



**HISTORIC LANDMARK COMMISSION MEETING MINUTES
CITY COUNCIL CHAMBERS – 2ND FLOOR
MARCH 14, 2011
4:00 P.M.**

The El Paso Historic Landmark Commission held a public hearing in the City Council Chambers, 2nd Floor, City Hall Building, March 14, 2011, 4:00 p.m.

The following Commissioners answered roll call:

Mr. Joe Riccillo, Chair
Mr. Hugo Gardea, Vice-Chair
Ms. Stephanie Fernandez
Mr. Joel Guzman
Mr. Ricardo Gonzalez
Mr. Jim Booher

The following City Staff were present:

Ms. Cynthia Osborn, City Attorney's Office, Assistant City Attorney
Ms. Providencia Velazquez, Planning and Economic Development, Historic Preservation Officer

Chair Riccillo called the meeting to order at 4:08 p.m.

I. CALL TO THE PUBLIC – PUBLIC COMMENT

None.

CHANGES TO THE AGENDA

Staff requested moving item 11D. Discussion on developing a better process for the review of public projects in Historic Districts, to the first item on the agenda.

MOTION:

Motion made by Chair Riccillo, seconded by Commissioner Guzman and **UNANIMOUSLY CARRIED TO APPROVE THE MEETING AGENDA WITH MOVING ITEM D TO THE FIRST ITEM ON THE AGENDA.**

Mayor
John F. Cook

City Council

District 1
Ann Morgan Lilly

District 2
Susannah M. Byrd

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Rachel Quintana

District 6
Eddie Holguin Jr.

District 7
Steve Ortega

District 8
Beto O'Rourke

City Manager
Joyce A. Wilson



II. REGULAR AGENDA – DISCUSSION AND ACTION

Certificate of Appropriateness

1. **HPC11-00017** Being a portion of Portland St. ROW located within Block J, Alamo Subdivision and Block 38, Manhattan Heights, City of El Paso, El Paso County, Texas

Location: A vacated portion of Portland Avenue between Elm Street and Grant Avenue.

Historic District: Manhattan Heights

Property Owner: City of El Paso

Representative: City of El Paso

Representative District: #2

Existing Zoning: R-3/H (Residential/Historic)

Year Built: N/A

Historic Status: N/A

Request: Enhancement of a vacated portion of Portland Avenue between Elm Street and Grant Avenue.

Application Filed: 02/14/2011

45 Day Expiration: 03/31/2011

This item has been postponed to the March 28, 2011 HLC Agenda at the request of the Engineering and Construction Management Department.

2. **PHAP11-00001** The East 9 Feet of lot 3, all of Lot 4, and the West 8 Feet of Lot 5, Block 5, Castle Heights Addition, City of El Paso, El Paso County, Texas

Location: 2904 Grant Avenue

Historic District: Manhattan Heights

Property Owner: Everett Saucedo

Representative: Everett Saucedo

Representative District: #2

Existing Zoning: R-3/H (Residential/Historic)

Year Built: 1915

Historic Status: Contributing

Request: Painting of a mural on a wooden fence facing the public right of way

Application Filed: 2/28/2011

45 Day Expiration: 4/14/2011

Ms. Velazquez noted the property owner was not present. She asked Commissioners if they would like to postpone the item to the end of this agenda or to the next HLC meeting. Staff did notify the property owner, via email and telephone; that his item would be presented today. The property owner did not state whether he would or would not be present at the meeting. Staff had informed the property owner of their recommendation to deny the request.



Chair Riccillo requested Staff present item 3 then go back to item 2.

Ms. Velazquez gave a PowerPoint presentation and stated when approving certain applications, a precedent is set; she thought that by allowing this mural Commissioners would have to allow others.

STAFF RECOMMENDATION:

- The Historic Preservation Division recommends DENIAL of the proposed scope of work based on the following recommendations:

The Magoffin Historic District Guidelines recommends the following:

- Fences should be of compatible materials in order to complement the building.

The Secretary of Interior's Standard for Rehabilitation recommends the following:

- The historic character of the property will be retained and preserved.

