



HISTORIC LANDMARK COMMISSION MEETING MINUTES

CITY COUNCIL CHAMBERS – 2ND FLOOR

MAY 23, 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, May 23, 2011, 4:00 p.m.

Chair Riccillo called the meeting to order at 4:00 p.m.

The following Commissioners were present:

Mr. Joe Riccillo, Chair
Ms. Stephanie Fernandez
Mr. Joel Guzman (4:02)
Mr. Ricardo Gonzalez
Mr. Randy Brock (4:03)
Mr. Jim Booher
Mr. David Berchelmann

The following City Staff were present:

Mr. Robert Almonte, City Attorney's Office, Assistant City Attorney
Ms. Providencia Velazquez, Planning, Historic Preservation Officer
Mr. Tony De La Cruz, Planning, Planner

I. CALL TO THE PUBLIC – PUBLIC COMMENT

None

CHANGES TO THE AGENDA

None

MOTION:

Motion made by Chair Riccillo, seconded by Commissioner Booher and **UNANIMOUSLY CARRIED TO APPROVE THE AGENDA AS IT STANDS.**

NOT PRESENT FOR THE VOTE: Commissioners Guzman 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. PHAP11-00016

Location: 4529 Bliss Avenue
Historic District: Austin Terrace
Property Owner: Douglas Chamlee
Representative: Douglas Chamlee
Representative District: 2
Existing Zoning: R-4/H (Residential/Historic)
Year Built: 1947
Historic Status: Non-contributing
Request: The construction of an addition at the rear façade.
Application Filed: 05/09/11
45 Day Expiration: 06/23/11

Ms. Velazquez gave a PowerPoint presentation and explained the applicant seeks approval for the construction of an addition; master bedroom, bathroom and storage space, at the rear facade. The proposed addition’s construction materials will match the existing structure; stucco with an asphalt shingle roof. The roof will not be higher than the existing roof; additionally, the proposed addition will not be wider than the existing structure. The proposed addition will be minimally visible, if at all, from the alley.

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

- Existing structure is a non-contributing property constructed in 1947 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 addition at the rear facade.

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 the Interior’s Standards for Rehabilitation recommend the following:

- 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.

Chair Riccillo asked if Commissioners had any questions of Staff.

Within this part of Bliss, Commissioner Guzman wondered if there were any contributing structures.



Ms. Velazquez responded this may be a younger part of district; however, she estimated there might be one or two. The windows will mark the distinction between the existing and proposed addition.

Prior to the vote, Chair Riccillo asked if Commissioners had additional comments and/or questions. There being none.

MOTION:

Motion made by Chair Riccillo, seconded by Commissioner Booher AND UNANIMOUSLY CARRIED TO APPROVE PER STAFF RECOMMENDATION.

2. 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. May 23, 2011 deadline for HLC members to request for agenda items to be scheduled for the June 13, 2011 meeting. June 13, 2011 deadline for HLC members to request for agenda items to be scheduled for the June 27, 2011 meeting.

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

Ms. Velazquez showed Commissioners recent photos of the construction project and noted brick is being applied to the façade. There were no other changes.

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

B. 1725 Arizona Avenue (Fall Mansion)

Ms. Velazquez noted, per Commissioner's request, the Historic Preservation Specialist hired for this project is Mr. Rick Mojica. Mr. Mojica has worked on other historic properties in El Paso including the Plaza Theater and the Lowenstein building. Unfortunately, Mr. Mojica could not attend today's meeting; however, he would be happy to come and speak at a future HLC meeting. Construction on the project has begun.

HLC Staff Report

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

Ms. Velazquez noted cases were standard, roofing, HVAC equipment, nothing unusual.

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



Planning & Economic Development Department Reports

4. Historic preservation electronic newsletter

Ms. Velazquez explained, after some discussion with Supervisors, rather than creating a separate Historic Preservation electronic newsletter we will piggyback with the Planning Department newsletter. The newsletter, emailed on a quarterly basis, will reach vast numbers of people very inexpensively.

The Historic Preservation section will have articles addressing:

- A. The history of a building(s);
- B. The history of altered buildings (e.g., the American Furniture building);
- C. Before and after photos;
- D. Any other news

Ms. Velazquez asked Commissioners if they would submit any ideas they may have to her.

