



Office of the Mayor

ACTION CALENDAR

June 20, 2006

To: Members of the City Council
From: Mayor Tom Bates
Subject: Compromise Landmarks Ordinance

RECOMMENDATION:

That the City Council support, in principle, the draft compromise revisions to the Berkeley Landmarks Preservation Ordinance (LPO) and refer those changes to staff, the Landmarks Preservation Commission, and the State Historic Preservation Office (SHPO) for review in time for the scheduled Council public hearing in July.

BACKGROUND:

Over the past several weeks, I have been working with a group of people from the preservation community on possible revisions to the current proposed landmarks ordinance draft now being reviewed by city staff, the LPC, and SHPO. These meetings and discussions have been in an effort to come up with a compromise set of changes that will garner broad support in the community and resolve the problems that have been identified in the current ordinance. City planning and legal staff have assisted in working through some of the issues and with drafting of some of the language.

Overall, these discussions have been very productive. While not every issue has been resolved, there appears to be significant support for the main provisions of a compromise ordinance. Therefore, I believe it was appropriate to put forward the compromise to the Council and the broader public for comment and analysis.

The main issues contained in the compromise are as follows:

- **Creates Clear Timelines.** The ordinance would provide clear timelines and deadlines for decisions regarding the historic significance of a site so as to generally conform to the state Permit Streamlining Act. The timelines would apply to both structure of merit and landmark designations.
- **Increases Time for Citizen Initiation.** If the LPC chooses not to initiate a site for possible designation as a historic resource, the public would be granted at least 30 days to collect signatures and initiate rather than the 14 currently proposed. In addition, the number of signatures required for initiation is reduced from 50 to 25.

- **Retains Structure of Merit.** The compromise ordinance retains the Structure of Merit designation with full protections as a historic resource. The criteria for designation have been updated and a finding of “integrity” will be required for designation.
- **Tightens Criteria for Demolitions.** The Landmarks Commission will be provided with authority over applications for demolition of a historic resource. The findings required to allow a demolition have been limited.
- **Eliminates the Historic Preservation Officer (HPO).** The Historic Preservation Officer position was withdrawn. The ordinance continues the current staffing responsibilities and authority.
- **Allows for Historic Determination without a Project Application.** The compromise ordinance will allow a property owner to ask for a determination regarding their site. That determination must be made within a prescribed timeline.

If the Council is comfortable moving forward in this direction, staff can provide the draft ordinance language to the LPC and to SHPO for comment. We can then bring it back to the Council on July 11th for a public hearing and further action.

FISCAL IMPLICATIONS: None

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ATTACHMENT: Draft ordinance language