The Secretary of Interior's Standard for Rehabilitation does not recommend the following:

- Radically changing the type of finish or the color of wood so that the historic character of the exterior is diminished.

Commissioner Guzman wondered if there was any evidence that there weren't any murals back in the day. He commented on photos he had seen of commercial Coca-Cola murals along Copia and Piedras.

Commissioner Fernandez responded if the mural was painted at the same time the structure was built, one could argue that the mural was contemporary to the building.

Ms. Velazquez explained the property owner would not need to submit a sign permit application; this is strictly for artistic purposes. Per the PowerPoint presentation, Ms. Velazquez showed photos of homes in the surrounding area; the homes did not have murals painted on them.

Commissioners and Staff discussed a home located on Piedras with eclectic art displays on the property. Commissioner Guzman commented on a mural of Aztec gods, located in the 600 block of Prospect; that was approved via Certificate of Appropriateness in the 1990s.

Chair Riccillo stated, without the property owner present, he was not inclined to think this was appropriate. The property is located within a residential area; furthermore, the mural is not an advertisement on a commercial building.



Commissioner Gonzalez concurred with Staff. This work of art is totally inappropriate in a historic district neighborhood. Commissioners are tasked with preserving the historic character of the neighborhood.

Ms. Velazquez explained technically Staff is not required to notify abutting property owners; however, the Deputy Director has asked Staff, as a courtesy, to mail HLC agendas to the Neighborhood Associations. It is up to the Neighborhood Associations to notify the neighbors.

Ms. Osborn clarified Staff notifies the Neighborhood Associations but not the neighbors. She explained it is not a legal requirement that the property owner be present; however, since Staff has recommended denial, it would be appropriate to postpone the item to the next meeting.

Commissioner Gonzalez responded the applicant was notified his item would be discussed today; however, the applicant did not appear. Furthermore, the applicant did not notify Staff explaining why he would not be present.

Chair Riccillo asked if Commissioners had any further questions of Staff. There being none.

MOTION:

Motion made by Commissioner Gonzalez, seconded by Chair Riccillo and **CARRIED TO DENY THE CERTIFICATE OF APPROPRIATENESS.**

AYES: Commissioner Fernandez, Commissioner Gonzalez and Commissioner Booher

NAYS: Commissioner Guzman and Vice-Chair Gardea

The Motion to deny carries, 3-2.

Item 3. was discussed prior to discussing Item 2.

3. **PHAP11-0002** Lots 27 & 28, Block 72, Government Hill Addition, City of El Paso, El Paso County, Texas
- Location: 4308 Hueco Avenue
- Historic District: Austin Terrace
- Property Owner: Patrick and Lisa Cornelius
- Representative: Patrick and Lisa Cornelius
- Representative District: #2
- Existing Zoning: R-4/H (Residential/Historic)
- Year Built: 2009
- Historic Status: Non-contributing
- Request: Construction of a detached garage structure at the rear of the property
- Application Filed: 3/3/2011
- 45 Day Expiration: 4/17/2011



Ms. Velazquez gave a PowerPoint presentation and explained the applicant is requesting a Certificate of Appropriateness for the construction of a detached garage structure at the rear of the property.

STAFF RECOMMENDATION:

- The Historic Preservation Division recommends APPROVAL of the proposed scope of work based on the following recommendations:
 - Existing structure is a non-contributing property constructed in 2009 and located within the Austin Terrace Historic District.
 - The building does not possess any historically significant details that will be damaged or destroyed by the construction of the new garage at the rear of the property.

The Magoffin Historic District Guidelines recommends the following:

- New additions should be planned so that they are constructed to the rear of the property.

The Secretary of Interior's Standard for Rehabilitation recommends the following:

- Designing and constructing new additions to buildings when required by the use. New work should be compatible with the character of the setting in terms of size, scale, design, material, color, and texture.
- Designing adjacent new construction which is compatible with the historic character of the site and which preserves the historic relationship between the building or buildings and the landscape.
- Designing new work to be compatible in materials, size, scale, and texture.

