



AGENDA ITEM SUMMARY

City Council

STAFF

Paul Sizemore, Director, Community Development & Neighborhood Services
Maren Bzdek, Manager, Historic Preservation Services
Jim Bertolini, Senior Historic Preservation Planner
Aaron Guin, Legal

SUBJECT

Resolution 2023-009 Adopting Findings of Fact in Support of the City Council’s Decision to Remand to the Historic Preservation Commission for Rehearing the Determination of Eligibility for Landmark Designation of the Service Station Located at 825 North College Avenue.

EXECUTIVE SUMMARY

The purpose of this item is to adopt findings of fact in support of City Council’s decision to remand back to the Historic Preservation Commission (“HPC”) the Landowner’s application and appeal concerning the service station located at 825 North College Avenue. The HPC’s decision, which was appealed to Council, found that the service stations is a historic resource for the purposes of development review under Land Use Code Section 3.4.7 and, therefore, is eligible for Landmark Designation. Council heard the Landowner’s appeal on December 20, 2022, and denied the claim that the HPC conducted an unfair hearing, but remanded the matter to the HPC for consideration of additional evidence in determining eligibility for designation.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On October 19, 2022, the HPC held a hearing to consider the Landowner’s appeal of City staff’s determination that the property located at 825 North College Avenue was eligible under the City’s Landmark standards in City Code Section 14-22 (as required under Land Use Code Section 3.4.7). Staff’s Official Determination of eligibility of three buildings located at the subject property was issued on September 7, 2022, in response to a development application for the site that would demolish the existing buildings located at 825 North College Avenue for a new carwash. On October 19, 2022, the HPC affirmed staff’s determination of eligibility only as to one building located on the property – a service stations. On November 1, 2022, the Landowner filed a Notice of Appeal to City Council, with the following allegations:

1. The Historic Preservation Commission considered evidence relevant to its findings which was substantially false or grossly misleading.
2. The Historic Preservation Commission failed to properly interpret and apply relevant provisions of the City Code, specifically Municipal Code 14-22 for Standards of Eligibility and 14-23 for the Process for Determining Eligibility.

On December 20, 2022, City Council conducted a hearing to consider the Landowner’s allegations, the record before the HPC, and presentations by City staff, the Landowner and the Landowner’s attorney. After discussion, the Council voted (6-0, 1 absence) to remand the appeal to the HPC, finding that the HPC conducted a fair hearing but requesting that the HPC rehear the matter after considering additional information as to whether the service station meets the City’s eligibility standards for Significance and Integrity established in Section 14-22 of the City Code.

CITY FINANCIAL IMPACTS

NA

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

NA

PUBLIC OUTREACH

NA

ATTACHMENTS

1. Resolution for Consideration