESOLUTION NO.

WHEREAS, on September 26, 2016, the Historic Landmark Commission (Commission) voted 6-0 to initiate historic zoning on a property located at 1618 Palma Plaza; and

WHEREAS, evidence suggests 1618 Palma Plaza is a contributing structure in the Old West Austin National Register Historic District; and

WHEREAS, on October 24th, 2016, the Commission held a public hearing to consider historic designation for this property; and

WHEREAS, one commissioner as well as one individual testifying against the release of the demolition permit requested additional time to provide important documentation missing from the content in the backup material provided by staff, yet a motion to postpone failed on a 4-2 vote; and

WHEREAS, a motion to release the demolition permit failed on a 2-4 vote with one commissioner abstaining; and

WHEREAS, City Code Section 25-2-355 (C) requires the affirmative vote of two-thirds of the members of the Commission to recommend zoning or rezoning property as a historic if a record owner of the property files a written statement protesting the zoning or rezoning; and

WHEREAS, at the October 24, 2016 hearing, only seven members were present, yet the commission proceeded to deliberate on the issue; and

WHEREAS, individuals with expertise in historic preservation issues believe that 1618 Palma Plaza meets the criteria for significance under City Code section 25-2-352; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council initiates historic zoning for the property located at 1618 Palma Plaza.

BE IT FURTHER RESOLVED:

The City Council initiates an amendment to City Code Chapter 25-11 to establish the following process when a record owner of a property is seeking a demolition permit for a single or multifamily property and protests the historic zoning of the property:

1. If a motion does not receive a two-thirds vote to recommend historic zoning as required by City Code Section 25-2-355, the Commission is required to take a separate vote on release of a demolition permit. The demolition permit may only be released if two-thirds of the Commission votes affirmatively to release the permit.
2. For cases in which a two-thirds majority is required, at least two-thirds of the Commission must be present and eligible to vote on a case for the item to be called for consideration.

3. If the Commission does not vote to approve release of a demolition permit, the record owner may appeal the Commission's action to the City Council.

ADOPTED: _____, 2016 **ATTEST:** _____
Jannette S. Goodall
City Clerk