Ms. Velazquez explained the existing structure will be higher than the roof of the proposed detached garage. The proposed detached garage will not be visible from the front.

Mr. Patrick Cornelius, property owner, explained access to the detached garage would be via the rear alley. Vehicular access will be both from the front and rear. He has installed steel gates in the rear of the property at the alley. The color of the brick will match the existing structure. The house was built on an empty lot.

No further questions of the property owner.

Vice-Chair Gardea felt it was appropriate that the garage be located in the rear and will not be visible from the front.

Chair Riccillo asked if Commissioners had any further questions of Staff or the applicant. There being none.



MOTION:

Motion made by Vice-Chair Gardea, seconded by Chair Riccillo and **UNANIMOUSLY CARRIED TO APPROVE PHAP11-00002.**

4. Addresses of property HLC Commissioners have requested that HLC staff review or investigate and provide a report to the HLC. If no addresses are submitted in advance and listed under this agenda item, Commissioners may announce such addresses under this agenda item. Discussion on property announced at this meeting will take place during the next regularly scheduled meeting. March 14, 2011 deadline for HLC members to request for agenda items to be scheduled for the March 28, 2011 meeting. March 28, 2011 deadline for HLC members to request for agenda items to be scheduled for the April 11, 2011 meeting.

A. Magoffin Villas at 915, 917, 1001 Magoffin Avenue and 1000, 1008, 1010 Myrtle Avenue

Ms. Velazquez gave a PowerPoint presentation showing recent photos of the ongoing construction. She pointed out that the contractor had come to the Planning Department and asked Staff about a discrepancy between a rendering and the drawings. The corner, as shown in the rendering, showed brick; in the drawings it was stucco. The contractor requested Staff make the decision. Staff went to the files and found the Memorandum of Agreement between the City and the State. The Memorandum states any changes to this project have to be approved by the SHPO (State Historic Preservation Office). Staff sent the rendering and drawings to Austin, Austin reviewed the change and felt that because there is stucco in the design and on the property then stucco could be approved.

Chair Riccillo asked if that was how it was presented originally.

Ms. Velazquez responded it was not presented that way to the HLC but the HLC denied the proposal. The applicant filed an appeal to City Council who ultimately approved the appeal.

Chair Riccillo expressed his disappointment with the State especially due to the vapor barrier for the brick. The contractor should have never questioned this because the details beneath the brick show the vapor barrier in preparation for the brick.

Commissioner Gonzalez reminded Commissioners of the many discussions on this issue concerning stucco and brick. There are a number of people who believe there is too little brick and now they're reducing it further.

Ms. Velazquez explained she brought this to Commissioners attention because if there are any more changes she wanted the Commissioners to be aware.

Vice-Chair Gardea requested Staff add this item to the next HLC agenda.



B. 1725 Arizona Avenue (Fall Mansion)

Ms. Velazquez explained Staff asked Engineering & Construction Management Staff for an update. Engineering & Construction Management Staff responded that they are executing a contract and will schedule pre-construction within the next two weeks.

C. Old Labor Temple on Oregon (formerly known as the El Paso Times Building)

Ms. Velazquez showed photos of the building as it exists now and in 1973. Staff went to the files and found a drawing which showed the façade was approved in 1989, three years before the district was designated. The drawing also showed the windows on the top floor, windows on the second and the openings on the ground floor. Staff provided drawings showing the façade that you see now was approved in 1989 and modified prior to designation. The property was designated with an H-Overlay in 1992.

Commissioner Guzman wondered if the plans indicated whether or not the windows on the side would be boarded up.

Ms. Velazquez responded there were no photos of the property from 1992. She could not tell whether or not the building had an addition added to it.

Chair Riccillo stated, per the Design Guidelines, signage is not to cover any architectural details.

Chair Riccillo asked if there were any properties Commissioners would like to see on the next agenda.

Commissioners requested Staff leaving the Magoffin Villas and the Fall Mansion on for the future agenda; however, the Old Temple Labor property can be deleted.

HLC Staff Report

5. Update on Administrative Review Cases since last HLC meeting for the properties listed on the attachment posted with this agenda. (See Attachment "A")

None.

