



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
Claire Havelda, Legal

SUBJECT

Resolution 2022-102 Adopting Findings of Fact Supporting the Historic Preservation Commission's Determination That 1802 North College Avenue was Eligible for Landmark Designation and Denying the Landowner's Appeal.

EXECUTIVE SUMMARY

The purpose of this item is to make findings of fact regarding the appeal of the Historic Preservation Commission's Decision Finding the Property at 1802 North College Avenue a Historic Resource for the Purposes of Development Review under Land Use Code 3.4.7 and therefore eligible for Landmark Designation. The appeal was heard by Council on September 20, 2022.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On July 20, 2022, the Historic Preservation Commission (HPC) held a hearing to consider an appeal of a staff finding for the property at 1802 North College Avenue that determined the property eligible under the City's Landmark standards in City Code Section 14-22 and subject to the responsibilities in Land Use Code 3.4.7. A staff decision on this matter was issued on April 22, 2022, in response to a development application put forward by Raising Cane's that would demolish the existing properties at 1800 and 1802 North College Avenue for a new restaurant. Following the July 20, 2022, HPC appeal hearing, on August 3, 2022, the property owner filed a Notice of Appeal, 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 Section 14-22 for Standards of Eligibility and Section 14-23 for the Process for Determining Eligibility.

On September 20, Council conducted a hearing to consider the allegations in the appeal, the record on appeal, and presentations by City staff, the Appellant and their legal counsel, and proponents of finding the property Eligible. After discussion, Council voted (4-0, 3 absences) to deny the appeal, finding that

the Historic Preservation Commission conducted a fair hearing and properly interpreted applicable sections of the Municipal Code.

ATTACHMENTS

1. Resolution for Consideration