



Economic & International Development Department

Mayor
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District 2
Jim Tolbert

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Emma Acosta

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Carl L. Robinson

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Dr. Michiel R. Noe

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Cortney C. Niland

City Manager
Tommy Gonzalez

HISTORIC LANDMARK COMMISSION SPECIAL WORK SESSION CITY 3 BUILDING, 801 TEXAS AVENUE SECOND FLOOR, MUIR CONFERENCE ROOM OCTOBER 17, 2016, 4:00 P.M.

Other Business – Discussion and Action

1. Discussion on revisions to the ordinance (Chapter 20.20)

The El Paso Historic Landmark Commission held a Special Work Session in the Muir Conference Room, Second Floor, City 3 Building, 801 Texas Avenue, 4:00 p.m.

The following commissioners were present:

Chairman William Helm
Commissioner Randy Brock
Commissioner Edgar Lopez
Commissioner Kelly Blough
Commissioner Daniel Carey-Whalen
Commissioner Don Luciano

The following commissioners were not present:

Commissioner Joseph Longo
Commissioner Charles Stapler

The following City staff members were present:

Ms. Providencia Velázquez, Historic Preservation Officer, Economic & International Development
Mr. Omar DeLaRosa, Assistant City Attorney, City Attorney's Office
Mr. Adam Train, Planner, Historic Preservation Office, Economic & International Development

CALL TO ORDER

Chairman Helm called the Special Work Session meeting to order at 4:15 p.m., quorum present.

Mr. Omar DeLaRosa, Assistant City Attorney, explained the meeting was recorded and requested commissioners identify themselves prior to suggesting any revisions to the ordinance.

(Suggested revisions are noted in *blue, bold, italics, underlined*; ~~*words in red, bold, italics, underline and struck through were deleted.*~~)



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Section: 20.20.080 – Alterations and change to landmarks and H-overlay properties.

E. Administrative Review and Approval.

1. *Any denial by the Historic Preservation Office can be appealed by presenting to the Historic Landmark Commission.* The historic preservation officer shall review and approve, approve with modifications or deny all administrative review applications in accordance with the administrative review design guidelines, for the following types of requests:
 - a. Landscape materials including vegetation, irrigation, and xeriscaping, in the front, rear, side yards and parkways; to include the following:
 - i. Open spaces, where applicable, including square footage,
 - ii. Landscaped planted areas, where applicable, including square footage,
 - iii. Type of landscape or surface material to be replaced; to include a sample of the proposed surface material;
 - b. New fencing on the front, rear and side yards; to include the following:
 - i. Location and type of proposed fencing,
 - ii. Type of proposed fencing including material and color,
 - iii. Chain-link fence is not an acceptable material for approval under administrative review;
 - c. Wrought iron security coverings for windows and doors; to include photographs and showing the following:
 - i. Location of proposed security grills,
 - ii. Type of proposed security grill including material and color;
 - d. Exterior accessibility ramps *when placed where historic or significant architectural fabric must be altered requires review by the HLC ~~in non-character-defining façades~~*; to include the following:
 - i. Location of proposed accessibility ramp,
 - ii. List of materials and colors;
 - iii. *Must be reviewed by TAS (Texas Accessibility Standards)*
 - e. Skylights, *solar panels* and air-conditioner units when placed in non-character-defining façades ~~*or and are not visible from*~~ *with* the front façade; to include the following:
 - i. Location of proposed skylight, *solar panels*, or air-conditioner unit,
 - ii. List of materials and colors,
 - iii. Sample of skylight, *solar panels*, or air-conditioner unit. (Include sample from brochure, catalog or manufacturer);

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- f. Off-premises and on-premises commercial and residential signs within historic districts in accordance with **Chapter 20.18** as applicable; to include the following:
 - i. Location of proposed signage,
 - ii. List of materials and colors,
 - iii. Sketch of signage including total square footage;
- g. Replacement of garage or household exterior doors that match the original doors; to include sample of door from brochure, catalog or manufacturer;
- h. Walkways, driveways, and aprons; include location and materials;
- i. Swimming pools and tennis courts where permitted by sufficient area in the side and rear yard;
- j. Routine maintenance, including but not be limited to: painting, re-roofing, repair of walks, driveways, fences;
- k. Placement of fire escapes when placed in non-character-defining façades and where allowed by other city ordinances;
- l. Installation of windows similar to the original in appearance and purpose, regardless of construction materials include sample of window from brochure, catalog or manufacturer;
- m. Installation of an accessory structure when placed in non-character-defining façades, not in the front or side yards, and when no other accessory buildings exist on the site. Accessory structure shall not exceed on hundred twenty square feet in size. Colors shall complement the existing historic structure;
- n. Installation of outdoor playground equipment when placed in non-character-defining façades and not in the front or side yards;
- o. Painting of previously painted surfaces other than brick or any type of stone with colors compatible with the historic district;
- p. Installation of outdoor lighting fixtures and security fixtures when such elements complement the design context of the structure;
- q. Minor alterations in a non-character-defining façade and not visible from the street. Any alteration found to have a detrimental impact on the historic character of the structure or historic district shall be subject to the requirements for approval of a certificate of appropriateness as outlined in **Section 20.20.130(C)**.