Planning & Economic Development Department Report

6. Staff report regarding re-zonings of designated buildings in other municipalities.

Ms. Velazquez explained Staff did receive responses from the Cities of Austin, Dallas, San Antonio and Fort Worth.

Austin – The city of Austin is able to make recommendations on zoning changes in local historic districts or at landmarks – but it because in their local historic districts (not NRHD) they have applied a zoning overlay (-HD) over the property, so



any changes to the base zoning would entail a recommendation from both the Landmark Commission and the Planning Commission before it is approved by Council. One of the things their commissions look at is surrounding uses and surrounding zoning to determine whether a zoning change would be appropriate.

Dallas – The city of Dallas asked one of the senior building officials if they would even accept a permit application for the development on this lot. She said no, a Certificate of Appropriateness from the Landmark Commission would be required for any type of development, because the lot is within a historic designation. They then asked the Chief Planner if the Current Planning group would accept a change in zoning application for this lot. Yes, it would be accepted IF the applicant also provided a Certificate of Appropriateness from the Landmark Commission stating that the non-residential development would be allowed. The specific lot could be rezoned, thus removing it from the historic overlay district. This would require the standard notice and processing steps, so the neighbors would know about the change. The Current Planning Planner assigned to the case would check that the Landmark Commission signed off, before moving ahead with the request.

San Antonio – For any zoning change, even a parking lot, the city of San Antonio does not have any purview. Although the department is on the mailing list for the zoning boards' agenda so that they can see if there is anything that is potentially harmful to the character of a district. They are able to comment at the zoning boards' meeting regarding their opinions of any adverse effects the change would have on the district.

Fort Worth – City of Fort Worth stated the Zoning Department is located within the same department and typically Zoning Staff will contact them if there are any issues. They can't think of a case where preservation staff or commission has been involved with a zoning change (although they are in the same department and they typically contact them if there are any issues). In the past years, there have been some blanket down zoning from multi-family to single-family...and parking lots are permitted in those zoning classifications. Where parking lots get tricky in Fort Worth is essentially related to design. Some Fort Worth historic districts do not allow conversion of residential lots into parking lots or have specific design related requirements (screening, lighting, etc.) that are on top of the already stringent requirements required by the zoning ordinance (screening, lighting, secured entryway, etc.). The ordinance is set up so that the most stringent rules apply.

Vice-Chair Gardea asked Staff if the Commissioners could have copies of the ordinance language provided by those cities.

Ms. Velazquez responded San Antonio did not provide that information; however, Fort Worth and Dallas did.



Vice-Chair Gardea and Commissioner Booher would like to have copies of that information.

Chair Riccillo requested this item be placed on the next HLC agenda for Commissioners to review the verbiage from these cities. He added this is an excellent opportunity to make changes for this and the demolition ordinance now that Commissioners have been asked to review issues that the City has been having.

7. Staff report regarding buildings that were significantly damaged due to the recent weather.

Ms. Velazquez explained Staff received one Administrative Review application and it did not affect the exterior of the building. The request was for a courtesy review for the piping.

8. Staff report regarding Administrative Review Guidelines for windows.

Ms. Velazquez explained Staff was unclear whether or not Commissioners were requesting additional information regarding the window replacement material at 3124 Wheeling.

Vice-Chair Gardea wanted to know how Staff administratively reviewed window replacement requests. He asked if the guidelines address compatibly changing windows that are not within the public view and preserving windows that face the public. Personally, windows are a large contributing factor to an historic building, replacing windows that have historic integrity changes the character of the building. It would be a shame to allow property owners to replace the original historic windows. He would like Staff to encourage applicants not to replace the original windows.

Ms. Velazquez responded the guidelines do state that if the applicant wants to change the windows they can change them but the change has to be something that is operation, configuration and detail compatible. For example, a house in Manhattan Heights Historic District with a front façade and multi-light casements, Staff would approve the multi-light casements. However, should the applicant want something else, Staff would request the applicant come before Commissioners.

