



HISTORIC LANDMARK COMMISSION MEETING MINUTES

CITY COUNCIL CHAMBERS – 2ND FLOOR

APRIL 25, 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, April 25, 2011, 4:00 p.m.

Chair Riccillo called the meeting to order at 4:01 p.m.

The following Commissioners were present:

Mr. Joe Riccillo, Chair
Mr. Hugo Gardea, Vice-Chair
Ms. Stephanie Fernandez
Mr. Joel Guzman (4:07)
Mr. Ricardo Gonzalez
Mr. Randy Brock (4:03)
Mr. Jim Booher (4:03)
Mr. David Berchelmann

The following City Staff were present:

Mr. Robert Almonte, City Attorney's Office, Assistant City Attorney
Ms. Providencia Velazquez, Planning and Economic Development, Historic Preservation Officer

I. CALL TO THE PUBLIC – PUBLIC COMMENT

None

CHANGES TO THE AGENDA

Prior to adjourning, Ms. Velazquez would like to introduce and discuss the letter Chairman Riccillo sent her and place have it placed on the next HLC agenda.

MOTION:

Motion made by Chair Riccillo, seconded by Vice-Chair Gardea and **UNANIMOUSLY CARRIED TO APPROVE THE REGULAR AGENDA WITH THE PROVISION TO ADD THE LETTER UNDER OTHER BUSINESS.**

NOT PRESENT FOR THE VOTE: Commissioners Guzman, Brock and Booher

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. **PHAP11-00013** City right of ways within Manhattan Heights Historic District
- Location: Manhattan Heights Historic District
- Historic District: Manhattan Heights
- Property Owner: City of El Paso
- Representative: Representative Susannah Byrd
- Representative District: 2
- Existing Zoning: Various zoning
- Year Built: N/A
- Historic Status: N/A
- Request: Parkway enhancements
- Application Filed: 4/18/2011
- 45 Day Expiration: 6/2/2011

Ms. Velazquez gave a PowerPoint presentation and explained this is a City initiated project; all trees have been paid for with City monies. There are 14 properties poised to have trees planted in their parkway. Property owners had a choice of the following three (3) tree types:

1. Chinese Pistache;
2. Texas Honey Mesquite; or
3. Lacebark Elm

STAFF RECOMMENDS APPROVAL OF THE PROPOSED SCOPE OF WORK BASED ON THE FOLLOWING:

- The parkways do not possess any historically significant details that will be damaged or destroyed by the proposed tree plantings.

The Magoffin Historic District Guidelines recommends the following:

- When landscaping is planned, it should be designed to compliment the structure (if existing) and the streetscape.

Ms. Velazquez explained this, and the following agenda item, were placed on the agenda per the request of Representative Byrd. At the March 14th HLC meeting, Representative Byrd came before Commissioners and requested the following changes:

1. Require that the Historic Preservation Officer be on the design team for all public works in Historic Districts;
2. Require that all public works in Historic Districts be reviewed and approved by the Historic Landmark Commission; and
3. Require notification of registered Neighborhood Associations of all public projects to be reviewed by the Historic Landmark Commission.



Ms. Judy Gutierrez, Administrative Assistant to Representative Byrd, gave an overview of the tree planting project and explained property owners participating in the tree planting project have signed a Tree Adoption Agreement. Included in the Agreement, based on the tree type selected, is a watering schedule. The caliper of tree for properties located outside the Historic District will be 15 gallon; the caliper of tree for properties located inside the Historic District will be 22 – 24 gallon. To be considered for the project, properties must be located within the boundaries of District 2; additionally, there must be an existing grass or gravel area available to plant the trees. Ms. Gutierrez explained, as the arterial leading into the historic district, Grant Street was selected as the focal point for this project. Via the bid process, a vendor was selected to plant the trees. In addition to the properties already selected, an estimated additional 100 properties may be included in this project on a first come, first served basis, some properties are allowed two trees. Every property owner has identified the exact location where each tree will be planted; Ms. Gutierrez has flagged and/or spray painted the location for the contractor. She has explained to all property owners, within the historic district, that the Historic Landmark Commission must first give their approval; therefore, the project may be delayed three or four weeks. In conclusion, Ms. Gutierrez stated, she will continue monitoring the project for the next two years that Representative Byrd is in office.