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~~3.—~~

2. Color ~~Pp~~ photographs shall be submitted in hard copy or email form to the Historic Preservation Officer showing current conditions of the property ~~may~~ and shall be required to be furnished by the applicant for all administrative review requests.

~~4.—~~

3. The applicant may appeal decisions of the HPO to the HLC, through the application process.

F. Certificate of Appropriateness and Certificate of Demolition. Any and all changes or alterations to landmarks and H-overlay properties, as described in Section 20.20.140(A), that are not eligible for administrative review shall require an application for certificate of appropriateness or certificate of demolition to be reviewed and approved by the HLC.

G. Historic Landmark Commission Review

1. The historic landmark commission, upon ten days ~~written~~ notice to the applicant, shall hold a hearing on the application. Upon review, if the HLC finds the proposed work of a nature which will not adversely affect any significant architectural or historical feature of a designated historic landmark, and is appropriate and consistent with the spirit and purposes of this section, it shall forward a certificate of appropriateness to the applicant ~~within ten days~~ 15 days after the public hearing.
2. If the historic landmark commission finds that the proposed work will adversely affect or destroy any significant architectural or historical feature of the designated historic landmark or historic interior, or is inappropriate or inconsistent with the spirit and purposes of this section, it shall render a denial of the request and forward the ~~disapproved application~~ notice of the denial to the applicant within ~~ten days~~ 15 days after the public hearing. The HLC shall state the reason(s) for its disapproval.
3. If no action has been taken by the historic landmark commission within forty-five days of the receipt of a completed application, the application shall be approved as submitted, and a certificate of appropriateness shall be issued by the HLC. However, a certificate of demolition shall never be issued before the expiration of sixty days of receipt of a completed application.

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4. No change shall be made in the application, issuance, or execution of any building permit after the issuance of a certificate of appropriateness, without submittal of a request for minor modification as approved for in **Section 20.20.150**, otherwise, a new application to the historic landmark commission and approval thereof in the same manner as previously provided shall be submitted.
5. After a decision is reached by the historic landmark commission denying an application for certificate of appropriateness, no application for a certificate of appropriateness for a given property may be submitted within twelve months from date of action by the HLC unless the HLC finds that a substantial change in conditions has occurred, or that applicant has resubmitted in conformance with subsection 3.
6. Applicants aggrieved by a decision of the historic landmark commission may appeal to city council, using the procedure identified in **Section 20.20.190**.

H. Area of Potential Effect. A certificate of appropriateness may also be issued administratively by the HPO using the same criteria and standards as the HLC under subsection G of this section, or administrative approval may be granted under this chapter for the construction, reconstruction, alteration or changes proposed to be made to a site located in an area of potential effect as designated by the city council, upon the request of a person or entity intending to make application for the ad valorem tax incentive program provided in **Section 3.04.035** of this Code. In making a decision to administratively issue a certificate of appropriateness under this section, the HPO shall perform every duty and undertake every obligation imposed on the HLC in this section for the situations when the HLC is authorized to issue a certificate of appropriateness.

(Ord. 16879 (part), 2008; Ord. 16653 § 2 (part), 2007)

(Ord. No. 17233, §§ 1, 2, 11-3-2009)

20.20.090 – Modification of certificate of appropriateness.

- A. If an applicant desires to make minor modifications to the certificate of appropriateness when they prepare final working drawings, they may apply to the historic preservation officer for a minor modification of the approved certificate of appropriateness.

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- B. If the historic preservation officer finds the minor modifications are in substantial conformity with the approved certificate of appropriateness, the historic preservation officer shall approve the minor modifications and amend the certificate of appropriateness.
- C. Changes other than such minor modification shall require a new hearing and new approval in the same manner as for review of the original certificate of appropriateness.

(Ord. 16653 § 2 (part), 2007)

Section: 20.20.190 – Appeal to the city council.

Any applicant or the owner of any property located within three hundred feet of any landmark or the owner of any property within the same historic district as the subject of the appeal, who is aggrieved by a ruling of the HLC concerning that landmark under the provisions of this section, may within fifteen days after the ruling of the HLC, appeal to the city council by filing written notice of such appeal with the city clerk. Following a public hearing to be held within sixty days of the filing of such notice of appeal, the city council may, by a simple majority vote, uphold or overturn any ruling of the HLC made pursuant to this chapter. [Appeal to the city council must be accomplished by filing written notice of such appeal with the city clerk and must be accompanied by the fee paid in full.](#)

(Ord. 16653 § 2 (part), 2007)

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