

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2016-012 Historic Civic

Description: Consider an amendment to Title 25 of the Land Development Code to require Historic Landmark Commission review of demolition applications when the subject structure is fifty years or older and dedicated to certain civic uses.

Proposed Language: See draft language

Summary of proposed code changes:

- Amending 25-11-213 to require Historic Landmark Commission (HLC) review of demolition applications where the subject structure is fifty years or older and dedicated to civic uses.
- Civic uses that will trigger HLC review include:
 - Administrative services
 - Cemetery
 - College and university facilities
 - Cultural services
 - Hospital services (general)
 - Parks and recreation services (general)
 - Private primary educational facilities
 - Private secondary educational facilities
 - Public primary educational facilities
 - Public secondary educational facilities
 - Religious assembly

Background: Initiated by City Council Resolution 20160623-082

On June 23, 2016, the City Council initiated a code amendment via Resolution 20160623-082, to initiate a code amendment to “*require that any application for a demolition permit of a building fifty years or older and dedicated to civic uses, including but not limited to, ecclesiastical, educational, recreational, charitable, hospital, and other institutional or community use, have a hearing before the Historic Landmark Commission.*”

The proposed amendment would require HLC review for structures fifty years or older that are dedicated to certain civic uses.

Staff Recommendation: Recommended

Board and Commission Actions

July 25, 2016: Recommended by the Historic Landmark Commission on an 8-1 vote.

August 17, 2016: Recommended by the Codes and Ordinances Joint Committee.

August 23, 2016: Postponed by the Planning Commission to their September 13, 2016 meeting.

September 13, 2016: To be reviewed by Planning Commission.

Council Action

September 22, 2016: A public hearing has been scheduled.

Ordinance Number: NA

City Staff: Jerry Rusthoven **Phone:** 974-3207 **Email:** jerry.rusthoven@austintexas.gov

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 25-11 OF THE CITY CODE BY ADDING A REQUIREMENT THAT THE HISTORIC LANDMARK COMMISSION REVIEW DEMOLITION APPLICATIONS FOR ALL BUILDINGS OLDER THAN FIFTY YEARS AND DEDICATED TO CERTAIN CIVIC USES.

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

PART 1. Subsection (B) of City Code Section 25-11-213 (*Building, Demolition, and Relocation Permits and Certificates of Appropriateness Relating to Certain Buildings, Structures or Sites*) is amended to read as follows:

- (B) Except as provided in Subsection (C), this section applies to a building, structure, or site:
- (1) located in a National Register Historic District;
 - (2) listed in a professionally prepared survey of historic structures approved by the historic preservation officer;
 - (3) individually listed in the National Register of Historic Places;
 - (4) designated as a Recorded Texas Historic Landmark, a State Archeological Landmark, or a National Historic Landmark;
 - (5) designated as a historic landmark (H) combining district;
 - (6) located within a historic area (HD) combining district; [or]
 - (7) determined by the historic preservation officer to have potential for designation as a historic landmark; or [-]
 - (8) dedicated to the following civic uses: administrative services, cemetery, college and university facilities, cultural services, hospital services (general), parks and recreation services (general), private primary educational facilities, private secondary educational facilities, public primary educational facilities, public secondary educational facilities, or religious assembly.

PART 2. This ordinance takes effect on _____, 2016.

PASSED AND APPROVED

_____, 2016 §
 §
 § _____
 Steve Adler
 Mayor

APPROVED: _____
 Anne L. Morgan
 City Attorney

ATTEST: _____
 Jannette S. Goodall
 City Clerk

RESOLUTION NO. 20160623-082

WHEREAS, Imagine Austin affirms that the City Council “[p]rotect historic buildings, structures, sites, places, and districts in neighborhoods throughout the City”; and

WHEREAS, the City of Austin is experiencing an increasing number of demolitions in neighborhoods throughout Austin due to intense development pressure throughout the city; and

WHEREAS, more than 1,200 homes fifty years or older have been demolished since 2013; and

WHEREAS, on April 11, 2016, a building that housed one of the oldest congregations in East Austin, Mount Sinai Baptist Church, was demolished without a hearing by the Historic Landmark Commission; and

WHEREAS, several historic churches and other civic buildings of historical and cultural importance within the City of Austin are currently threatened with demolition, and a number of these structures exhibit significant features in the landscape of African American history; and

WHEREAS, under current code, the Historic Preservation Officer has the discretion to waive the requirement for a hearing before the Historic Landmark Commission for the demolition for a building fifty years or older if the Officer’s research indicates the building or structure may not be of historic or architectural significance; and

WHEREAS, historic buildings such as churches, schools, and libraries retain intrinsic civic value deserving of a hearing before the Historic Landmark Commission; and

WHEREAS, waiving the requirement for a hearing before the Historic Landmark Commission deprives the community of both proper notification and the ability to exercise its right to speak about the proposed demolition; and

WHEREAS, the current Land Development Code requires that structures proposed to be rezoned as historic landmarks be individually listed in the National Register of Historic Places, designated as a Recorded Texas Historic Landmark, State Archeological Landmark, or National Historic Landmark, or demonstrate significance in at least two of five categories; and

WHEREAS, the first such category is “architecture” and the fourth is “community value,” defined as having “. . . a unique location, physical characteristic, or significant feature that contributes to the character, image, or cultural identity of the city, a neighborhood, or a particular group”; **NOW, THEREFORE,**

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

The City Council directs the City Manager to immediately require that any application for a demolition permit of a building fifty years or older and dedicated to civic uses, including but not limited to, ecclesiastical, educational, recreational, charitable, hospital, and other institutional or community uses, have a hearing before the Historic Landmark Commission.

BE IT FURTHER RESOLVED:

The City Council initiates amendments to the Land Development Code necessary to require Historic Landmark Commission review of particular building demolition applications as set forth in this resolution. The City Manager will bring

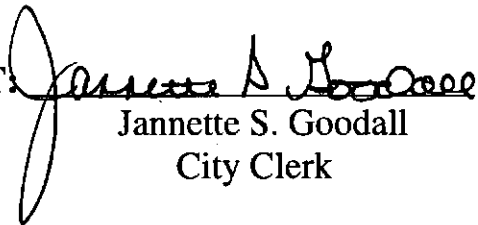
the code amendment to Council for consideration no later than September 22, 2016.

BE IT FURTHER RESOLVED:

The City Manager will work with stakeholders, including the historic preservation community and the Historic Landmark Commission, to deliberate and make recommendations regarding potential amendments to Section 25-2-352 (*Historic Designation Criteria*) of the City Code and to refer to the National Register Criteria for Evaluation of Historic Properties. The City Manager shall report his findings to Council no later than six months from the date of this resolution.

ADOPTED: June 23, 2016

ATTEST:


Jannette S. Goodall
City Clerk