Commissioner Guzman commented on different types of windows. He stated the way the Administrative Review Guidelines are written now, Staff does not have a choice but to approve.

Chair Riccillo responded yes, the original windows were greatly constructed and wonderful but they do not comply with the Green Energy Code. Additionally, property owners cannot get the energy tax credit if they replace the windows with a similar type window.

Commissioner Fernandez felt that the current guidelines favor value and aesthetic over the craftsmanship of the original windows, there is value in the original craftsmanship.

Commissioner Guzman suggested amending the Administrative Review Guidelines language: *When replacing 3 dimensional muntins and mullions applicants will replace the 3 dimensional muntins*



and mullions, of the same or comparable quality, only on the part of the house that faces the street.

Vice-Chair Gardea would support Commissioner Guzman's suggested language amendment.

9. Staff report regarding the property located at 3124 Wheeling.

Ms. Velazquez gave a PowerPoint presentation and noted it was the side window, secondary elevation that was replaced. The window was replaced accurately. The front windows were not replaced.

Visionaries in Preservation Report

10. Discussion and action regarding VIP issues.

Ms. Velazquez explained, as part of the plan, she spoke to the Sunset Heights Neighborhood Association; it was an extremely pleasant meeting. They were a very nice group of people, very open and cooperative and willing to work with the City; however, they would like to see more work in their district. They also talked about possibly expanding the district. Ms. Velazquez suggested not expanding the current boundaries of the district but to look at possibly designating a new historic district. They talked about expanding the boundaries to Oregon and Mesa.

Other Business

11. A. Approval of Historic Landmark Commission Meeting Minutes.

February 28, 2011

Chair Riccillo asked if Commissioners had any changes/corrections/revisions.

Vice-Chair Gardea requested the motion on page six be amended from "COLOR" TO "TYPE."

MOTION:

Motion made by Vice-Chair Gardea, seconded by Chair Riccillo and **UNANIMOUSLY CARRIED TO APPROVE THE FEBRUARY 28, 2011 MINUTES, AS AMENDED WITH THE NOTE TO THE TYPE OF BENCH.**

B. Discussion and action on application review regarding demolition changes.

Ms. Velazquez explained Staff spoke to our supervisor about reviewing all demolition requests that come to the City. This is something that would need coordinating with other City Departments. Before Commissioners ask Staff to take the next step, we would like to research and present a plan to the other City Departments explaining how and why we want to do this and ask for their cooperation. For example, other City Departments would notify HPO Staff whenever they hear of a pending demolition, discussing options other than demolition specifically regarding city owned properties. We want to start by addressing this internally, devise a plan, then bring that plan before the Commission.



- C. Discussion and action on the Historic Landmark Commission recommendation/opinion on rezoning cases.

See pages 7 and 8.

- D. Discussion on developing a better process for the review of public projects in Historic Districts.

City Council Representative Susie Byrd, District 2, explained she has come before Commissioners today to discuss and brainstorm what has become a very prevalent issue, as it relates to the development of public projects in historic districts. She noted there are two historic districts located within District 2; Austin Terrace and Manhattan Heights. A recurring theme that has caused tremendous heartache, for both Representative Byrd and constituents in her district, is that the city does not follow the same processes, protocols and rules that the city requires private property owners in her district to adhere to. Working with staff and the Neighborhood Associations, Representative Byrd would like to develop a protocol, a process or even possibly changing the Historic Landmark Commission ordinance, to improve that process. She feels people should be excited about public works in older neighborhoods; they should not be a source of tension. She has found that because private property owners living in a historic district must pay more in order to preserve the character of the historic district, the city, and other organizations, should have to abide by the same obligations and responsibilities.

At this time, Representative Byrd distributed copies of suggestions she would like Commissioners to consider. Possible changes to the HLC ordinance to include the following:

- Require that the Historic Preservation Officer (HPO) be on the design team for all public works in Historic Districts.
- Require that all public works in Historic Districts be reviewed and approved by the Historic Landmark Commission.
- Require notification of registered Neighborhood Associations of all public projects to be reviewed by the Historic Landmark Commission.

