

September 6, 2017 CAC Meeting

**Topic:** Landmark Designation White Paper Feedback

**Questions/Issues/Feedback:**

“Investigation” - steps that staff carries out after initiation of nonconsensual designation:

- These are not spelled out in code; what are they and what is the process for carrying that out?  
Request for clarification. (Matt)
- What does “benefits to City” mean and should that be specified? (Karen)
  - Add sustainability to that list (Meg)

180-day deadline:

- Group agreed it is reasonable to look for process improvements that would fulfill goals while simplifying the process to reduce the tension between required process and timeline.
- Is it possible for the process to begin again immediately upon expiration of the deadline, if initiated by the same or another qualified group, if it is not resolved within that period? (Dave)
- Consider combining 1<sup>st</sup> and 2<sup>nd</sup> LPC hearings into a single meeting that covers the requirements of both (Tom)
  - If both 1<sup>st</sup> and 2<sup>nd</sup> hearings must be separate, clarify in code how/why they are different more precisely. If we get rid of one of the LPC meetings, it should be the second—moving those actions to the other meetings. (Jennifer)
  - Can’t staff do the investigation/research before bringing it to LPC (eliminate 1<sup>st</sup> meeting)? (Janell)
- Public noticing:
  - Add City website to the required noticing outlets (Dave)
- Quorum and voting:
  - Some discussion of why supermajority vote is required at 2<sup>nd</sup> meeting versus only supermajority present at 3<sup>rd</sup> LPC meeting. Assumption of intention is that 2<sup>nd</sup> meeting is the high hurdle discussion. Look at this more closely? (Matt, Karen)
- Upon completion of City Council action, why create an exemption for pending permit applications to comply with Article IV (demolition/alteration review), if Council chooses not to designate? Consider clarification in code that the requirements of that section would be redundant with documentation/investigation associated with nonconsensual process. Also, it says “may be approved without the necessity of compliance” but does that mean it is up to staff discretion? And should it emphasize/explain this is for pending applications only, and not those in the future?
- If Council remands back to another board, can they extend the deadline (Council’s 75-day portion of it)? Yes, but it highlights the muddiness of what happens when multiple City processes intersect. Clarify?

- Discussion of Woodward example: group seemed to feel it was exception and that the property owner had some measure of influence in the length of the process.
- Is there some way to prevent lack of quorum of LPC from delaying the process or making it impossible to meet the requirements within 180 days? Special meetings or flexibility for votes if needed?
- Shortening the process makes it too easy for applicant to introduce delay factors that would make the deadline impossible to meet, i.e. introducing structural engineer to create delay. That could be addressed with an extension allowed when more investigation is required.

#### Interim Control:

- General agreement from entire group that LPC should be able to approve alterations if appropriate during the interim control period.

#### Initiation of Nonconsensual Designation:

- Should initiation be limited, i.e. by proximity to the properties in question be required for involvement?
- Is 3 the right number of citizens?
  - Perhaps 5 would raise the bar a bit but still be reasonable (Meg)
  - People who live in the neighborhood should have the right to participate, but not those in another zip code (Steve)
  - General discussion of how many frivolous or unsuccessful attempts we have seen historically. As these are infrequent/rare, the group arrived at general consensus that “it’s not broke, so don’t fix it,” particularly since consultant did not recommend raising the number.
- Categories of nonconsensual designations
  - Should there be a separate process for commercial vs. residential, and/or single property designation vs. a district?
    - Group would like for Clarion report to address the above distinctions.
    - “Residential feels more personal”—greater agreement on community stake in commercial buildings.
- Other forms of recognition
  - Meg thinks overlay zone provides flexibility while providing option for maintaining character
  - It would create predictability for buyers and property owners. (James)
  - Interesting concept. (Jennifer)
  - What are the potential benefits for this approach? Need to understand specifics. (Dave)
- LPC membership
  - Concern about expertise on board—need clarity on what CLG requires, current makeup of commission. (Steve)