

Dear Landmarks Commission members –

I have a previous engagement and cannot attend your next meeting.

I want to make two points:

### **Waivers**

I urge you not to use the term “waiver” (17). Wikipedia defines a waiver as “the voluntary relinquishment or surrender of some known right or privilege.” For forty years the Landmarks Commission has operated smoothly without the need for the Landmarks Commission to ignore one or more of its standards. I think the better path would be to retain the variance procedure that is already in 33.19. The variance procedure in the current ordinance was based on the Zoning Board of Appeals variance procedure and requires that a property owner meet the spirit of the law, even if, due to the particular nature of the property they cannot meet the letter of the law. It is unfair for the owners of historic properties who have followed the letter of the law faithfully for up to 40 years and to future owners of properties who will comply with the letter of the law, to start waiving the standards at this point.

The variance procedure in the current ordinance spells out clearly the rationale for awarding a variance and the types of projects for which a variance can be given. It also requires that a public hearing be held with notice to surrounding property owners.

Attached please find a copy of the current variance procedure in 33.19.

### **The Nature of an Ordinance**

Several of the concerns in my previous comments to you involved, basically, avoiding potential cans of worms. It is imperative that an ordinance be written succinctly. Anything in the ordinances that can be taken the wrong way will eventually be taken wrongly. It has happened in the past.

One part of the ordinance that confuses people is the standards that must be addressed when an historic district is established (9)(b)(1-6). These standards/guidelines have not been used for decades and don't need to be in the ordinances. They have confused people in the past, including the Edgewater and SBA proponents who assumed they were criteria by which to judge their projects. The same is true for other use of the word “guidelines.” In performing its duties a Commission can adopt guidelines that help all parties involved to better understand the standards, without the need to spell it out in the ordinance itself. I have talked to Amy about potentially using the Sec'y of Interiors standards in the ordinance for designated landmarks. Other than that, I think all mention of guidelines should be removed. The Planning Department has created pictorial guidelines for the UDC in the past and has the authority to

create such documents in the future. They do not need to be referenced in the ordinances. I would be happy to answer questions via email or telephone before the meeting.

Thank you for allowing us the opportunity to comment.

Kitty Rankin