Representative Byrd stated these and other changes would help keep the city in check in terms of making sure that the city undergoes as rigorous a review as private property owners. Additionally, these changes would ensure the city is not making costly mistakes and creating undo tension in neighborhoods.

Questions/Comments from Commissioners

1. Chair Riccillo stated if Neighborhood Associations are not involved in the beginning, middle and end, then the input for the design is not there. Should the project come before Commissioners, the money has been spent on architects, designers for the project. Finally, Neighborhood Associations, if not given the opportunity to be involved with the project in the beginning, middle, and end, are usually disappointed with the final outcome of the project.
2. Chair Riccillo concurred with Representative Byrd's suggestion requiring that the HPO



- be on the design team.
3. Chair Riccillo would like to include Neighborhood Associations as part of the design team.

Representative Byrd responded if Commissioners could provide a more concrete set of expectations about what we expect from Staff as the project goes through the process that would help the Neighborhood Associations. Furthermore, ensuring that the HPO is involved at the beginning of the project rather than having to respond to project designs that may not have followed the protocol/process.

4. Commissioner Gonzalez understood the policy of Commission and Staff was that all city projects, with H-Overlay, contributing or non-contributing, landscape, would be brought before the Historic Landmark Commission. He suggested mandating, as a matter of policy, that all city projects, H-Overlay, be brought to the Historic Landmark Commission.

Representative Byrd responded that should be reflected in the ordinance. She felt the city should hold itself to a much higher standard than private property owners. She explained Neighborhood Associations, whether or not they are in a historic district, want to play a strong role in the development of their neighborhoods. Representative Byrd thought Commissioners would be able to brainstorm and come up with ideas, suggestions that would solve this in a manner that is respectful of the neighborhoods, alleviating undue frustrations. She thought Commissioners could ensure that there is input from the Neighborhood Associations regarding the development of the design(s) and that there will be rigorous public review of these projects.

Chair Riccillo thanked Representative Byrd for taking the time to speak with Commissioners.

As a final note, Representative Byrd explained, regarding historic preservation, City Council wants to do the best we can, whether it's through our ordinances, through incentives or public projects; Council really wants to add more life and vitality to the function of Historic Preservation within the city and our neighborhoods, looking at ways to encourage more investment in our neighborhoods. If Commissioners think the ordinance or city programs need tweaking, Council is looking to you for guidance to put together the best program, the best regulation, with all the best tools to encourage more life and more investment in our older neighborhoods.

DISCUSSION ON THE MAGOFFIN VILLAS AND THE MEMORANDUM OF AGREEMENT WITH THE STATE HISTORIC PRESERVATION OFFICE (SHPO)

1. Commissioner Gonzalez discussed
 - a. Approving changes for the Magoffin Villas;
 - b. The Memorandum of Agreement between the State and the City;
 - c. State Historic Preservation Office denying/approving changes to the Certificate of Appropriateness;



- d. Changes to the Certificate of Appropriateness and Historic Landmark Commission recommendations;

Commissioner Gonzalez felt that the change from brick to stucco should not be allowed, the contractor should not be allowed to make the change until everything has been resolved.

Staff will organize a meeting with the relevant individuals by end of week.

FUTURE AGENDA ITEMS REQUESTED BY COMMISSIONERS:

- 2. The Commissioners requested Staff updates regarding:
 - a. Magoffin Villas at 915, 917, 1001 Magoffin Avenue and 1000, 1008, 1010 Myrtle Avenue.
 - b. 1725 Arizona Avenue (Fall Mansion).
 - c. Wording on re-zonings of designated buildings in other municipalities.
 - d. The enhancement of a vacated portion of Portland Avenue between Elm Street and Grant Avenue.
 - e. Amending the Administrative Review Guidelines language to state that when replacing three dimensional muntins and mullions applicants will replace the three dimensional muntins and mullions, of the same or comparable quality, only on the part of the house that faces the street.
 - f. Discussion on application review regarding demolition changes.

MOTION:

Motion made by Chair Riccillo, seconded by Vice-Chair Gardea and **UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 5:37 P.M.**