Vice-Chair Gardea commended the City for initiating this project; additionally, he encouraged property owners to maintain their watering schedule.

Chair Riccillo asked who will be filling out the Certificates of Appropriateness.

Ms. Gutierrez responded Representative Byrd.

Chair Riccillo explained Commissioners are approving the idea, as an act of policy; however, the Certificate of Appropriateness will be routed through the Historic Preservation Officer.

Chair Riccillo asked if Commissioners had any further comments or questions. There being none.

MOTION:

Motion made by Vice-Chair Gardea, seconded by Chair Riccillo AND UNANIMOUSLY CARRIED TO APPROVE.

- 2. **PHAP11-00014** City right of ways within Austin Terrace Historic District
 - Location: Austin Terrace Historic District
 - Historic District: Austin Terrace
 - Property Owner: City of El Paso
 - Representative: Representative Susannah Byrd
 - Representative District: 2
 - Existing Zoning: Various zoning
 - Year Built: N/A
 - Historic Status: N/A
 - Request: Parkway enhancements
 - Application Filed: 4/18/2011
 - 45 Day Expiration: 6/2/2011



Ms. Velazquez explained, unlike the previous item; properties have not yet been identified. Representative Byrd is requesting blanket approval from Commissioners to avoid having the project come back to Commissioners again.

Ms. Gutierrez added Representative Byrd is requesting blanket approval from Commissioners today so as not to delay the planting process any further.

STAFF RECOMMENDS APPROVAL OF THE PROPOSED SCOPE OF WORK BASED ON THE FOLLOWING:

- The parkways do not possess any historically significant details that will be damaged or destroyed by the proposed tree plantings.

The Magoffin Historic District Guidelines recommends the following:

- When landscaping is planned, it should be designed to compliment the structure (if existing) and the streetscape.

Vice-Chair Gardea wondered if Staff had any concerns regarding parkway areas in the Austin Terrace Historic District.

Staff had no concerns at this time; however, should any concerns arise Staff would bring those concerns before the Commission.

Chair Riccillo asked if Commissioners had any further comments or questions. There being none.

1st MOTION:

Motion made by Vice-Chair Gardea TO APPROVE.

Chair Riccillo asked for public comment.

PUBLIC COMMENT

Ms. Julie Rutledge, Manhattan Heights Historic District resident, stated this is a great tree-lined parkway project. She asked:

1. Will each property owner need to get approval for landscaping their parkway?
Because this is considered parkway landscaping and typically, landscaping, in historic districts, requires administrative review approval; and
2. Because this is a city initiated project, is the approval process being bypassed?
Ms. Rutledge felt the approval process could easily be facilitated through Representative Byrd's office and should the Commission pre-approve the project; property owners should still fill out either the Administrative Review or Certificate of Appropriateness paperwork. Paperwork should be kept on file indicating property owner(s) followed the landscape protocol to have the city trees planted in their designated parkway. Additionally, the paperwork will distinguish property owners with trees planted in their parkways legally from property owners who planted trees in their parkways illegally.



Ms. Velazquez responded, to prevent more than 50% hardscape; landscape plans must be administratively reviewed and approved. However, these trees will be planted in city owned right-of-way.

Mr. Almonte provided legal guidance regarding Commissioner's blanket approval for this specific city initiated project versus property owners planting trees of their own volition.

Chair Riccillo commented on Commissioners' review and approval of over 100 landscape cases. He wondered what would happen if angry property owner(s) come before the Commission complaining about the contractor's placement of the tree(s), etc.