Chair Riccillo requested Commissioners bring their ideas for the newsletter to the next HLC meeting.

Visionaries in Preservation Report

5. Discussion and action regarding VIP issues.

NO ACTION WAS TAKEN

Other Business

6. A. Approval of Historic Landmark Commission Meeting Minutes for April 25, 2011.

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

MOTION:

Motion made by Chair Riccillo, seconded by Commissioner Guzman and **UNANIMOUSLY CARRIED TO APPROVE THE APRIL 25, 2011 MINUTES AS SUBMITTED.**

EMERGENCY DEMOLITION OF BUILDING AT 906 N. MESA

Ms. Velazquez stated that due to extensive damage, as a result of a fire; the building at 906 N. Mesa was demolished. Additionally, there are several items on tomorrow's City Council agenda addressing the issue. Ms. Velazquez encouraged Commissioners to attend the Council meeting tomorrow and speak on the matter.



B. Discussion and action regarding Chair Riccillo’s letter to Representative Susannah Byrd.

Prior to the discussion, Ms. Velazquez distributed copies of Chair Riccillo’s letter.

Mr. Almonte stated he had read the letter; however, regarding Section a) he asked the Chair to clarify the language for Staff.

Chair Riccillo responded the letter states that Commissioners are *proposing* changes to the Historic Preservation ordinance. He asked if Commissioners wanted to proceed with sending the letter to Representative Byrd.

Ms. Velazquez interjected and explained the two kinds of approvals and appeals:

APPROVALS

There are *two types of approval*:

1. Administrative Review; and
2. Certificate of Appropriateness

APPEALS

Additionally, there are *two types of appeals*:

1. The HLC hears Administrative Review appeals;
2. The City Council hears Certificate of Appropriateness appeals

She stated the Administrative Review and Historic District guidelines are very explicit; furthermore, the Administrative Review guidelines are based on the Secretary of Interior’s Standards. Ms. Velazquez then gave several examples why Staff does not concur with the proposed Section a) language.

OVERSIGHT

Commissioner Gonzalez remarked currently there is virtually no Staff oversight; Staff decisions are non-appealable, except by the property owner. He did not see why Commissioners should deny other property owners the right to appeal those decisions. Commissioner Gonzalez suggested limiting appeal privileges to property owners residing within 300 feet of the proposed property or property owners residing in the historic district.

Commissioner Guzman believed the genesis of the Administrative Review process allowed properties owners to move forward, especially in Historic Districts, in completing his/her proposed construction project.

PROPOSED REVISIONS TO SECTION a) AND NEW POLICIES

Referring to the last sentence in Section a), Mr. De La Cruz asked what the Chair meant by, *“The commission believes this may represent a “conflict” of interest in review and approval within the City.”* Mr. De La Cruz explained the proposed language will allow any property owner, within a historic district, to appeal *any* Staff decision, not just for city projects.



Chair Riccillo responded the intent of the language was regarding *review and approval of city projects*. He drafted Section a) proposed language in response to the city initiated tree planting project. Chair Riccillo explained he was not aware the new policy requires all city projects to come before Commissioners. He stated policies are wonderful until a politically sensitive project comes forward; then those policies get washed away.

In conclusion, Chair Riccillo stated the letter was a draft and could be revised. Chair Riccillo asked Commissioners if there was a problem with the proposals. Chair Riccillo was not opposed to removing the proposed language in its entirety.

Ms. Velazquez responded Staff looks at the worst case scenario; for example, neighbors who do not like one another. Either one would abuse the process, using this as a means to harass their neighbor.

Commissioner Berchelmann would like Section a) deleted. It was his opinion that this proposal will lead to petty appeals, potentially slowing down the process. He asked when the appeal process would end.

Commissioner Gonzalez responded the appeal process stops with City Council.

Chair Riccillo suggested revising Section a) *to allow appropriate appeals from property owners residing within 300 feet of the subject property, it must be a violation*. He later suggested moving a) to c) and rewording the language as follows: *"There currently is no appeal process for Administrative Review. Commissioners are reviewing whether or not this is appropriate ..."*

Commissioner Berchelmann suggested including language *"community members living within ..."*

Commissioner Booher interjected *"where appropriate."* Commissioners need to determine and limit anyone's involvement relative to challenging the appeal; they must have a vested interest in the appeal in some capacity.

