



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
Brad Yatabe, Legal

SUBJECT

Resolution 2022-107 Adopting Findings of Fact Supporting the Historic Preservation Commission's Decision to Deny Proposed Window Alterations to the Landmarked Property Located at 1306 West Mountain Avenue and Denying the Appeal.

EXECUTIVE SUMMARY

The purpose of this item is to make findings of fact regarding the appeal of the Historic Preservation Commission's decision to deny the proposed window treatment for the northwest bedroom at 1306 West Mountain Avenue. The appeal was heard by Council on October 4, 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 a proposed alteration to the designated City Landmark at 1306 West Mountain Avenue, the William & Violet Jackson/Robert Bailey Property. The proposal included an addition onto the rear of the property, along with associated alterations to the historic window pattern on the west elevation of the historic building near the northwest corner. The HPC approved the addition, but denied the associated window modifications, finding that the alteration did not meet Standards 2 and 5 of the *U.S. Secretary of the Interior's Standards for Rehabilitation* (adopted by reference in Municipal Code 14, Article IV). Following the July 20, 2022, HPC appeal hearing, on August 2, 2022, the property owner and their contractor filed a Notice of Appeal, with the following allegations:

1. The Historic Preservation Commission was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the HPC's independence of judgement.
2. The Historic Preservation Commission failed to properly interpret and apply relevant provisions of the City Code, specifically City Code Section 14-53 or more specifically, Secretary of the Interior Rehabilitation Standards 2 and 5 which are incorporated in Section 14-53.

On October 4, Council conducted a hearing to consider the allegations in the appeal, the record on appeal, and presentations by City staff, the Appellant and the owner of 1306 West Mountain Avenue, and Laura Bailey, a party-in-interest opposed to the appeal. Council noted that the proper City Code Section being appealed was Section 14-54, not 14-53 as stated in the notice of appeal, although it was clear that the notice of appeal intended Section 15-54. After discussion, Council voted (4-1, 1 recusal, 1 absence) to deny the appeal, finding that the Historic Preservation Commission conducted a fair hearing and properly interpreted City Code Section 14-54 with regards to Secretary of the Interior Rehabilitation Standards 2 and 5.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Not applicable.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution for Consideration