Should Commissioners approve this request and should there be additional tree requests, Ms. Gutierrez explained, she will:

1. inform property owners that the project must still go through the process; and
2. notify Ms. Velazquez of proposed addresses for Administrative Review process approval

Vice-Chair Gardea clarified after identifying properties within the Austin Terrace Historic District; Staff will then proceed with the Administrative Review process.

Ms. Velazquez responded Staff will ensure the property owners are in compliance with conditions specified here today.

Ms. Rutledge questioned, in complying with conditions specified here today, did that mean property owners will fill out the Administrative Review application, have it stamped and on file.

Ms. Velasquez clarified there will either be a Certificate of Appropriateness signed by Representative Byrd or an Administrative Review approval, one or the other.

For public projects, Chair Riccillo asked, did Commissioners want to approve a Certificate of Appropriateness for items that otherwise would be administratively reviewed. If Commissioners approve a Certificate of Appropriateness there will not be an administrative review; Staff will ensure the property owners are in compliance.

Ms. Rutledge responded:

1. Property owners, residing in historic district, need to understand that projects require approval;
2. When property owners are not involved in the process:
 - a. Do they understand that they have been approved?
 - b. Are not provided any documentation approving the request?

Ms. Rutledge wants to have some type of documentation explaining to the property owner(s) that they have been approved for this project. She stated the City needs to follow the same rules that everybody else must follows; that has not always been the perception in the past.



Commissioner Gonzalez suggested Staff make copies of the approved Certificate of Appropriateness and give each approved property owner a copy of that approved Certificate of Appropriateness.

Per each individual copy, Ms. Rutledge added, Staff could list the property owner(s) name and address.

Chair Riccillo clarified Commissioners usually do not issue Certificates of Appropriateness for landscape projects; however, because this is a city initiated project, Commissioners are having to go through a different process.

Chair Riccillo suggested the following motion language:

TO APPROVE THE CERTIFICATE OF APPROPRIATENESS FOR THIS PROGRAM, WITH THE CAVEAT THAT THE HISTORIC PRESERVATION OFFICER REVIEWS THEM, AS A MOCK ADMINISTRATIVE REVIEW AS THEY GO THROUGH, AND USES THE CERTIFICATE OF APPROPRIATENESS FOR APPROVAL

Vice-Gardea suggested Commissioners approve the project with the caveat that any additional landscaping should go through the Administrative Review process.

Mr. Almonte clarified Commissioners are requesting both a Certificate of Appropriateness and an Administrative Review.

Vice-Chair Gardea suggested Commissioners approve the request and that any additional landscaping must be administratively approved by the Historic Preservation Officer, under a separate action.

Commissioner Guzman concurred and requested Staff file all documents for each property.

Ms. Gutierrez explained no tree would be planted without the Historic Preservation Officer's knowledge. Should a tree not survive, Ms. Gutierrez explained to the property owner(s) that they are responsible for removing the dead tree. The trees purchased by the city are warranted.

Per his previous motion, Vice-Chair Gardea added the following, *with the provision that any future landscaping come to the Historic Preservation Officer.*

1st MOTION AMENDED:

Motion made by Vice-Chair Gardea, seconded by Chair Riccillo AND UNANIMOUSLY CARRIED TO APPROVE WITH THE PROVISION THAT ANY FUTURE LANDSCAPING COME TO THE HISTORIC PRESERVATION OFFICER.



3. 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. April 25, 2011 deadline for HLC members to request for agenda items to be scheduled for the May 9, 2011 meeting. May 9, 2011 deadline for HLC members to request for agenda items to be scheduled for the May 23, 2011 meeting.

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

Ms. Velazquez explained she had sent an email to the developer today requesting a response regarding the installation of brick on the corner. She notified the developer that if she did not receive a response from him today, we were going to halt all inspections. The developer called her back in 15 minutes explaining brick would be placed on the façade next week. She would have updated photos for the next HLC meeting.

Chair Riccillo requested Staff place this item on the next HLC meeting agenda.

