

To the UDC Advisory Committee,

With regard to the HARC proposal for the Monday meeting, I urge the Committee to consider this in light of the overwhelming public opinion communicated in favor of keeping HARC independent, as evidenced by comments received by city council, compiled in the Outreach Surveys, offered at the latest Open House, printed in the newspaper of record, and presented as evidence and testimony directly to the Committee in the last meeting and this upcoming meeting.

I offer a suggested set of recommendations that the Committee may wish to explore. I present them in two forms: first in their bare form; and second with fuller reasoning for each recommendation for the Committee's consideration, adding concise summaries of the crucial elements of each recommendation.

In case of formatting issues, this entire document is attached as a pdf file also.

Suggested UDC Advisory Committee recommendations

1. Leave HARC's ruling authority unchanged as is.
2. Retain applicant's right of appeal to city council.
3. Retain low-priority demolitions review authority with HARC.
4. Retain a 5-2 vote from council required to overturn any finding of HARC.
5. If council transfers HARC's ruling authority to itself, clarify the procedure as follows:
 - a. Clarify that HARC recommendations are approved in council's Consent Agenda.
 - b. Create the mechanism for an applicant to require moving such an item from Consent to Legislative Agenda, for public council review.
 - c. Stipulate that when such an item is moved from Consent to Legislative Agenda, public notice is served by tabling the item to the following council meeting.
6. If council transfers HARC's ruling authority to itself, retain the ability for applicants to return to HARC with modified plans until either HARC or the applicant requests a final ruling from city council.

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## Suggested UDC Advisory Committee recommendations (with reasons shown in bullet form)

1. Leave HARC's ruling authority unchanged as is.
  - Unlike most other boards, HARC was deliberately given ruling authority in order to be free of political influence as an impartial administrator of the public laws that govern the Downtown Overlay District (and later Old Town).
  - While the city council has no choice but to be a political body making political decisions, the city's specialist boards are created to be non-political.
  - The city's boards are composed of members chosen for their expertise and suitability for the field of examination.

- HARC's authority has been carefully deliberated and approved by extensive public process, at its inception and since, to keep it politically independent.
- Public comments such as received by city council, compiled in the Outreach Surveys, offered at the latest Open House, printed in the newspaper of record, and presented as evidence and testimony directly to the Committee, all show overwhelming public support to maintain the independence of HARC.
- Transferring HARC's authority to city council would create an additional layer of process and potential expense for an applicant, rather than streamlining the application process.

## 2. Retain applicant's right of appeal to city council.

- Currently applicants are clear as to their rights and know when to incur the cost of appearing before a formal review by city council.
- The public also is informed and given notice.

## 3. Retain low-priority demolition review authority with HARC.

- HARC has typically approved requests for demolitions.
- The review process adds a valuable space to evaluate if a demolition is truly necessary.
- Demolitions are irreversible.
- While "low priority" has no value in terms of historical valuation, it retains a value in terms of neighborhood. Demolitions and their replacements greatly affect neighboring properties, many of which may have historic value.
- Historic preservation is regarded in the United States as including the close environment of the property, to convey "true history" in terms of usage and setting. Changing the face of neighboring properties may impact this historic setting.
- The charm of Old Town that draws tourists and new residents alike, can be destroyed by inappropriate new development.
- As a side note, there is some discussion that HARC's purview should be expanded, not reduced, in order to bring new construction in Old Town into its review authority, matching its current authority over Downtown.

## 4. Retain a 5-2 vote from council required to overturn any finding of HARC.

- Even as a recommending body similar to the Planning and Zoning Commission, there is no reason shown why HARC's recommendations should count with lower weight than P&Z's recommendations, which require a 5-2 vote by council to overturn its recommendations.
- The appeal from HARC was deliberately made to require a 5-2 vote by council, since the findings of the city's specialist examining boards should not be overturned lightly.

## 5. If council transfers HARC's ruling authority to itself, clarify the procedure as follows:

- a Clarify that HARC recommendations are approved in council's Consent Agenda.
  - This is not specified in the proposed ordinance changes, but has been cited by council from the dais, leaving the process unclear.
- b Create the mechanism for an applicant to require moving such an item from Consent to Legislative Agenda, for public council review.
  - This is not specified in the proposed ordinance changes, but has been cited by council from the dais, leaving the process unclear.

- c Stipulate that when such an item is moved from Consent to Legislative Agenda, public notice is served by tabling the item to the following council meeting.
  - It is an expense to applicants and a burden on the public to attend formal reviews. There should be suitable notice given. Currently a Consent Agenda item can be pulled and moved to the Legislative Agenda for council review in the same session, with no notice to the public given. Applying this protocol to HARC recommendations would create uncertainty as to date of council review and placement in the agenda.

6. If council transfers HARC's ruling authority to itself, retain the ability for applicants to return to HARC with modified plans until either HARC or the applicant requests a final ruling from city council.

- When applicants are denied a Certificate of Appropriateness by HARC, they typically return with modified plans, which do then gain HARC approval.
- Even the informal process of conceptual preview by HARC has not prevented more fully worked plans from failing to conform to standards at first submission.
- This "second-chance" opportunity with HARC has produced extremely valuable results.
- The ability to return with a modified plan has resulted in developments that gain the approval of vastly more stakeholders, from neighborhood residents to other property owners in the Downtown Overlay.
- New developments improved by this repeat review by HARC serve to add and maintain the values of prior investments, as shown in the opinions of Outreach Survey respondents.
- Of the HARC applications in the last four years, only three have been appealed to city council (with two upheld), all of them commercial developments.
- Clearly the repeat dialog with HARC has produced good results.

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Even more information could be given than what is presented above. I hope the Committee will consider this and other testimony and evidence given in its meeting, to conclude that streamlining the application of the UDC in Georgetown requires a strong and politically independent HARC.

I should point out that the process so far that brings this matter for your consideration has been entirely a political one. This is the first time in the process that city council has asked for the advice of its specialist boards.

From the Outreach Surveys that sought public opinion on the HARC process, and that presented several different Strategies to move forward, city council has already chosen which strategy to pursue, as is presented now by staff to the Committee. But this strategy is purely a political choice.

The Committee retains the ability to decide for itself which future path accords with the majority wish of the city's populace, and which is most beneficial to the good administration of the city's public laws as reflected in the UDC, the Downtown Master Plan, and the Design Guidelines.

Sincerely,  
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