



## Legislation Details (With Text)

**File #:** ID#19-019    **Version:** 1    **Name:**  
**Type:** Discussion Item    **Status:** Individual Consideration  
**File created:** 2/13/2019    **In control:** City Council  
**On agenda:** 2/19/2019    **Final action:**  
**Title:** Discuss the current decision-making and appeal processes pertaining to the issuance of certificates of appropriateness for construction, alteration, restoration, relocation or demolition of city-owned historic landmarks or city-owned structures within historic districts and provide direction to staff regarding possible code amendments.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Certificate of Appropriateness Process (002), 2. HPC-10-22 Staff Report Minutes - Civil Air Patrol Demolition

Date	Ver.	Action By	Action	Result
2/19/2019	1	City Council		

### **AGENDA CAPTION:**

Discuss the current decision-making and appeal processes pertaining to the issuance of certificates of appropriateness for construction, alteration, restoration, relocation or demolition of city-owned historic landmarks or city-owned structures within historic districts and provide direction to staff regarding possible code amendments.

**Meeting date:** February 19, 2019

**Department:** City Clerk's Office for Mayor Jane Hughson

### **Amount & Source of Funding**

**Funds Required:** [Click or tap here to enter text.](#)

**Account Number:** [Click or tap here to enter text.](#)

**Funds Available:** [Click or tap here to enter text.](#)

**Account Name:** [Click or tap here to enter text.](#)

### **Fiscal Note:**

**Prior Council Action:** [Click or tap here to enter text.](#)

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu]

below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☐ Transportation - Choose an item.
- ☐ Not Applicable

**Master Plan:** *[Please select the corresponding Master Plan from the dropdown menu below (if applicable)]*

Choose an item.

**Background Information:**

This discussion item was placed on the agenda at the request of Mayor Hughson. Council will have an opportunity to discuss the current processes for consideration of applications for certificates of appropriateness and appeals of the Historic Preservation Commission's decisions regarding such applications. Council will then discuss whether those processes should be amended with regard to city-owned structures within historic districts and city-owned historic landmarks. For Council's reference, a copy of current code provisions pertaining to these processes are attached.

**Current Requirements:**

The Land Development Code requires an application for a certificate of appropriateness to be obtained prior to construction, alteration, restoration, relocation, or demolition of a structure within an historic district or at a local historic landmark. There is no exception for city-owned structures or landmarks. The Historic Preservation Commission renders decisions to grant or deny certificates of appropriateness and appeals of those decisions are taken to the Zoning Board of Adjustments. Decisions of the Zoning Board of Adjustments are taken to state district court or county court at law. Under the current code, the city council is not involved in the decision-making process or the appeal process even when city-owned structures or city-owned landmarks are involved.

**Current Exceptions:**

A certificate of appropriateness is not required for ordinary maintenance or repair of exterior features if no

changes are proposed in the design, material, or outward appearance. Section 2.5.5.1.(C)(3). A certificate of appropriateness is not required to construct, reconstruct, alter, restore, or demolish an historic feature if the Building Official or other department director certifies that such actions are necessary for public safety because of an unsafe condition. Section 2.5.5.1.(C)(4).

Prior Case: 2010 Civil Air Patrol Building Demolition

The Civil Air Patrol hangar at the San Marcos Airport was designated as an historic landmark in 2007. Due to the deteriorated condition of the structure, the Historic Preservation Commission granted approval for demolition of the structure in 2010. A copy of the staff report and minutes of the HPC's meeting are attached.

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Click or tap here to enter text.