B. 1725 Arizona Avenue (Fall Mansion)

Ms. Velazquez explained construction has started and noted Staff would not have any updates for several months.

Commissioner Booher remembered, per the construction specifications, a requirement that the general contractor must employ a preservation specialist. He asked Staff if they knew who the general contractor is and who the preservation specialist is.

Ms. Velazquez responded no; however, she would find that out.

Chair Riccillo asked Commissioners if they had any addresses to add. There were none.

HLC Staff Report

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

Chair Riccillo asked Commissioners if there were any concerns and/or questions.

Ms. Velazquez clarified:

1. Administrative Approval – implies property owners have met all the criteria and Staff can approve the request; and
2. Certificate of Appropriateness – implies property owners are proposing a request that cannot be approved by Staff

Planning & Economic Development Department Reports

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



Ms. Velazquez explained she provided Commissioners the requested information and asked Commissioners for direction. She reiterated:

1. the City of Dallas officially reviews zoning cases in Historic Districts;
2. the City of Austin will review zoning cases in Historic Districts, as a courtesy and as a matter of policy;
3. the City of San Antonio will not review zoning cases in Historic Districts; and
4. the City of Fort Worth will not review zoning cases in Historic Districts

Chair Riccillo explained Commissioners previously reviewed zoning cases; however, that was overturned by a single case.

Vice-Chair Gardea would like to see Staff draft language amending the Preservation Ordinance whereby zoning/rezoning cases would come before the Historic Landmark Commission.

Commissioner Guzman explained zoning is strictly a land use issue; however, he would like to maintain the Commission's purview regarding the reviewing the exterior of homes; Commissioners should not meddle with the interior of the structure(s).

Chair Riccillo requested Staff place a "Discussion and Action" item on the next HLC agenda.

6. Staff report regarding Administrative Review Guidelines

Ms. Velazquez asked Commissioners if they had had an opportunity to review and make changes/corrections to the Administrative Review Guidelines; specifically windows, fencing, siding, landscaping – 50% hardscape.

Vice-Chair Gardea requested Staff email the Administrative Review Guidelines to Commissioners.

Staff will place a "Discussion and Action" item on the next HLC agenda.

Visionaries in Preservation Report

7. Discussion and action regarding VIP issues.

Ms. Velazquez explained she has spoken with Mr. Morris Brown, AIA, Interim Director, Texas Tech University, College of Architecture at El Paso, Texas, regarding the possibility of utilizing architecture students to assist city Staff in creating a National Register of the Magoffin Historic District. Being an Interim Director, Mr. Brown will forward her request to his supervisors; he would notify Ms. Velazquez of their response.



Other Business

8. A. Approval of Historic Landmark Commission Meeting Minutes for April 11, 2011.

Chair Riccillo asked if Commissioners had any changes/corrections/revisions. There being none.

MOTION:

Motion made by Commissioner Guzman, seconded by Commissioner Berchelmann and **UNANIMOUSLY CARRIED TO APPROVE THE APRIL 11, 2011 MINUTES.**

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

Ms. Velazquez explained in researching other city's demolition permit requirements; she found the two closest cities that review demolition applications in historic districts are San Antonio, Texas and Boulder, Colorado. The City of El Paso requires a metes and bounds survey, which can be very costly; however, to nominate a building for designation those two cities require a legal description only.

Vice-Chair Gardea asked if, requiring a metes and bounds survey, was State of Texas or City of El Paso law.

Ms. Velazquez responded it is a city law; she then proposed amending Title 20 of the code removing the requirement for metes and bounds survey to requiring a legal description. Demolition requests will include all structures, not already designated, regardless whether or not the structure is located in an historic district.

Vice-Chair Gardea could not remember if Commissioners/Staff had agreed on a specific number of years, e.g., 100 years, as a point of reference when determining the historic value of the proposed structure.