Regarding conflict of interest, Commissioner Gonzalez stated, should Council pass an ordinance stating all city projects must come before the Historic Landmark Commission, that issue may be resolved.

HLC AND REZONING CASES

Chair Riccillo gave background information regarding a Commissioners' hearing and making recommendations on rezoning cases; however, after a certain case, Commissioners no longer heard rezoning cases.

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



IN CONCLUSION

Chair Riccillo will move a) to c) and revise the language. Staff will then email the revised letter to Commissioners for the next HLC meeting.

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

Ms. Velazquez explained the agenda item references a proposed demolition delay ordinance. The ordinance will enable Historic Preservation Staff to review all demolition permit(s) submitted to the city regardless of whether or not the structure was located within a historic district or is individually designated as an independent historic landmark. Currently, the city utilizes metes and bounds surveys as a means of accurately identifying the property.

DETAILED SITE DEVELOPMENT PLAN AND/OR METES AND BOUNDS SURVEY REQUIREMENT

At least for Historic Preservation, Ms. Velazquez wanted to eliminate the site plan and/or metes and bounds survey requirement as they can be costly. In speaking with her supervisors, Ms. Velazquez was informed removing the requirement(s) would not be permitted; removing the requirement would have to be for everyone. The county is willing to help; however, with State legislation proposing eliminating funding for historic preservation projects, the issue is not a priority right now.

Chair Riccillo wondered if the city has ever waived the metes and bounds survey requirement.

Mr. De La Cruz explained:

1. Metes and Bounds Surveys are required when the property consists of portion(s) of lots and portion(s) of blocks. For example, a portion of Lots 1 and 2, Block 3; and
2. For more detailed parcel/property information, a Detailed Site Development Plan is required; additionally, site plans must be sealed by an engineer.

Mr. De La Cruz commented on a city initiated H-Overlay designated property whereby he and other city Staff prepared a Detailed Site Development Plan. Staff will place an item on the next HLC agenda for further explanation.

Commissioner Guzman clarified the purpose of the agenda item is to determine policy regarding processing demolition permits and HLC Staff review.

Chair Riccillo requested Staff add this agenda item for the next HLC agenda.

NO ACTION WAS TAKEN.



D. Discussion and action regarding re-zonings of designated buildings in other municipalities.

Prior to the discussion Staff distributed copies of the draft ordinance language, per Vice-Chair Gardea's request.

DISCUSSION AMONGST COMMISSIONERS

1. PURVIEW OF COMMISSIONERS

Commissioner Guzman stated property owners within historic districts should be able to change their land use. The exterior of a structure is clearly Commissioners' purview; however, interiors are not. Commissioner Guzman asked Staff where in the Secretary of Interior standards the purview of Commissioners is explained. He made comments regarding Certified Local Government (CLG).

In conclusion, Commissioner Guzman asked Staff to find language giving the Historic Landmark Commission authority to review rezoning cases.

Commissioner Gonzalez responded, per City Council's authorization, this Commission is granted purview of the interior and exterior of structures. The State has no authority over this Commission

Mr. De La Cruz explained per ordinance Commissioners have input on the proposed land use. He commented on rezoning cases with parking reduction requests.

2. ORDINANCES VS. POLICY

Referring to a specific rezoning case, Chair Riccillo explained policies can be revoked; not ordinances.

3. RECOMMENDATIONS

Commissioner Gonzalez noted Commissioners make recommendations only; recommendations that can be either be accepted or ignored by City Plan Commission and City Council.

Chair Riccillo asked Staff to add this agenda item to the next HLC agenda.

NO ACTION WAS TAKEN.

E. Discussion and action regarding Administrative Review Guidelines.

Ms. Velazquez thanked Commissioner Guzman for emailing his proposed revisions to the guidelines. She explained Commissioners have until the end of June to submit their proposals.

NO ACTION WAS TAKEN.



ITEMS FOR FUTURE AGENDAS

Other than those items previously requested, no other agenda items were requested.

ADJOURNMENT

MOTION:

Motion made by Chair Riccillo, seconded by Commissioner Guzman and **UNANIMOUSLY CARRIED TO ADJOURN THE MEETING AT 5:24 P.M.**