Ms. Velazquez responded no; however, Staff suggested rather than trying to date the structures, Staff would review every demolition request submitted. She explained Staff reviewed a list of all demolition requests submitted last year; by utilizing the description of the work only Staff was able to narrow down the amount of eligible requests to a very small number. Full scale demolitions do not come up very often.

Commissioners and Staff discussed:

1. 90 day review/waiting period for historic structures;
2. No review/waiting period for non-historic structures;
3. From this point forward, Historic Preservation Staff will review all demolition requests;
4. Pros and cons of using legal descriptions rather than metes and bounds surveys as a means of identification.



Ms. Velazquez clarified the legal description encompasses everything on the parcel, it does not separate one structure from another; however, the metes and bounds survey does.

Chair Riccillo suggested implementing waivers, if an H-Overlay is placed on a property.

When only a portion of the structure is to be demolished, Commissioner Booher suggested, the legal description include language such as; "A portion of ...", "Designating a section of ..."

Ms. Velazquez explained the process/time frame required to amend Title 20 of the code.

Commissioner Guzman commented and expounded on a typed list of contributing, non-historic properties throughout the City. He would bring that list with him next HLC meeting.

Ms. Velazquez noted, within the ASARCO property, two structures would not be demolished; one being over 100 years old.

Chair Riccillo asked if Commissioners had any further comments or questions.

Prior to the vote, Ms. Fernandez remembered Commissioners/Staff requesting all ordinance changes be grouped together.

MOTION:

Motion made by Chair Riccillo, seconded by Commissioner Guzman AND UNANIMOUSLY CARRIED THAT COMMISSIONERS PROCEED FORWARD WITH SOME VERBAGE TO BE REVIEWED IN CHANGING TITLE 20 REGARDING DEMOLITION OF ENTIRE STRUCTURES.

- C. Discussion on the redesign of San Jacinto Plaza. Present Concept Design on Tuesday, April 26, 2011 from 4:30 to 6:30 p.m. in the Rio Grande Room of the Judson F. Williams Convention Center.

Ms. Velazquez gave a PowerPoint presentation and explained currently, the San Jacinto Park has large walkways leading to the center of the park. She explained, based on public input, the architecture firm, SWA Group Landscape Architects, has created three different concepts:

1. first concept involves live alligators and an alligator pool; additionally, the landscape and walkways are very different, the existing straight-line thoroughfares have been removed;
2. second concept involves no live alligators; the fiberglass alligator sculptor will remain; a stage is included in this concept. Again, the landscape and walkways are very different, the existing straight-line thoroughfares have been removed;
3. third concept involves alligator topiaries; a stage, again, the landscape and walkways are very different, the existing straight-line thoroughfares have been removed.



These are strictly designs, eventually these designs will be presented to Commissioners. Ms. Velazquez encouraged Commissioners to attend tomorrow evening's meetings.

Vice-Chair Gardea remarked the three proposed concepts seemed very contemporary; not at all reminiscent of traditional Spanish plazas.

Commissioner Berchelmann will attend tomorrow evening's meeting and encouraged other Commissioners to also attend. He noted the plaza was established in the early 1900s, there is a lot of history there. Tomorrow's meeting will not determine the final decision; however, something needs to be said. The architecture firm fee has been paid for by Paul Foster.

Ms. Velazquez explained, at the previous concept design meeting, she had questioned why no reference to the original historic park design or reference to surrounding historic buildings was noted. The response was that they had taken that into consideration; however, they have designed and created other parks very successfully.

Commissioner Booher felt the proposed concepts were exciting; however, they were not sensitive to the historical and cultural aspects of El Paso. There is a sense of place at the Plaza.

NO ACTION WAS TAKEN.

ADDITIONAL ITEM

- D. Staff distributed copies of the proposed letter, Chair Riccillo requested Commissioners review/redline and bring back to the next HLC meeting for discussion and action. Specifically, whether or not Commissioners want to review cases that would otherwise be administratively reviewed and approved.

MOTION:

Motion made by Chair Riccillo, seconded by Vice-Chair Gardea and **UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 5:27 P.M.**

